

NO: CV-06-5001159S : SUPERIOR COURT
SYLVESTER TRAYLOR : JUDICIAL DISTRICT
OF NEW LONDON
VS : AT NEW LONDON, CONNECTICUT
BASSAM AWWA, M.D. : JULY 8, 2010

H E A R I N G
ON DISQUALIFICATION OF JUDGE PARKER

BEFORE THE HONORABLE THOMAS F. PARKER, J.T.R.

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

Representing the Plaintiffs:

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Representing the Defendant:

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Court Recording Monitor

70 Huntington Street
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1 THE COURT: Open court, please.

2 (Court opened for the day.)

3 ALL COUNSEL: Good afternoon, Your Honor.

4 THE COURT: My apologies. My car is being
5 repaired, I borrowed my daughter's, and I couldn't
6 get it started. And then I just kept on pushing
7 buttons and finally something happened.

8 Forgive me for the delay.

9 All right. The court issued a notice I think on
10 -- issued an order on June 30th, and the order read:

11 A complaint having been filed with the Judicial
12 Review Council against the undersigned by Sylvester
13 Traylor, a party to this action, a hearing on the
14 disqualification issue will take place on July 8th,
15 2010, at 2:00 p.m.

16 And that's what brings us all together today.

17 May I inquire of -- Let's identify yourselves
18 for the record, please, counsel.

19 MR. HALL: Your Honor, Attorney James Hall for
20 the plaintiff in the overall matter. It's my
21 understanding Mr. Traylor has filed in addition to
22 a motion for the purposes of the discussion today.

23 MR. LEONE: Attorney Donald Leone representing
24 the defendants, Dr. Bassam Awwa and Connecticut

1 Behavioral Health Associates.

2 THE COURT: Mr. Hall, --

3 MR. TRAYLOR: Sylvester Traylor, present,
4 representing myself.

5 THE COURT: You're silent.

6 MR. TRAYLOR: I have an appearance in the
7 file, Your Honor.

8 THE COURT: You do?

9 MR. TRAYLOR: Yes, Your Honor.

10 THE COURT: In lieu of?

11 MR. HALL: No. Your Honor, he filed an in
12 addition to -- Excuse me. Your Honor, he filed an
13 in addition to appearance.

14 THE COURT: I detect that there's a little
15 dissention among you -- between you?

16 MR. HALL: Your Honor, that is an attorney-
17 client discussion. However, Your Honor, I will not
18 -- I have conferred with my client as far as this
19 matter goes. My client is prepared to discuss the
20 matter directly with the Court on this issue.

21 It was my intention on this case to assist
22 matters and move matters forward overall.

23 THE COURT: All right. Let's get back to some
24 basics here.

25 MR. HALL: Yeah.

26 THE COURT: This order was entered on -- I
27 entered it on June 30th. Do you know when you

1 received it, the DJNO (sic)?

2 MR. HALL: Your Honor, if you're referring to
3 the -- to the motion that we're here for today, I
4 first saw that motion in chambers with Your Honor the
5 last time we were together.

6 THE COURT: No, you didn't.

7 MR. HALL: Your Honor, --

8 THE COURT: No. I'm asking you about an order
9 that I entered on June 30th.

10 MR. HALL: That was after we last spoke,
11 correct? One second, Your Honor.

12 THE COURT: June 30th.

13 MR. HALL: Yes, Your Honor, okay.

14 THE COURT: The last time we were here was on --

15 MR. HALL: June 15th.

16 THE COURT: -- June 15th.

17 MR. HALL: Correct.

18 THE COURT: All right.

19 THE CLERK: Excuse me, Your Honor. You're
20 rubbing the mike -- the papers in the microphones.

21 THE COURT: Okay. When did you, if you ever
22 did, get something from the Judicial Branch, which
23 was sending you a copy of the order that I just read?

24 MR. HALL: Your Honor, the scheduling order that
25 the Court issued --

26 THE COURT: No, no.

27 MR. HALL: But I don't believe I got --

1 THE COURT: No.

2 MR. HALL: -- a JDNO, Your Honor.

3 THE COURT: Come up here, please. Come up here,
4 please. I'm going to show you a document.

5 MR. HALL: Thank you.

6 THE COURT: Do you see this document?

7 MR. HALL: Yes, Your Honor.

8 THE COURT: Did you ever get a copy of that in
9 your office?

10 MR. HALL: Your Honor, I never reviewed this
11 document.

12 THE COURT: Excuse me. I didn't ask you whether
13 you reviewed it.

14 Did you ever get it?

15 MR. HALL: No, sir.

16 THE COURT: Your office never got it? You know
17 what I'm talking about, Mr. --

18 MR. HALL: Your Honor, I do. I received only
19 one -- only one piece of paper from the Court since
20 June 15th, and that was a scheduling order, Your
21 Honor, that Your Honor had issued.

22 I've been an attorney for 15 years. I'm not
23 representing anything that I don't fully believe is
24 true.

25 THE COURT: No, I don't mean to --

26 MR. HALL: Okay.

27 THE COURT: Why did you come here today?

1 MR. HALL: I think Mr. Traylor is best suited to
2 discuss that issue, Your Honor. I did not -- There
3 was a disagreement between attorney and client.
4 However, I am not going to state the details of that.
5 Mr. Traylor --

6 THE COURT: No, you needn't. I'm not asking
7 you.

8 But who told you you had to be here today?

9 MR. HALL: Your Honor, I am here today because I
10 was told there was a court hearing by my office. I'm
11 sorry. That's --

12 THE COURT: I know it. Look. There's been what
13 I perceive as a mess up on e-filing or whatever the
14 system is.

15 MR. HALL: Okay.

16 THE COURT: And when you tell me you got a copy
17 of a scheduling order --

18 MR. HALL: I did.

19 THE COURT: -- it's contrary to what my
20 understanding is. I wish you did get it. And when
21 did you get that?

22 MR. HALL: About 24 hours before the first of
23 the scheduling order, the 29th, Your Honor.

24 THE COURT: Okay. Have you filed a complaint
25 yet?

26 MR. HALL: The complaint -- The complaint is
27 being reworked. We disclosed an expert in the case.

1 THE COURT: No. Let me ask you a simple
2 question.

3 When we were here on the 15th, and then
4 subsequent, there was an exchange of e-mails with
5 Linda Grelotti, the caseflow manager, wherein you
6 asked on behalf of both sides that the hearing I had
7 scheduled for Thursday at 2:00 o'clock not go forward
8 because you people had generally sat, and I thought
9 your complaint was -- the revised or amended
10 complaint was pretty well thought out by then on when
11 you were e-mailing us on the 16th?

12 Has it been filed yet?

13 MR. HALL: I don't believe it's been filed, Your
14 Honor. We're working towards that, but we did
15 resolve the issue without taking the Court's time
16 following Thursday.

17 THE COURT: Okay. We've lost -- According to
18 that schedule, we've lost eight days. We've got to
19 make it up.

20 I don't blame your office for -- I still don't
21 perceive how you got it because -- do you know how?

22 MR. HALL: Your Honor, I truthfully don't, I'm
23 sorry.

24 THE COURT: Well, who can answer these
25 questions?

26 MR. HALL: Perhaps -- Perhaps Attorney Johnson
27 from my office.

1 I was here -- I believed we were meeting for a
2 different purpose today, Your Honor, and I was here
3 to generally support the Court.

4 THE COURT: Well, this is -- I just read it.
5 It seems that, on behalf -- rather the complaint was
6 filed against me with the Judicial Review Council by
7 rule. That doesn't disqualify me much to the sadness
8 of Mr. -- Well, never mind.

9 And I have to hold a hearing or somebody has to
10 hold a hearing on the disqualification issue, and
11 that's what was scheduled for today.

12 MR. HALL: Yes, Your Honor.

13 THE COURT: But you didn't know that?

14 MR. HALL: Your Honor, I -- I'm very sorry. I
15 stand corrected. This -- I was under the impression
16 that the issue -- this issue was to take place.
17 That is what I told you I had had a discussion with
18 my client about, and that my client decided to file
19 an in addition to appearance to present the matter to
20 the Court.

21 THE COURT: Well, --

22 MR. HALL: I --

23 THE COURT: -- if you're -- You can go home now
24 if you want to because --

25 MR. HALL: Your Honor, I'm here as a friend of
26 the Court representing --

27 THE COURT: -- I'm not -- I'm not listening to

1 him. He has an attorney and he has -- he can have
2 47, no, four dozen, 48 appearances in addition. He's
3 not going to be heard. You're not going to have two
4 lawyers who aren't in agreement apparently arguing
5 this case.

6 And he's not going to argue it. I'm going to
7 hear from counsel, period.

8 MR. HALL: Okay.

9 MR. HALL: I'd just like to make an objection
10 to your --

11 THE COURT: An objection?

12 MR. HALL: Your Honor, --

13 THE COURT: Oh, my god.

14 MR. HALL: If I may just confer with the client,
15 I'll pass the word on to the Court.

16 THE COURT: Sure, yeah.

17 MR. HALL: Just one moment, please.

18 MR. TRAYLOR: I asked for Judge Devine to be
19 present. He's the administrative judge of this
20 Court, instead of him.

21 THE COURT: Go get him. Go get him.

22 Is Judge Devine here? Go get him.

23 MR. TRAYLOR: You have a marshal go get him.

24 THE COURT: No, you go get him. The marshals
25 are not your servants.

26 Mr. Leone.

27 MR. LEONE: Yes, Your Honor.

1 THE COURT: When did you get this DJNO (sic)?
2 Do you know when your office --

3 MR. LEONE: Yes. I received it in yesterday's
4 mail, Your Honor.

5 THE COURT: Yes, that's what I figured.

6 MR. HALL: By the way, Pawcatuck does take a
7 little while longer to get mail for some unknown
8 reason, Your Honor, which I truly believe we didn't
9 get it.

10 THE COURT: All right.

11 MR. HALL: I know it's on the computer, but we
12 didn't get the copy you showed me, Your Honor.

13 THE COURT: Now, --

14 MR. HALL: Your Honor, if I may, my client is
15 asking whether the Court grants it or not. My
16 client is asking for Judge Devine to be present.

17 MR. TRAYLOR: He's the administrative judge.

18 MR. HALL: As the administrative judge, Your
19 Honor. I'm relaying that message.

20 THE COURT: Go ahead. I don't care. I'm not
21 ordering him to be here, nor can he order me to be
22 somewhere. But -- Are you prepared, Mr. Hall, to go
23 forward on the disqualification issue?

24 MR. HALL: Your Honor, I've told Mr. Traylor
25 that I'm not -- I'm not prepared to go forward on the
26 disqualification issue in this matter.

27 THE COURT: Are you making a request?

1 MR. HALL: My client is instructing me to ask
2 that Judge Devine be present, Your Honor.

3 THE COURT: My hearing isn't perfect. I've
4 heard it several times.

5 MR. HALL: Okay.

6 THE COURT: You want to go down and get Judge
7 Devine and ask him to come here, that's fine.
8 There's plenty of room.

9 MR. HALL: Your Honor, may we postpone pending
10 his presence on this?

11 THE COURT: I'll give you five minutes to get
12 him here.

13 MR. HALL: Thank you, Your Honor.

14 THE COURT: And if he refuses to come, I'm
15 going -- or doesn't come, I'm going to proceed.

16 MR. HALL: Thank you, Your Honor. Thank you,
17 Judge.

18 (Whereupon court was in recess.)

19 AFTER RECESS

20 THE COURT: We're back on the record. We've
21 been in recess for more than five minutes.

22 Marshal, will you find Mr. Traylor.

23 THE MARSHAL: Yes, Your Honor.

24 THE COURT: And advise him that we're ready to
25 proceed with or without him.

26 (Pause.)

27 THE COURT: Let the record reflect that the

1 defendant and -- excuse me -- Mr. Traylor and Mr.
2 Hall have returned and Judge Devine is not here.

3 Did you have sufficient time?

4 MR. HALL: Your Honor, thank you. Yes.

5 Your Honor, it's my understanding that all --
6 since Mr. Traylor had filed the motion and filed the
7 in addition to appearance, and the Court doesn't
8 want to hear from him as an attorney, my client has
9 asked me to call him to the witness stand.

10 Will the Court allow that?

11 THE COURT: Well, we'll see.

12 MR. HALL: Then, Your Honor, --

13 THE COURT: You will understand that this
14 proceeding is in the case of Sylvester Traylor versus
15 Dr. Awwa and Connecticut Behavioral. It's not
16 some satellite proceeding. It's in this case.

17 MR. HALL: I understand it's for a limited --

18 THE COURT: Where you have an appearance.

19 MR. HALL: We're here for a limited purpose
20 today, but the intent of my -- excuse me, Your Honor.

21 Do you understand that?

22 MR. TRAYLOR: Yes.

23 MR. HALL: You still want to be called to the
24 witness stand?

25 MR. TRAYLOR: Yes.

26 MR. HALL: You realize that if the judge
27 declines -- You realize I'm going to keep the scope

1 very narrow.

2 MR. TRAYLOR: Okay.

3 MR. HALL: But if the judge denies any
4 objections, opposing counsel may ask you other
5 questions.

6 Do you understand that?

7 MR. TRAYLOR: Yes.

8 MR. HALL: That may impact your case --

9 MR. TRAYLOR: That's fine.

10 MR. HALL: -- in an adverse way?

11 MR. TRAYLOR: That's fine.

12 THE COURT: Mr. Hall, have you seen the
13 complaint that Mr. Traylor had filed with the
14 Judicial Review Council? Have you ever seen it?

15 MR. HALL: Isn't that what you showed me?

16 Your Honor, I saw it very briefly at the last
17 hearing that you --

18 THE COURT: You saw it on June 15th?

19 MR. HALL: Your Honor, I did see it on June
20 15th, Your Honor.

21 I did not -- I did not file it, and I had
22 conversation that is confidential between my client
23 and myself about it. But --

24 THE COURT: I don't care what you -- what he
25 said and what you said. But you saw it?

26 MR. HALL: Your Honor, I did, right at that --
27 not prior to the hearing; at the hearing.

1 THE COURT: Well, it speaks about things that
2 happened at the hearing. So I don't see how you
3 could have seen it.

4 MR. HALL: Your Honor, --

5 THE COURT: Have you read the complaint he
6 filed?

7 MR. HALL: Is that the complaint you showed me
8 at the hearing?

9 THE COURT: And is there a section on the second
10 page that is essentially entitled when and where
11 that the alleged misconduct appear?

12 MR. HALL: Do you have that complaint with you
13 today?

14 MR. TRAYLOR: No.

15 MR. HALL: Okay. Do you want me to call you
16 to the witness stand or not?

17 MR. TRAYLOR: Yes.

18 MR. HALL: Your Honor, I was not -- By
19 agreement with my client, I was not prepared to make
20 this argument today. This is not an argument I
21 wanted to go forward with, Your Honor, and that is
22 why --

23 THE COURT: Well, let me ask you a few
24 questions.

25 MR. HALL: Yes, sir.

26 THE COURT: We'll see whether we're going to
27 have the full hearing.

1 MR. HALL: All right.

2 THE COURT: Just ask you a simple question.

3 MR. HALL: Okay.

4 THE COURT: Did you read that complaint he
5 filed?

6 MR. HALL: I skimmed it, Your Honor, I did not
7 read it fully.

8 THE COURT: All right. Take all the time you
9 need right now and read page two, and there's a
10 section I believe which says when and where did the
11 alleged misconduct appear.

12 Would you look at that section?

13 MR. HALL: Your Honor, I do not have that
14 complaint with me. It's not --

15 THE COURT: Does Mr. Traylor?

16 MR. HALL: Mr. Traylor does not have that
17 complaint with him, Your Honor.

18 THE COURT: He doesn't?

19 MR. HALL: No, sir.

20 THE COURT: All right. Okay, we'll go on to
21 scheduling right now.

22 MR. HALL: Your Honor, I was unaware that there
23 was anything else to be discussed besides --

24 THE COURT: I know, but you can think this out.
25 You did get a copy of the scheduling order?

26 MR. HALL: We did get a copy of the scheduling
27 order, Your Honor.

1 THE COURT: Okay. And you had conferences with
2 Mr. Leone and resolved a lot of the problems with
3 the pleadings and all?

4 MR. HALL: We're working towards that, yes,
5 Your Honor.

6 THE COURT: And you discussed what the pleading
7 -- generally what the revised or amended complaint
8 was going to have in it?

9 MR. HALL: Your Honor, we -- we've drafted --

10 THE COURT: Well, never mind. I'm not going to
11 fussy around with this. We're dancing and we've got
12 work to do, and I'm now entering an order.

13 You will file an amended revised complaint by
14 Monday afternoon at 4:00 o'clock.

15 MR. HALL: Okay.

16 THE COURT: All right?

17 MR. HALL: Yes, Your Honor.

18 THE COURT: I'm operating on the premise that
19 the parties here are anxious to get this case to
20 trial.

21 MR. TRAYLOR: Your Honor, I'd like to say --

22 THE COURT: You have a counsel, Mr. Traylor.

23 MR. TRAYLOR: -- that I object to your -- any
24 orders in this case.

25 MR. HALL: You have my apologies. I -- I --
26 Mr. Traylor will convey to me and I'll speak.

27 THE COURT: Well, you have a lawyer, Mr.

1 Traylor. If you don't want him, that's all right. I
2 can't do anything about that, but he's here, he has
3 an appearance in this case and he is going to
4 represent you.

5 You are not going to represent yourself or the
6 estate anymore.

7 Can you get a complaint -- Well, I don't care
8 whether you can or not. You are ordered to get a
9 complaint, your revised, your amended complaint,
10 whichever it is, by 4:00 o'clock Monday.

11 MR. HALL: Four o'clock on Monday, Your Honor,
12 correct?

13 THE COURT: Yes.

14 MR. HALL: Yes, sir, and we will do that.

15 THE COURT: Okay. And hear up, Mr. Leone.

16 MR. LEONE: Yes, Your Honor.

17 THE COURT: When can you -- Well, you haven't
18 seen it, but you have a general idea. You have more
19 than a passing knowledge of what's going to be in
20 it.

21 MR. LEONE: I -- I know what's been filed in
22 the four previous complaints.

23 THE COURT: Well, roll them all together and --

24 MR. LEONE: I don't suspect that there's any
25 major change in the core allegations, Your Honor.

26 THE COURT: All right.

27 MR. LEONE: But again, without seeing it, I

1 can't anticipate what they're going to do.

2 THE COURT: And if you're going -- You're going
3 to keep somewhat to the scheduling order, and the
4 scheduling order said he was to file an amended or
5 revised complaint by June 30th. It's now been
6 revised to -- I've got the wrong month here.

7 The 12th at 4:00 o'clock if you're going to file
8 an answer. If you're going to file something other
9 than an answer, I'll give you until the 15th.

10 MR. HALL: The 15th of July?

11 THE COURT: Yes.

12 MR. HALL: Yes, Your Honor.

13 THE COURT: That's Thursday.

14 MR. HALL: Yes, Your Honor.

15 THE COURT: The 12th if an answer; the 15th if
16 it's some other attack on the response to the
17 complaint.

18 If Mr. Leone files an answer --

19 MR. HALL: Yes, Your Honor.

20 THE COURT: -- and it complains -- and if you
21 need to file a reply thereto, you'll file it by
22 July 20th. No, wait a minute. July 15th at 4:00
23 o'clock.

24 MR. HALL: I'm sorry, Your Honor? If he files
25 an answer, if he files an answer --

26 THE COURT: If he files an answer, --

27 MR. HALL: Right.

1 THE COURT: -- and you need to file -- and it
2 calls for a reply, in other words, if he puts
3 special defenses or something in there that you want
4 to plead to, file the reply to the answer by the 15th
5 at 4:00 o'clock.

6 MR. LEONE: May I say something, Your Honor?

7 THE COURT: Yes.

8 MR. LEONE: Unless I'm missing something, I
9 thought I was to file my response, answer, whatever
10 I'm going to file by Thursday, July 15th. I thought
11 that's what Your Honor indicated earlier.

12 MR. HALL: I, too, am concerned with the dates,
13 Your Honor, not the procedure.

14 THE COURT: I messed up, you're right. You're
15 going to file -- okay.

16 You're going to file a complaint by the 12th at
17 4:00 o'clock.

18 MR. HALL: Which is Monday. Monday, the 12th.

19 THE COURT: Yes.

20 MR. HALL: I'm just being clear so we can keep

21 --

22 THE COURT: No, I'm not trying to confuse you.

23 MR. HALL: Okay. So the 15th, Your Honor?

24 THE COURT: No, wait a minute.

25 MR. HALL: Okay.

26 THE COURT: Let's start at the beginning. The
27 12th for your complaint.

1 MR. HALL: Yes, very good.

2 THE COURT: I'm changing this. I'll give you
3 'til the 16th, that's Friday at 4:00 o'clock to file
4 an answer. I'm not saying you have to file an
5 answer.

6 MR. LEONE: I understand, Your Honor.

7 THE COURT: If the defendants file an answer,
8 you will reply, if it calls for a reply, by the 20th,
9 Tuesday the 20th at 4:00 o'clock.

10 MR. LEONE: Okay, thank you.

11 THE COURT: All right. Now, the second
12 alternative. If they don't file an answer, but
13 respond to the complaint with whatever, I'll give
14 you until the 19th to file whatever responsive
15 pleading you file in lieu of an answer.

16 MR. HALL: Such as an objection or request to
17 revise or an objection to motion to strike, that type
18 of thing, correct?

19 THE COURT: I thought you guys -- well,
20 hopefully, you had worked that kind of stuff out.
21 But whatever it is, just be done by the 19th.

22 MR. HALL: Okay.

23 THE COURT: You will have until the 26th, Mr.
24 Hall, to respond to that at 4:00 o'clock, and that
25 will probably necessitate a hearing so I won't do
26 any scheduling about the pleadings.

27 MR. HALL: Okay.

1 THE COURT: Okay. So I have amended, in effect,
2 the first four paragraphs of the June 21 scheduling
3 order.

4 The remaining paragraphs we should address.
5 Both of you have filed your list of non-expert
6 witnesses already. So paragraph 5 has been complied
7 with.

8 Paragraph 6 I think will stand as it is.

9 Plaintiff will discuss your experts by July 15.

10 Paragraph 8, defendant will complete the
11 deposition of the plaintiff's experts by September
12 15.

13 Paragraph 9 will stand.

14 Paragraph 10 11 will stand as I repeated.

15 Paragraph 12. Are you prepared to file
16 interrogatories and requests for production, Mr.
17 Leone, by the 15th of July?

18 MR. LEONE: I filed all my interrogatories and
19 production.

20 The only thing that we have to work out is
21 plaintiff's objection.

22 THE COURT: Yes. In your list of witnesses that

23 --

24 MR. LEONE: Yes, Your Honor.

25 THE COURT: -- Mr. -- somebody in your office
26 filed --

27 MR. LEONE: Yes, I was aware.

1 THE COURT: -- there's a sentence down there
2 that bothers me.

3 MR. LEONE: Okay.

4 THE COURT: That there's a whole bunch of
5 discovery motions that haven't been acted upon.

6 MR. LEONE: That is correct, Your Honor.

7 THE COURT: Well, I went through the case detail
8 and, of course, they're not on there. They wouldn't
9 be on there -- requests for production and
10 interrogatories don't go on the list unless there's
11 a squabble.

12 MR. LEONE: Correct.

13 THE COURT: How many are there, roughly?

14 MR. LEONE: That are in dispute at this time
15 is probably less than seven. That's better than --
16 I'll leave that. That's the answer, Your Honor.

17 THE COURT: All right.

18 MR. LEONE: And I --

19 THE COURT: As quickly as you can, please have
20 your conferences with plaintiff's counsel, prepare
21 the appropriate affidavit and claim these up.

22 MR. LEONE: Yes, Your Honor. I can represent
23 to the Court that we're already -- We've had some
24 discussion regarding the same and --

25 THE COURT: Well, --

26 MR. LEONE: I'll follow -- I'll respond and
27 follow Your Honor's orders and leave it at that.

1 THE COURT: I want these all in by, and claimed
2 up by August 5th.

3 Mr. Hall, do you have any outstanding -- Well,
4 can you file your interrogatories and requests for
5 production, not duplicates of ones that were --

6 MR. HALL: I understand, fresh, fresh
7 interrogatories, Your Honor?

8 THE COURT: What?

9 MR. HALL: Fresh interrogatories, Your Honor.
10 Yes.

11 THE COURT: And if you have any old ones that
12 haven't been resolved and there's been an awful lot
13 about your discovery which is --

14 MR. HALL: Yes, there has.

15 THE COURT: -- has gotten judicial attention.

16 MR. HALL: Yes, there has, Your Honor.

17 THE COURT: So you have the same date. File
18 your interrogatories and requests for production by
19 the date I gave Mr. Leone.

20 MR. HALL: July 15th, Your Honor?

21 THE COURT: Make sure you -- If they're not --

22 MR. LEONE: Did I misinterpret what you said,
23 Your Honor? I thought you indicated I was supposed
24 to file and get everything claimed up by August 5th
25 with respect to objections to D & P. Did I
26 misunderstand you?

27 THE COURT: These are outstanding motions that

1 haven't been responded to, to your liking.

2 MR. LEONE: Correct, okay. The date that you
3 gave me to do that by, Your Honor, was August 5th.

4 THE COURT: Was August 5th, yes.

5 MR. LEONE: Thank you, Your Honor. I just
6 wanted to make sure that was clear.

7 THE COURT: The same -- The plaintiff is going
8 to get the same schedule.

9 MR. LEONE: I understand.

10 THE COURT: I hope, if I remember what I'm
11 doing.

12 Mr. Hall, you've got to file -- get all the
13 discovery motions that are going to need judicial
14 intervention in by, and the appropriate affidavit
15 showing you met and tried to resolve them all by
16 August 5th.

17 Do you recall the time for response to
18 interrogatories and requests for production is 12
19 days, not 30 prescribed in the rules?

20 We've got four years to make up. This case was
21 brought and returnable in July of 2005. No, 2006.
22 '05 or '06?

23 MR. HALL: '06, Your Honor.

24 THE COURT: 2006, and here it is July, four
25 years later, and the case is no where near even
26 having the pleadings. There's been a lot of activity
27 but no real progress that I can see.

1 Twelve days to respond. That was in the
2 original order, paragraph 12. And if you can't
3 answer all of them or you have objection to some,
4 still answer the other ones to which there is no
5 objection or to which you do have the answers,
6 supply those within the 12 days. We'll fight over
7 the other ones. You can fight over the other ones
8 later.

9 All agree to that?

10 MR. HALL: Your Honor, the last hearing, you --
11 I'm concerned that at the last hearing you mentioned
12 that the defendants were not in compliance with
13 Judge Hurley's orders regarding discovery. There
14 are --

15 THE COURT: You would agree that everybody is
16 now?

17 MR. LEONE: No.

18 MR. HALL: No, Your Honor. That issue remains
19 outstanding.

20 THE COURT: So?

21 MR. HALL: Well, --

22 THE COURT: I've never -- As far as I know, I
23 have never decided the discovery motions. So all the
24 sins that were committed there, can't leave at my
25 doorstep.

26 I'm sorry. I don't -- I didn't understand if
27 you had a question, and if you did have a question,

1 I didn't understand it.

2 MR. HALL: Your Honor, if I may just have a
3 moment so I can confer with my client.

4 (Pause.)

5 MR. HALL: So, Your Honor, there are outstanding
6 -- excuse me, Your Honor.

7 Your Honor, there are outstanding discovery
8 orders. You're ordering that those be complied with
9 by the same date?

10 THE COURT: No, I don't think I said that.

11 MR. HALL: Your Honor, how --

12 THE COURT: You have some discovery motions and
13 interrogatories, requests for production and have
14 not been responded to by the defendants and which
15 have not had judicial attention.

16 MR. HALL: Your Honor, no. Your Honor, there
17 has been judicial attention. The -- The --

18 THE COURT: Well, --

19 MR. HALL: -- issue remains, and I think the
20 Court -- the Court in its wisdom used a double
21 negative at the last hearing to explain a nuance
22 that I'm not sure was all clear.

23 THE COURT: Because I didn't go and read all
24 these judicial rulings.

25 MR. HALL: I'm asking the Court for
26 clarification. Are you saying that all discovery
27 must be due by the 5th of August?

1 THE COURT: I don't think I said that.

2 MR. HALL: I'm sorry.

3 THE COURT: Look. If there's been a motion,
4 one of your motions for discovery, that you're
5 not happy with the result or with rather the
6 defendant's response, and which has not had a judge
7 look at it, then you must claim those up and have
8 them heard if it's necessary.

9 MR. HALL: Very good. So, --

10 THE COURT: I don't think --

11 MR. HALL: -- filing -- filing motions by --
12 We have to file a subsequent motion if it hasn't
13 been addressed already.

14 THE COURT: Not on the same topic.

15 MR. HALL: I understand.

16 THE COURT: We're not going to retread four
17 years.

18 MR. HALL: I understand, Your Honor.

19 THE COURT: Any questions?

20 MR. LEONE: No, Your Honor.

21 MR. HALL: Your Honor, by your recognizing me
22 as the only counsel on the case, --

23 THE COURT: Well, and Mr. Johnson.

24 MR. HALL: Agreed, my office.

25 THE COURT: Yes.

26 MR. HALL: Are you striking -- Mr. Traylor has
27 filed an in addition to appearance. Are you striking

1 that appearance today, Your Honor?

2 THE COURT: I haven't seen it. He can file all
3 appearances he wants, but he's not going to be heard
4 in open court. That's why he has a lawyer.

5 MR. HALL: Understood. I'm just trying to
6 understand.

7 THE COURT: And if you -- If he has some points
8 that you think are worthy, you can incorporate them
9 in a piece of paper where Johnson and Hall and
10 Johnson sign it.

11 MR. HALL: But Your Honor -- Your Honor will not
12 recognize Mr. Traylor's appearance?

13 THE COURT: I didn't say that.

14 MR. HALL: He has filed -- Apparently, he has
15 filed an appearance for today.

16 THE COURT: Okay.

17 MR. HALL: I was not prepared to represent him
18 on this matter, Your Honor.

19 THE COURT: He can file seven more appearances.
20 That will make it eight.

21 MR. HALL: Very good.

22 THE COURT: I'm not going to hear any one of his
23 eight.

24 MR. HALL: Okay, understood.

25 THE COURT: You and Mr. Johnson have been hired
26 by the plaintiff to represent him and he'll stick
27 with one attorney.

1 If he wants to hire three more law firms, fine,
2 but I'm not going to let him represent himself in
3 these proceedings. Excuse me, speak in these
4 proceedings.

5 MR. HALL: So the Court -- Just so I'm clear,
6 the Court is not going to accept Mr. Traylor's
7 testimony?

8 THE COURT: I didn't say that either. He's not
9 going to sit here and argue -- stand here and argue
10 his case.

11 MR. HALL: Okay.

12 THE COURT: He's got a lawyer to do that.

13 MR. HALL: Okay.

14 THE COURT: He's got capable lawyers to do that.
15 He hasn't had capable representation even by himself
16 in the last four years, and that's why this case is
17 in a mess.

18 MR. HALL: Your Honor, one final question.

19 With the Court's indulgence, Your Honor has
20 grounds for not recognizing an in addition to
21 appearance by Mr. Traylor?

22 THE COURT: Yes, I'm going to control this
23 courtroom.

24 MR. HALL: Thank you.

25 THE COURT: If you want to get -- If that isn't
26 good enough, he can go get Judge Devine, maybe
27 Judge Quinn.

1 MR. HALL: Thank you, Your Honor.

2 THE COURT: I'm sorry, but I'm going to run this
3 courtroom the way I think it should be run.

4 MR. HALL: Thank you, Your Honor.

5 THE COURT: All right? And I don't mean to be
6 fresh to you. I hope I haven't been.

7 MR. HALL: No, Your Honor.

8 THE COURT: Now, let me get a couple things
9 straight. You saw the Judicial Review complaint
10 before it was filed, you saw it on June 15th.

11 MR. HALL: Me?

12 THE COURT: Yes, Mr. Hall.

13 MR. HALL: I was shown the complaint by my
14 client on the day of the hearing, the last hearing,
15 yes, Your Honor, as I sat down at the table, Your
16 Honor.

17 THE COURT: Okay. All right. You know the
18 proceedings under Section 1-22B of the Practice Book
19 is a proceeding within the case 06-5001159. That
20 is Sylvester Traylor, Administrator, and Sylvester
21 Traylor, Individually, Against Dr. Awwa and
22 Connecticut Behavior.

23 MR. HALL: Yes, Your Honor.

24 THE COURT: Okay. When do you think you'll be
25 ready to proceed?

26 MR. HALL: If you still want to proceed, what
27 do you -- when do you want to proceed with it?

1 You know my feeling.

2 MR. TRAYLOR: Two weeks, three weeks.

3 MR. HALL: We'll talk it over.

4 Your Honor, may we -- With the Court's
5 indulgence, may we hold that matter and put it on
6 request, Your Honor?

7 THE COURT: Put it on what?

8 MR. HALL: May we hold that matter in abeyance
9 rather than -- I'd like to have further conversation
10 with my client about this matter, and I believe it
11 may take some time to discuss.

12 If the Court presses me for a date, I'll give
13 them a date, but it's not --

14 THE COURT: Oh, no, no.

15 MR. HALL: It's probably better if we get back
16 to you on that, Your Honor.

17 THE COURT: Okay. I would like to hear it
18 before Christmas.

19 MR. HALL: Thank you, Your Honor.

20 THE COURT: Okay. Mr. Leone.

21 MR. LEONE: Yes, Your Honor.

22 THE COURT: Anything you want done?

23 MR. LEONE: No, Your Honor. I would like to
24 ask the Court.

25 I've never been shown a copy of the judicial
26 complaint that's been filed. I don't know that I'm
27 -- if I'm going to be asked to participate --

1 THE COURT: You've got a petition in this.

2 MR. LEONE: Exactly, Your Honor. So --

3 THE COURT: I would hope, but, yes.

4 MR. LEONE: May I ask the clerk -- If I'm
5 going to participate, I need to see his complaint.

6 THE COURT: Here's -- Well, it's not the
7 original. I want this back, but just to see
8 generally what it was.

9 MR. LEONE: Thank you, Your Honor.

10 THE COURT: And Mr. Sheffield will make a
11 copy for you today.

12 MR. LEONE: Thank you, Your Honor.

13 May I approach, Your Honor?

14 THE COURT: Give it to him. Make sure you get
15 it.

16 Now, I have a couple of questions. When we got
17 together on June 15th for the scheduling conference,
18 I don't recall that either side requested or
19 indicated they want a continuance. And I think
20 the transcript bears me out.

21 MR. HALL: Continuance of what, Your Honor?

22 THE COURT: On June 15th, we had a scheduling
23 conference --

24 MR. HALL: Yes.

25 THE COURT: -- scheduled for 2:15 -- for 2:00
26 o'clock, right?

27 MR. HALL: Yes, we did, Your Honor.

1 THE COURT: You and Mr. Johnson were there.

2 MR. HALL: Yes, Your Honor.

3 THE COURT: And Mr. Leone was there.

4 Did either party through their counsel request
5 a continuance or express any reluctance about going
6 forward with the scheduling conference?

7 MR. LEONE: The defendant did not, Your Honor.

8 MR. HALL: No, Your Honor, not at that time.

9 THE COURT: Have you since?

10 MR. HALL: Well, Your Honor, I'm -- I'm -- I'm
11 appreciative of the Court's need to move things
12 along, but the dates that the Court has --

13 THE COURT: No, a simple question.

14 MR. HALL: -- issued are very tight.

15 THE COURT: I understand.

16 MR. HALL: Okay. So there is reluctance there,
17 Your Honor.

18 THE COURT: And I'm wasting your time, so you
19 can go home and get that complaint in and I'll
20 recess.

21 Simple question.

22 MR. HALL: Yes, sir.

23 THE COURT: On June 15, did anyone inform the
24 Court that they didn't want to go ahead with the
25 scheduling conference or show any reluctance at all
26 to proceed?

27 MR. HALL: But for the voluminous nature of

1 what had transpired in the four years before, no,
2 Your Honor, there was no explicit reservation by
3 anybody.

4 THE COURT: All right. I'll let you get back
5 to your offices so you can file all that paperwork
6 on time.

7 MR. HALL: Thank you.

8 * * *

NO: CV-06-5001159S : SUPERIOR COURT
SYLVESTER TRAYLOR : JUDICIAL DISTRICT
OF NEW LONDON
VS : AT NEW LONDON, CONNECTICUT
BASSAM AWWA, M.D. : JULY 8, 2010

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 New London, Connecticut, before the Honorable Thomas F. Parker, Judge Trial Referee, on the 8th of July, 2010.

Dated this 14th day of July, in New London,
Connecticut.

Marielle Bottinelli
Court Recording Monitor

1 NO: KNL-CV06-5001159-S : SUPERIOR COURT
 2 SYLVESTER TRAYLOR, ET AL. : JUDICIAL DISTRICT
 3 : OF NEW LONDON
 4 v. : AT NEW LONDON, CONNECTICUT
 5 BASSAM AWWA, ET AL. : SEPTEMBER 7, 2010

7 HEARING

8
 9 BEFORE THE HONORABLE THOMAS F. PARKER,
 10 JUDGE TRIAL REFEREE

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

14 Representing the Plaintiffs:

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 16 HALL, JOHNSON, LLC
 17 P O Box 1774
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 Quaker Hill, CT 06375 - ORDERING PARTY

20 Representing the Defendants:

21 ATTORNEY DON LEONE
 22 CHINIGO, LEONE & MARUZO, LLP
 23 141 Broadway
 Norwich, CT 06360

24
 25 Reported By:
 26 Debrah Veroni
 Certified Court Reporter
 27 70 Huntington Street
 New London, CT 06320

1 THE COURT: Would you identify yourself for the
2 record, please.

3 ATTY. LEONE: Yes, Your Honor. Attorney Don
4 Leone for the defendants Bassam Awwa and Connecticut
5 Behavioral Health Associates.

6 MR. TRAYLOR: Sylvester Traylor on behalf of
7 myself, the plaintiff.

8 THE COURT: Where is Hall, Johnson today?

9 MR. TRAYLOR: To my knowledge, Your Honor, I
10 terminated my relationship with Attorney Hall.

11 THE COURT: They are still in this case.

12 MR. TRAYLOR: I haven't heard from them, Your
13 Honor.

14 THE COURT: Do you want to give them a call?
15 Because I am going to issue a capias.

16 MR. TRAYLOR: A capias?

17 THE COURT: Steve, would you call them. Tell
18 them my pen is poised over a capias.

19 Do you have their number?

20 ATTY. LEONE: Steve, 599 --

21 THE CLERK: Oh, wait a minute. Is there a phone
22 in there?

23 THE COURT: Yes. Use mine.

24 THE CLERK: I'll use yours if it's operating.

25 Do you have their number?

26 THE COURT: 599-4400.

27 Recess.

1 (Recess)

2 THE COURT: Identify yourself for the record,
3 please, Mr. Hall.

4 ATTY. HALL: Attorney James Hall of Hall,
5 Johnson, LLC.

6 THE COURT: Gentlemen, I brought you together
7 here today, think, taking you back to I believe it
8 was June 15 of this year; the first time that Hall,
9 Johnson came to court. And at that time it was my
10 understanding that everybody was eager to get this
11 case to trial after four years of what appeared to be
12 a lot of treading of water at least pleadingwise. It
13 seemed to me that both sides were eager to get to
14 trial in this matter, and that's a necessary
15 steppingstone to trial was to close the pleadings.
16 In the two-and-a-half or three months since then, we
17 have made some progress but now there seems to be a
18 reticence about getting this case to trial, at least
19 by one side. And so today I want to find out where
20 we are going.

21 I have questions about the appeal which has been
22 filed in this case. I must address the August 27
23 revised complaint; the August 30 revised complaint
24 and whether this case, in view of the appeal, should
25 be bifurcated.

26 Now, I have a couple questions. I think I know
27 the answers, but there was an appeal filed in this

1 case. And, Mr. Hall, is it true that the estate, the
2 interests of the estate of -- did not appeal?

3 ATTY. HALL: Your Honor, I have been discharged
4 by the plaintiff, and I filed a motion to withdraw
5 today. I have a copy for Your Honor. But I cannot
6 comment for the plaintiff, Your Honor. I have been
7 fired expressly.

8 THE COURT: You're still in this case.

9 ATTY. HALL: You ordered me, Your Honor, to be
10 here and with all respect for the Court, I'm here.
11 But I've never been fired on a case, Your Honor. And
12 I filed a motion to state why I should be dismissed
13 as counsel.

14 THE COURT: You're still in the case. And these
15 are questions that I'm not asking you to do anything
16 that's going to compromise either of the plaintiffs'
17 position.

18 ATTY. HALL: Yes, Your Honor.

19 THE COURT: Did you file on behalf of the estate
20 any appeal?

21 ATTY. HALL: No, Your Honor. It's not in my
22 contract to do so and I did not.

23 THE COURT: Okay. If I ask a yes or no
24 answer --

25 ATTY. HALL: I'll try. I'll try.

26 THE COURT: Okay. And as far as you know, the
27 sole appeal that was filed in this case was filed

1 purportedly by Mr. Traylor in his individual
2 capacity.

3 ATTY. HALL: I don't know in what capacity,
4 Judge. We did not file anything. Your Honor is
5 asking a question I believe the answer is yes.

6 THE COURT: All right. Mr. Leone.

7 ATTY. LEONE: Yes, Your Honor.

8 THE COURT: Is it your understanding that the
9 sole appeal filed in this case was by Mr. Traylor on
10 his own individual behalf?

11 ATTY. LEONE: That is not my understanding, Your
12 Honor.

13 May I answer, Your Honor?

14 THE COURT: Sure.

15 ATTY. LEONE: My understanding is that a notice
16 of appeal was filed by Mr. Traylor utilizing the
17 docket number that has been assigned to the case
18 involving both the estate and Mr. Traylor's, for lack
19 of a better term, claims. So I take the position
20 that until and unless there's been some dismissal of
21 the estate case, that he has filed an appeal on
22 behalf of both. I'm looking at 402, Your Honor; the
23 filing number 402 which I believe is the civil appeal
24 form.

25 THE COURT: I'm not sure I agree with your
26 reading of the appearance -- I mean the appeal paper
27 402. And I remind you that I am perhaps influenced

1 by the fact that I issued an order on December 21,
2 2009, barring Mr. Traylor from representing the
3 estate in these proceedings. And I don't see on the
4 appeal paper you referred to that he has appealed on
5 behalf of the estate.

6 MR. TRAYLOR: Could I speak on my own behalf,
7 Your Honor?

8 THE COURT: No. Tell Mr. Hall what you want me
9 to know.

10 MR. TRAYLOR: I've terminated my relationship
11 with Attorney Hall. I have new counsel that will be
12 filing an appearance as of tomorrow.

13 THE COURT: Tomorrow?

14 MR. TRAYLOR: Yes.

15 THE COURT: Should we stop everything right now
16 like we did four months -- for four months once?

17 MR. TRAYLOR: I didn't delay for four months,
18 Your Honor.

19 THE COURT: You didn't?

20 MR. TRAYLOR: No, I did not.

21 THE COURT: Do you know when your counsel's
22 appearance was filed when we gave you four months on
23 December 21?

24 It was filed on April 21 with 39 minutes to
25 spare. Do you know that?

26 MR. TRAYLOR: Yes, I do.

27 THE COURT: Did you tell him not to file it

1 until the last minute or 39 minutes?

2 ATTY. HALL: No, Your Honor.

3 MR. TRAYLOR: I was getting out of the hospital,
4 Your Honor, at that time.

5 THE COURT: I'm sorry.

6 MR. TRAYLOR: When I was in their office, I was
7 freshly out of the hospital. And he can verify it,
8 testify to that.

9 THE COURT: Good. Bring in the hospital people.
10 I don't know what for, but -- all right.

11 Well, will you tell Mr. Hall -- ask him whether
12 or not he purported to file an appeal on behalf of
13 the estate.

14 ATTY. HALL: Your Honor, I will ask what the
15 Court instructs me, however, I want the Court to be
16 aware that there are very serious reasons why I am
17 seeking withdrawal, including an irretrievable
18 breakdown of attorney-client and physical threats,
19 which I have affidavits.

20 MR. TRAYLOR: Physical?

21 ATTY. HALL: Excuse me. I am speaking to the
22 Court.

23 If Your Honor would --

24 THE COURT: I understand.

25 ATTY. HALL: -- would please recognize that I
26 have a tenuous relationship with --

27 THE COURT: Probably worse than tenuous.

1 ATTY. HALL: -- with Mr. Traylor. Your Honor,
2 thank you.

3 You would like me to ask him what, Your Honor?

4 THE COURT: Confer with him.

5 MR. TRAYLOR: I fired him as my attorney.

6 THE COURT: What?

7 MR. TRAYLOR: I fired him as my attorney. I can
8 speak on my own behalf. You asked a simple question.
9 I can answer a simple question.

10 THE COURT: Did you file an appeal on behalf of
11 the estate?

12 MR. TRAYLOR: Attorney Leone --

13 THE COURT: Excuse me. That question may be
14 answered yes or no.

15 MR. TRAYLOR: On both. On both. On my behalf
16 as well as the estate.

17 THE COURT: Okay. Now, how much time do you
18 need to withdraw the appeal on behalf of the estate?

19 MR. TRAYLOR: On behalf of the estate?

20 THE COURT: Yeah.

21 MR. TRAYLOR: If -- I mean I have new counsel.

22 THE COURT: Never mind. Just tell me six years,
23 four days, an hour, 20 minutes.

24 MR. TRAYLOR: Twenty-four hours, Your Honor.

25 Another attorney will file an appearance on my
26 behalf.

27 I've tried to ask this Court for --

1 THE COURT: We are going to have another
2 attorney in here this week, but that attorney isn't
3 in here; isn't that true?

4 MR. TRAYLOR: I articulated that in writing to
5 Your Honor already and I asked for an extension of
6 time, a reconsideration. No decision was made on
7 that. So I can only plead to the Court to allow my
8 new counsel --

9 THE COURT: You think you filed an appeal on
10 behalf of the estate.

11 MR. TRAYLOR: Both on behalf of myself as well
12 as the estate, Your Honor.

13 THE COURT: Okay. All right. That's all I want
14 to know. You may sit down.

15 Mr. Leone, as the estate -- I know we are in
16 preliminary stages or the appeal is in preliminary
17 stages. Are the defendants going to oppose the
18 appeal on -- other than on the merits?

19 ATTY. LEONE: Yes, Your Honor.

20 THE COURT: In other words, on procedural?

21 ATTY. LEONE: Yes, Your Honor. I can represent
22 to the Court that Attorney Laura Zaino of Halloran
23 and Sage is going to be handling the appeal on behalf
24 of the defendants, as she's handled the mandamus
25 appeal as well.

26 MR. TRAYLOR: That's not correct. It's John
27 Foley.

1 THE COURT: Did you -- sit down and go like
2 this. Yeah, be quiet.

3 ATTY. LEONE: I have had discussions with that
4 office and part of those discussions are -- would
5 lead me to conclude that they are going to challenge
6 the appeal on other than substantive grounds, Your
7 Honor. But that is this appeal in the malpractice
8 case, Your Honor.

9 THE COURT: Are they aware of the December 21
10 order?

11 ATTY. LEONE: Yes, they are, Your Honor.

12 THE COURT: 2009.

13 ATTY. LEONE: 2009, yes, Your Honor.

14 MR. TRAYLOR: Can I speak, Your Honor?

15 THE COURT: No. All right.

16 Next issue we have is a revised complaint was
17 filed on August 27 to which there has been objection
18 by the defendants.

19 Mr. Hall, put yourself back as of Friday the
20 27th.

21 ATTY. HALL: Yes, Your Honor.

22 THE COURT: What did you think you -- were the
23 significance of your putting all the allegations of
24 counts one through six into the count seven?

25 ATTY. HALL: Your Honor, I did not file that
26 pleading. If you look at the signature, Your Honor,
27 I filed just as the Court, in the request to

1 revise -- excuse me, Your Honor. I apologize. I did
2 not file the pleading. I filed the earlier revised
3 complaint which addressed specifically what the Court
4 order needed corrected.

5 THE COURT: I think we are talking about the
6 same thing. August 27 you filed; August 30 Mr.
7 Traylor purportedly e-filed.

8 ATTY. HALL: Okay.

9 THE COURT: Let's go back to your August 27
10 filing.

11 ATTY. HALL: Your Honor, I believe I filed a
12 revised CUTPA complaint in that -- in there. That
13 was all that was changed. If that's --

14 THE COURT: No. As I understand it --

15 ATTY. HALL: Your Honor -- okay. Sorry.

16 THE COURT: Do you have a copy of it with you?

17 ATTY. HALL: No.

18 MR. TRAYLOR: He's referring to this.

19 ATTY. HALL: Thank you.

20 Your Honor, I was out of the country at that
21 point in time, but I did leave with my office
22 instructions to file a complaint that I had prepared.
23 And I am looking to see if that is the complaint
24 right now. The revisions that were made would have
25 been revised -- would have revised only the -- thank
26 you.

27 THE COURT: That's what was filed.

1 ATTY. HALL: Thank you, Your Honor.

2 THE COURT: Let the record show I have given or
3 had the clerk hand to Mr. Hall a pleading dated
4 August 27, 2010, captioned revised complaint and it
5 appears to have been signed by James A. Hall.

6 ATTY. HALL: Probably me, Your Honor. Let me
7 just check.

8 THE COURT: And in it you repeated all the
9 allegations of counts one through six which had been
10 stricken and then in count seven --

11 ATTY. HALL: Yes, Your Honor.

12 THE COURT: -- you added two paragraphs which
13 responded to the defects found by the Court in your
14 motion -- in the motion to strike.

15 ATTY. HALL: Count seven, paragraphs 33 and 34
16 were added, Your Honor, that's correct.

17 THE COURT: And then I guess you made consonant
18 changes to count eight.

19 ATTY. HALL: I'm not sure I did. Let me check.
20 I don't see that to be the case, Your Honor.

21 THE COURT: All right.

22 ATTY. HALL: It was strictly -- this was -- the
23 amendment was made specifically with regard to the
24 request to revise on count seven, and that was the
25 only --

26 THE COURT: Not the request to; the motion to
27 strike.

1 ATTY. HALL: I apologize.

2 THE COURT: And you purported to do that
3 pursuant to Rule 10-44.

4 ATTY. HALL: Yes, Your Honor.

5 THE COURT: Because you filed another paper,
6 notice of filing something or other. What -- when
7 you filed that and included all of counts one through
8 six, what did you believe the status of one through
9 six were?

10 ATTY. HALL: I believe one through six were
11 stricken, Your Honor, however on appeal. And I did
12 not -- I was addressing --

13 THE COURT: I am not finding fault.

14 ATTY. HALL: Okay.

15 MR. TRAYLOR: Those are some of the reasons why
16 he was terminated, Your Honor. I had terminated him
17 prior to him filing this document. And I think the
18 Court have a copy of my agreement between Attorney
19 James Hall and myself. It was without my consent or
20 knowledge.

21 THE COURT: Okay. Hold on a minute.

22 I've got another question for you, Mr. Hall.

23 ATTY. HALL: Thank you.

24 THE COURT: Mr. Leone, what's your position on
25 whatever this number is, the August 27 revised
26 complaint?

27 ATTY. LEONE: As I stated in my objection, Your

1 Honor, if it was purported to be filed pursuant to
2 10-44, which was to address the deficiencies in count
3 seven, I am objecting because it added the counts one
4 through six which have previously been dismissed as
5 an inappropriate pleading and not consistent -- and
6 not authorized under 10-44. And I've asked the Court
7 either to strike the pleading in its entirety or I've
8 asked for a nonsuit for failing to comply with the
9 Court's order.

10 THE COURT: Well, I don't want to do either
11 thing. And I think we accomplished what you want
12 except for getting him nonsuited.

13 If a new complaint were filed with just count
14 seven, which would include paragraphs one through 26
15 of the original -- excuse me, not the original of
16 count one. Of the second amended complaint and then
17 go on through the several -- well, more paragraphs,
18 27 through 34 of what he did file and then make a
19 plead to count -- or plead count eight by using the
20 old -- or the second amended complaint version of
21 count eight but instead incorporate paragraphs one
22 through 34 of count seven.

23 ATTY. HALL: Okay.

24 THE COURT: These are all on word processing,
25 Mr. Hall?

26 ATTY. HALL: Yes, they are, Judge. It would be
27 easy to do.

1 THE COURT: You're clear on what I was just
2 talking about?

3 ATTY. HALL: Yes, I am, Your Honor. You want
4 one through six.

5 THE COURT: Can you do that by tomorrow?

6 ATTY. HALL: Absolutely. The end of the day
7 okay?

8 THE COURT: Three o'clock.

9 ATTY. HALL: Sure. Three o'clock.

10 MR. TRAYLOR: Your Honor, I have new counsel.

11 THE COURT: Did I ask your opinion on anything?

12 MR. TRAYLOR: I'm sorry, Your Honor. No
13 disrespect.

14 THE COURT: Just sit down.

15 Or the alternative is Mr. Leone gets his nonsuit
16 and that's the ball game.

17 MR. TRAYLOR: I just -- my new counsel will be
18 filing an appearance tomorrow.

19 THE COURT: You know what?

20 MR. TRAYLOR: Sorry.

21 THE COURT: I really believe you. He's going to
22 file a new appearance. This is another lawyer that
23 didn't even look at the file this size and takes the
24 case and going to come in here with an appearance and
25 then he's going to say hey, Judge, this is over 400
26 filings. I'm going to need until Christmas 2014 to
27 be able to respond.

1 You know what? Too bad you got a dumb judge,
2 because I ain't going along with that.

3 MR. TRAYLOR: I'm not going to do that.

4 THE COURT: Mr. Leone.

5 ATTY. LEONE: Yes, Your Honor.

6 THE COURT: You understood what I just said?

7 ATTY. LEONE: I think so, Your Honor.

8 THE COURT: I think this will be a lot cleaner
9 if that were done.

10 ATTY. LEONE: If that's what Your Honor is
11 ruling, that's what Your Honor rules.

12 THE COURT: No, no. Tell me the downside. I
13 mean I know what it is from you. You would rather
14 have the nonsuit.

15 ATTY. LEONE: I would like to have a
16 complaint -- if there is going to be a complaint that
17 addresses what I previously filed, Your Honor, and --

18 THE COURT: Well, I think this cleans it up. It
19 gets rid of one through six, which I didn't -- when I
20 initially read it, I didn't think he was trying to
21 pull a fast one.

22 ATTY. HALL: No.

23 THE COURT: That somehow he was revising --
24 reviving counts one through six. File it by three
25 o'clock.

26 ATTY. HALL: Thank you, Your Honor.

27 THE COURT: I think it's just a word processing

1 job.

2 ATTY. HALL: It was a glitch to hurry things.
3 I'm sorry, Your Honor. I recognize seven and eight
4 by your order are the standing counts.

5 THE COURT: So as I understand count seven will
6 start with a recitation of paragraphs one through 26,
7 which had been paragraphs one through 26 --

8 ATTY. HALL: Of the first count.

9 THE COURT: -- of the first count of the second
10 amended complaint.

11 ATTY. HALL: Yes.

12 THE COURT: And then thereafter will be
13 paragraphs 27 through 34 of --

14 ATTY. HALL: Count seven.

15 THE COURT: -- what you filed on August 27.
16 That will be --

17 ATTY. HALL: And the same for count eight.

18 THE COURT: And then eight will be one through
19 34 of count seven and whatever else you had in there.
20 No changes.

21 ATTY. HALL: I understand. No changes.

22 THE COURT: All right. Please file that by
23 three o'clock tomorrow.

24 ATTY. HALL: That's your order, that there be no
25 changes, Your Honor?

26 THE COURT: Absolutely.

27 ATTY. HALL: Thank you. Thank you.

1 THE COURT: No discretion here.

2 ATTY. HALL: Thank you.

3 THE COURT: All right. Now, we've got to talk
4 about the complaint filed -- revised complaint dated
5 August 30, which I think has the number filed by Mr.
6 Traylor, and it purports to have been filed pursuant
7 to the authority of 10-44.

8 Do you want to be heard on that, Mr. Hall?

9 ATTY. HALL: I don't believe I have standing to
10 comment, Your Honor.

11 THE COURT: I understand. All right.

12 Mr. Leone, I think I understand your position,
13 but go ahead.

14 ATTY. LEONE: Well --

15 THE COURT: Educate me.

16 ATTY. LEONE: Well, to be perfectly honest with
17 Your Honor, I filed a motion for extension to respond
18 to that because, as Your Honor knows, I was busy
19 responding to the August 27 when Mr. Traylor filed
20 this. So I'm not prepared today other than to say
21 that the similar objection would apply as to this
22 complaint regarding any claims or causes of action or
23 facts that do not address the deficiencies in count
24 seven, which was the previously stricken --

25 THE COURT: Well, assuming Mr. Hall just does a
26 typing job between now and tomorrow --

27 ATTY. HALL: Yes.

1 THE COURT: -- there are some other defects, I
2 would presume, that you've noted in the August 30
3 filing of the revised complaint.

4 ATTY. LEONE: Yes, Your Honor.

5 THE COURT: Doesn't have to be exhaustive. I
6 just -- I've looked at it closely and I have a few
7 ideas.

8 ATTY. LEONE: Well, Your Honor, first of all, it
9 raises claims that previously have not even been in
10 this case, which are statute of limitations issues.
11 It raises claims against myself, who I'm not a party
12 to this action other than as an attorney.

13 THE COURT: Sure. You're now a defendant.

14 ATTY. LEONE: I would like, at the appropriate
15 time, to perhaps address that, Your Honor.

16 As to my clients, it raises new and distinct
17 causes of action, again, which are beyond, well,
18 whatever. It's beyond the statute of limitations,
19 number one. There's been no request to amend the
20 complaint as per the Practice Book. It simply is an
21 amendment that goes on and on to try and raise as
22 many issues and claims as is possible; hence, Your
23 Honor, why I asked for additional time to sort out
24 the multiple issues that this pleading raises, not
25 the least of which, Your Honor, is my concern -- and
26 I have not researched it. And I will be perfectly
27 candid with the Court. I have not had an opportunity

1 prior to today's hearing. But I don't know if Mr.
2 Traylor has the right to file a revised complaint on
3 his own behalf, if he was represented by counsel both
4 individually and on behalf of the estate. But,
5 again, I have not researched that. But that's
6 another issue that I am looking at, Your Honor.

7 And that off the top of my head, aside from
8 getting into the substance of what has been alleged,
9 from a procedural standpoint that's what I would be
10 looking at first, Your Honor.

11 THE COURT: Do you want to say anything, Mr.
12 Hall?

13 MR. TRAYLOR: Can I?

14 THE COURT: No. No. See, that's why we have
15 lawyers. That's why we have lawyers, even one who
16 represents Sylvester Traylor.

17 MR. TRAYLOR: He have no knowledge of that
18 complaint.

19 THE COURT: Then he can speak for himself and
20 say he doesn't have anything to add.

21 ATTY. HALL: I don't have anything to add, Your
22 Honor. Thank you.

23 THE COURT: Well, the Court's looked closely at
24 this revised complaint. And first and foremost, on
25 July 15 this Court entered an order, the bottom line
26 of which was the plaintiff, Sylvester Traylor, is
27 barred from representing himself until further order

1 of the Court. That's number 364. To my knowledge
2 there's been no further order of the Court lifting
3 that bar. So by filing it he's thumbing his nose at
4 a court order.

5 Again, the pleading notice that he filed with
6 the complaint -- revised complaint on October 30 --
7 August 30 says it's authorized by section 10-44. Our
8 rules provide that when -- that what is permitted
9 under 10-44 is that repleading after a motion to
10 strike has been granted, such new pleading by the
11 plaintiff is limited to those areas which were
12 stricken. Additional pleadings such as new actions
13 must be added under a request to amend, not under the
14 guise of a substitute pleading. Therefore, if Mr.
15 Traylor had the right to represent himself, which he
16 doesn't at this point, he should have filed a request
17 to amend under I believe it's 10-60, a rule with
18 which Mr. Traylor has some familiarity and he's also
19 tried to act like it doesn't exist. He just filed an
20 amended complaint. I think it's back in December
21 of -- I forget what year. Just filed a complaint
22 which the Court disregarded and so stated.

23 Mr. Traylor's purported new appearance was filed
24 on the 30th of August. The proposed or revised
25 complaint filed by Mr. Traylor on August 30 goes far
26 beyond anything which could be even wildly thought of
27 as being in response to 10-44.

1 Court's now going to enter an order regarding
2 the revised complaint dated 30 August 2010. So pay
3 attention, folks.

4 The submittal entitled "Revised Complaint" dated
5 and filed on August 30, number 404 -- August 30,
6 2010, file entry 404 which was signed by the
7 plaintiff, Sylvester Traylor, is a nullity and will
8 not receive any consideration by the Court; the
9 defendants need not plead to it. It will remain
10 physically in the file as a part of the record
11 available for appellate purposes. It purports to be
12 filed pursuant to section 10-44 of the Practice Book.
13 Its content readily shows it is not authorized by
14 that section.

15 It is in direct contravention of the Court's
16 July 15, 2010, order barring Sylvester Traylor from
17 representing himself. That's file entry 364.

18 The August 30, 2010, Revised Complaint names a
19 new defendant not previously a defendant herein. The
20 "new defendant" has never been served and is not a
21 defendant herein.

22 Plaintiff Traylor had filed, via his counsel,
23 Hall, Johnson, a "valid" § 10-44 Revised Complaint on
24 the preceding court day, August 27, 2010.

25 The Court will not allow the Revised Complaint
26 dated August 30, 2010, under the authority of
27 § 10-60(b) which provides in pertinent part, "The

1 judicial authority may restrain such amendments so
2 far as may be necessary to compel the parties to join
3 issue in a reasonable time for trial." Practice Book
4 § 10-60(b).

5 The Court finds from the history of this case
6 and the plaintiff Sylvester Traylor's conduct herein
7 that the Court must restrain the amendment(s)
8 contained in the August 30, 2010, Revised Complaint
9 as it is necessary to have the parties join issue in
10 a reasonable time for trial, mindful that this case
11 was returnable to this Court in early July 2006, over
12 4 years ago, and the pleadings are not closed.

13 The August 30, 2010, Revised Complaint is not
14 allowed as a pleading and is to be afforded no
15 standing herein.

16 That is an order of the Court effective
17 immediately.

18 Mr. Leone.

19 ATTY. LEONE: Yes, Your Honor.

20 THE COURT: I want to put a very short leash on
21 your pleading to this complaint which Mr. Hall is
22 going to file by three o'clock tomorrow. And how
23 short can I make that?

24 ATTY. LEONE: Tuesday, if Your Honor please.

25 THE COURT: Monday at three o'clock. You know
26 what you're going to do. You have been thinking
27 about it for weeks.

1 The plaintiff will respond to defendant's answer
2 by Wednesday, July -- or August -- September 15 at
3 3:00 p.m.

4 Anything further, Mr. Leone?

5 ATTY. LEONE: Not with regard to that issue,
6 Your Honor.

7 THE COURT: Anything further, Mr. Hall?

8 ATTY. HALL: Yes, Your Honor. We had filed a
9 motion to withdraw. The Court -- at the Court's
10 discretion I would ask that we address it today or we
11 address it after Mr. Traylor has his 24 hours to get
12 his new in lieu of counsel.

13 THE COURT: I'm not going to take it up today
14 because I haven't seen it.

15 MR. TRAYLOR: May I?

16 THE COURT: I'm not -- I'll act on it whichever
17 way I'm going to go shortly. I'm not going to leave
18 you hanging.

19 ATTY. HALL: Thank you, Your Honor.

20 May I submit exhibits for the Court on that?

21 THE COURT: Hasn't it already been filed?

22 ATTY. HALL: I did e-file it, but I did not
23 e-file the exhibits along with it because it takes
24 hours for my office to scan and it was done today. I
25 just got back from vacation this weekend.

26 THE CLERK: We'll need that e-filed as well, the
27 exhibits.

1 ATTY. HALL: I will e-file, but I had to be in
2 court. I was late already.

3 THE COURT: How many pages are you talking
4 about?

5 ATTY. HALL: I have three exhibits. If the
6 Court is going to grant it based upon what the Court
7 has seen in court, I would ask the Court to consider
8 that first, because I don't want to prejudice Mr.
9 Traylor's case in any way that would give Mr. Traylor
10 a less than advantageous chance to proceed. I do
11 have e-mails that support everything that's alleged
12 in my pleading, but I would rather submit those in
13 court if the Court needs them. Because without that
14 court order, Your Honor, the bottom line is there's
15 an irretrievable breakdown in the attorney-client
16 relationship, and that's been evidenced in open court
17 before Your Honor several times now. But I can go
18 much further, Your Honor, if need be, but I would
19 rather not because of obvious reasons.

20 THE COURT: Whatever you want to file, e-file
21 it.

22 ATTY. HALL: It's been e-filed, Your Honor.

23 THE COURT: It is. All right.

24 ATTY. HALL: But the exhibits -- I will e-file
25 the exhibits when I get back to the office.

26 THE COURT: I understood the exhibits had not
27 yet been filed.

1 ATTY. HALL: Yes, sir. They have not only
2 because it takes extra time to scan them. And again,
3 I did not want to file any additional information
4 that prejudices the claimant.

5 THE COURT: What's the most efficient way we get
6 his? No, they are e-filed.

7 THE CLERK: Four eleven is the last one, I
8 think, so 412.

9 THE COURT: I'm not worried about that, Steve.
10 All right. Please e-file those, all right.

11 ATTY. HALL: With exhibits, Your Honor?

12 THE COURT: No. You've already filed the motion
13 to withdraw.

14 ATTY. HALL: Yes, Your Honor.

15 THE COURT: And in that motion to withdraw, I
16 assume you referred to exhibits.

17 ATTY. HALL: I do.

18 THE COURT: But you did not yet file -- e-file
19 the exhibits.

20 ATTY. HALL: The exhibits, yes.

21 THE COURT: And you'll do that in the next 24
22 hours.

23 ATTY. HALL: I'll do it by three o'clock
24 tomorrow if an in lieu of appearance is not filed,
25 Your Honor.

26 THE COURT: All right. Okay.

27 MR. TRAYLOR: Your Honor --

1 THE COURT: Mr. Traylor, I didn't hear myself.

2 MR. TRAYLOR: -- regarding the withdrawal --

3 THE COURT: Excuse me.

4 MR. TRAYLOR: Can I speak about the withdrawal?

5 THE COURT: Excuse me. Sit down, please. Thank
6 you.

7 You, Mr. Leone, indicate, when I asked you
8 whether you had any further comment or thing to bring
9 up, you said not on that topic that is the
10 proposed -- excuse me. The order I just entered on
11 the revised --

12 ATTY. LEONE: Yes, Your Honor.

13 THE COURT: August 30 revised complaint. Do you
14 want to bring up something else?

15 ATTY. LEONE: I did, Your Honor. I want -- and
16 again, it was in connection with Mr. Hall being here.

17 I want at some point the Court to entertain a
18 hearing on Mr. Traylor's latest offering, number 410,
19 which is entitled an affidavit and makes certain
20 representations from Mr. Hall. And if we were going
21 to have a hearing on it, I would need Mr. Hall here
22 as well as the two other attorneys who are listed as
23 persons here. I want to make sure that we make a
24 record, Your Honor. And I didn't want to
25 inconvenience Mr. Hall or any of the other lawyers,
26 but I'm requesting a hearing on the filing of 410 and
27 411.

1 THE COURT: Anything else?

2 ATTY. LEONE: No, Your Honor.

3 THE COURT: I'm not going to act on that now.

4 ATTY. LEONE: I understand, Your Honor.

5 THE COURT: All right. A little bit earlier I
6 think I mentioned the word bifurcation. And do
7 either of you have any thoughts on that?

8 ATTY. HALL: (Shakes head.)

9 THE COURT: Mr. Leone.

10 ATTY. LEONE: My hands are a little tied in
11 regards to the issues involving the appeal since I am
12 not going to be representing the defendants in the
13 appeal. Having said that, Your Honor, I think I'll
14 leave it at that. I'd rather if counsel -- and they
15 will be filing an appearance, Your Honor. I will
16 call them as soon as this --

17 THE COURT: Well, wait a minute. My
18 understanding may be incorrect, but the only thing
19 that's been filed is this appeal. And the supporting
20 documents which have to be filed in the Appellate
21 Court within ten days of this appeal, filing of this,
22 have not been done.

23 Now, I haven't checked in the last --

24 MR. TRAYLOR: It's all been done.

25 ATTY. LEONE: If Your Honor please, I was handed
26 a package on my way out the door. I haven't even had
27 a chance to look, but some of them -- as much as I

1 don't do appellate work, some of them appear to be
2 things that one might file consistent with an appeal.
3 So I don't know what's in here. I haven't had a
4 chance to look at it, but there may well have been
5 things filed after that notice of appeal, Your Honor.

6 THE COURT: When I had the brainstorm about
7 bifurcation, I'll tell you quite frankly I didn't
8 believe that the appeal was on behalf of the estate
9 and so at least my preliminary thinking was we'll
10 bifurcate the case. The appeal -- the dismissal of
11 the counts one through six, as I viewed the appeal
12 paper, were final so let's proceed with that and put
13 Mr. Traylor's individual case on hold, but I don't
14 know. All right.

15 Anything further?

16 ATTY. LEONE: Nothing, Your Honor.

17 THE COURT: Anything further, Mr. Hall?

18 ATTY. HALL: No, Your Honor.

19 THE COURT: Thank you.

20 ATTY. LEONE: Thank you, Your Honor.

21 MR. TRAYLOR: Thank you, Your Honor.

22 THE COURT: Recess, marshal.

23 (Court's adjourned)

24

25

26

27

1 NO: KNL-CV06-5001159-S : SUPERIOR COURT
 2 SYLVESTER TRAYLOR, ET AL. : JUDICIAL DISTRICT
 3 OF NEW LONDON
 4 v. : AT NEW LONDON, CONNECTICUT
 5 BASSAM AWWA, ET AL. : SEPTEMBER 7, 2010

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

12 I hereby certify the foregoing pages are a true and
 13 correct transcription of the stenographic notes of the
 14 above-referenced case, heard in Superior Court, Judicial
 15 District of New London, New London, Connecticut, before the
 16 Honorable Thomas F. Parker, Judge Trial Referee, on the 7th
 17 day of September, 2010.

20 Dated this 13th day of April, 2011, in New London,
 21 Connecticut.

24 _____
 25 Debrah Veroni
 26 Certified Court Reporter

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

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Dated this 13th day of April, 2011, in New London, Connecticut.

Debrah Veroni
 Debrah Veroni
 Certified Court Reporter

4/16/2015

NO: CV-06-5001159S : SUPERIOR COURT
SYLVESTER TRAYLOR : JUDICIAL DISTRICT
OF NEW LONDON
VS : AT NEW LONDON, CONNECTICUT
BASSAM AWWA, M.D. : SEPTEMBER 20, 2010

PLAINTIFF'S COUNSEL'S MOTION TO WITHDRAW

BEFORE THE HONORABLE THOMAS F. PARKER, J.T.R.

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

Representing the Plaintiff:

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Recorded By:
Marielle Bottinelli

Transcribed By:
Marielle Bottinelli
Court Recording Monitor
70 Huntington Street
New London, CT 06320

1 MR. LEONE: Good afternoon, Your Honor.

2 MR. HALL: Good afternoon.

3 THE COURT: Are you withdrawing your motion?

4 MR. HALL: I'm sorry?

5 THE COURT: Mr. Hall, identify yourself for the
6 record.

7 MR. HALL: Attorney James Hall from Hall,
8 Johnson, LLC, Your Honor.

9 MR. LEONE: Attorney Don Leone representing the
10 defendant, Your Honor.

11 MR. TRAYLOR: Sylvester Traylor on behalf of
12 myself.

13 THE COURT: You withdrawing your motion to
14 withdraw, Mr. Hall?

15 MR. HALL: Am I withdrawing it, Your Honor?

16 THE COURT: Yes.

17 MR. HALL: No, Your Honor. I -- I wish for my
18 motion to withdraw to be --

19 THE COURT: Well, the reason I ask is because my
20 e-filing computer or whatever you call it has a
21 pleading filed by you dated today --

22 MR. HALL: Yes, Your Honor.

23 THE COURT: -- wherein you purport to still
24 represent the estate and, which you do, and you filed
25 a reply to the defendant's special defense.

26 MR. HALL: Your Honor, if a reply is not filed
27 by someone, if this Court grants my motion or a reply

1 is not filed by someone by tomorrow, then that causes
2 more harm to my client that I'm seeking permission to
3 withdraw from.

4 It put me in an ethical quandary, Your Honor,
5 where I had in an e-mail explained to Mr. Traylor
6 that we would file that, and --

7 MR. TRAYLOR: I object, Your Honor. That's not
8 true.

9 MR. HALL: We have an e-mail, Your Honor.

10 THE COURT: Do you want it withdrawn? Give me
11 instructions, Mr. Administrator.

12 MR. HALL: Thank you, Your Honor.

13 THE COURT: You know, this case is getting
14 crazier and crazier.

15 MR. TRAYLOR: I didn't agree to that, Your
16 Honor. He's supposed to not file anything else after
17 -- I've already filed my reply.

18 MR. HALL: Your Honor, I'll follow the
19 instructions -- I'll follow the instructions -- if
20 that is an instruction for me to withdraw that, I
21 will withdraw that answer, Your Honor. I was doing
22 it --

23 THE COURT: No. Reply.

24 MR. HALL: Reply, excuse me, Your Honor.

25 I've been put on notice that I'm going to be
26 sued, Your Honor, so you can appreciate that I'm a
27 little edgy about not doing the wrong thing. I want

1 to err on the side of caution.

2 So I'm following that instruction, Your Honor.

3 THE COURT: Are you now withdrawing the pleading
4 that you filed this morning?

5 MR. HALL: Is that what you wish for me to do,
6 Mr. Traylor?

7 MR. TRAYLOR: Your Honor, I -- Definitely.
8 That's what I've instructed --

9 THE COURT: Mr. Hall doesn't speak in riddles.
10 It's a yes or no question.

11 MR. TRAYLOR: The answer is yes.

12 THE COURT: Do you want him to withdraw that?

13 MR. TRAYLOR: Yes, Your Honor.

14 THE COURT: Okay.

15 MR. HALL: Yes, Your Honor. I withdraw.

16 THE COURT: The motion to withdraw the pleading
17 on behalf of the estate filed by Hall, Johnson today
18 is hereby vacated -- excuse me. The motion to
19 withdraw is granted.

20 MR. HALL: Thank you, Your Honor.

21 THE COURT: Okay. Excuse me. Mr. Leone, had
22 you --

23 MR. LEONE: Yes, Your Honor.

24 THE COURT: You've got to check your screen
25 every five --

26 MR. LEONE: I did, Your Honor, this morning. I
27 was going to raise that issue with the Court, but now

1 that it's withdrawn, it's moot.

2 THE COURT: Okay. Go ahead, Mr. Johnson (sic.)

3 MR. HALL: I'm sorry?

4 THE COURT: This is your motion to withdraw.

5 MR. HALL: Yes, Your Honor.

6 THE COURT: To withdraw your representation.

7 MR. HALL: Yes, Your Honor. I thought you just
8 said the motion to withdraw is granted, Your Honor.
9 I thought you were talking about the --

10 THE COURT: No, wait a minute. Let me make it
11 clear. I may have confused you only because
12 sometimes this case gets confusing.

13 MR. HALL: Yes, it does, Your Honor.

14 THE COURT: This morning, you filed on behalf of
15 the Estate of Roberta Mae Traylor a reply to the
16 defendant's special defenses.

17 MR. HALL: Yes, Your Honor.

18 THE COURT: And I heard here in open court
19 today, less than ten minutes ago, Mr. Traylor wants
20 you now to undo your filing of that reply.

21 MR. HALL: And I asked the Court for that, and
22 now I understand you're saying that withdrawal is
23 granted.

24 THE COURT: So you're now withdrawing the reply
25 to the special defenses in reply you filed on behalf
26 of the Estate of Roberta Mae Traylor.

27 MR. HALL: Thank you. Yes, Your Honor. We are

1 asking to withdraw from the case as --

2 THE COURT: Well, I can't get to that yet.

3 MR. HALL: Okay.

4 THE COURT: You have withdrawn the reply?

5 MR. HALL: On the instruction of my client, yes,
6 sir.

7 THE COURT: All right. Do you feel -- okay.

8 MR. HALL: I don't know who's going to file one
9 by the deadline, but that's another question.

10 THE COURT: Well, I don't know. Somebody may
11 come from out of the country and file an appearance.

12 MR. TRAYLOR: There's already a reply to the
13 special defense which was filed in the court.

14 THE COURT: Okay, all right. And what is that?
15 What number?

16 MR. TRAYLOR: It's dated, Your Honor, September
17 15th, and it's already in the court file.

18 THE COURT: What's the number?

19 MR. TRAYLOR: The entry number, I don't have it
20 in front of me, Your Honor, but it was filed
21 according to your last order that it should be filed
22 by the 15th at 3:00 o'clock, two days after the
23 defendant filed his answer, which I complied with.

24 THE COURT: Okay. You filed on behalf of the
25 estate?

26 MR. TRAYLOR: I filed it on -- well, that's --

27 THE COURT: Excuse me, yes or no?

1 MR. TRAYLOR: Your Honor, --

2 THE COURT: Never mind Your Honor. Answer me
3 yes or no. The pleading that you are relying upon,
4 the reply which you said was filed on behalf of the
5 estate, you, Sylvester Traylor, the man standing in
6 front of me, filing?

7 MR. TRAYLOR: I filed it on --

8 THE COURT: Okay.

9 MR. TRAYLOR: Okay.

10 THE COURT: I don't want to hear from you.
11 You're going to tell me that it was my order.

12 MR. TRAYLOR: To my knowledge, Your Honor, the
13 estate case, the wrongful death case has been
14 dismissed. Counts One to Six.

15 The only thing pending is my own cause.

16 THE COURT: Okay.

17 MR. TRAYLOR: And I filed it on -- according to
18 this Court's orders. I mean, it's Count Six -- One
19 to Six is dismissed. The only thing that's pending
20 is the spoliation and the CUTPA claim, which I filed
21 a reply to the defendant's answer and special
22 defense regarding those last two counts.

23 THE COURT: All right. You're a winner, you got
24 the last order. Hey, that's a big, big, big thing in
25 your life.

26 Go ahead, Mr. Hall.

27 MR. HALL: Your Honor, we're seeking to withdraw

1 as counsel in entirety regarding to all plaintiffs
2 who we may still represent. I believe at this point
3 that's the estate, but just so we're clear, we're
4 seeking to withdraw completely from the case.

5 The reason -- The number one reason for that is
6 we rely upon the Rule of Professional Conduct
7 1.16(a), and there are several subsections there, but
8 the one that's become apparent to the Court without
9 any further evidence being presented that may or may
10 not harm Mr. Traylor's case is that we have been
11 discharged, and that's been stated in open court
12 several times before the Court.

13 Your Honor, I'm walking a little bit of a --

14 THE COURT: I know.

15 MR. HALL: A little bit of a tight rope here,
16 so if Your Honor needs further justification other
17 than what's here, we can do whatever Your Honor
18 needs, but I don't want to introduce superfluous
19 material that either burdens the Court or
20 prejudices Mr. Traylor's case further.

21 THE COURT: I understand.

22 MR. HALL: Thank you.

23 THE COURT: Do you have anything further?

24 MR. HALL: Your Honor has read the --

25 THE COURT: I've read everything.

26 MR. HALL: -- exhibits, and I do have further
27 exhibits that state that his intent to sue us is

1 still out there, and that's been sent since then,
2 and, you know, I don't know what else to say other
3 than we get into this for all the right reasons and
4 I believe we have good faith and a righteous reason
5 to withdraw at this point.

6 MR. TRAYLOR: I consent with his withdrawal on
7 behalf of the estate.

8 THE COURT: You're the client. You're speaking
9 as the client.

10 MR. TRAYLOR: Yes, Your Honor. I don't know how
11 to go -- I think --

12 THE COURT: Administrator of the estate, okay.

13 MR. TRAYLOR: That part of the case has been
14 dismissed anyway. The only thing pending is the --
15 my own cause, spoliation and CUTPA claim.

16 THE COURT: Mr. Leone.

17 MR. LEONE: Yes, Your Honor. I take no position
18 with respect to Mr. Hall's motion to withdraw, but
19 depending on the Court's ruling on that, I may have
20 and I have filed additional motions to address the
21 state of affairs, if you will, given the -- again, it
22 depends upon the Court's ruling.

23 So I take no position relative to Mr. Hall's
24 motion.

25 THE COURT: There's no opposition to the motion
26 to withdraw?

27 MR. TRAYLOR: No, Your Honor.

1 THE COURT: As counsel for the estate and
2 Sylvester Traylor individually?

3 Any objection by anyone?

4 Motion is granted.

5 MR. HALL: Thank you.

6 MR. TRAYLOR: Your Honor, can I --

7 THE COURT: Who are you speaking for?

8 MR. TRAYLOR: On my own behalf, Your Honor,
9 Sylvester Traylor.

10 THE COURT: Okay.

11 MR. TRAYLOR: Attorney Leone filed on Friday a
12 motion to modify and amend your order regarding the
13 scheduling order.

14 Today I filed my objection to that. Could I
15 hand it to the Court?

16 THE COURT: No. You can hand it to the clerk.

17 MR. TRAYLOR: To the clerk. A copy of this has
18 already been handed to Monica in the clerk's office
19 for her to e-file, but if he wants -- Attorney Leone
20 wants to address these issues today, I've prepared
21 my response to that.

22 Basically, Your Honor, I'm objecting because I
23 feel that it's a delay tactic. Not only that, the
24 scheduling order of discovery, which he's now asking
25 to amend, should have been answered more than six
26 years ago when my wife passed away, more than four
27 years ago when Judge Hurley entered an order.

1 THE COURT: Oh, Judge Hurley. Well, he's dead.
2 His orders don't apply, do they?

3 MR. TRAYLOR: No. His orders don't die with
4 him, Your Honor.

5 THE COURT: Well, they don't.

6 MR. TRAYLOR: No, I don't think so, Your Honor.

7 THE COURT: They don't.

8 All right. Where are we now? Right now, with
9 the pleadings not closed.

10 MR. TRAYLOR: They are closed. I filed a
11 closing of the pleadings last week as well.

12 THE COURT: I know.

13 MR. TRAYLOR: Immediately after I filed my
14 reply.

15 THE COURT: You filed a reply which was only on
16 behalf of yourself individually.

17 MR. TRAYLOR: That's correct, Your Honor,
18 because the estate part has already been dismissed
19 and pending on the Appellate Court.

20 THE COURT: Is the estate's appeal still
21 pending?

22 MR. TRAYLOR: Yes, Your Honor.

23 And before I forget, Your Honor, I'd like to --
24 the estate that -- who's representing the doctor on
25 the estate, Attorney Farley, have expressed to me
26 that he would like to resolve all of this stuff.
27 Everybody go their separate ways, and he's asked me

1 to get new counsel because I've asked Attorney Hall
2 to contact him. He refused to contact him to resolve
3 everything.

4 THE COURT: Okay.

5 MR. TRAYLOR: Including the writ of mandamus,
6 that would include the appeals, that would include
7 this case --

8 THE COURT: Did you get anything from the
9 Appellate Court recently about the mandamus action?

10 MR. TRAYLOR: Yes. They asked for an extension
11 of time and the appeals court denied it. They only
12 gave them ten days and told them that they were not
13 to be given any more extensions.

14 THE COURT: Do you remember being in this court,
15 maybe it -- well, actually, it was over there, an
16 order entered on December 21, '09; do you remember
17 what the principal order was?

18 MR. TRAYLOR: Yes, Your Honor. That was --

19 THE COURT: What was it?

20 MR. TRAYLOR: That order was based on --

21 THE COURT: No. I asked you what the order was.
22 I don't know what it was based on.

23 MR. TRAYLOR: That was several orders on that
24 day, Your Honor.

25 THE COURT: All right. What's the principal
26 one?

27 MR. TRAYLOR: The one that I think you're

1 referring to is Sylvester Traylor cannot represent
2 any estate.

3 THE COURT: Right. And what case was that?

4 MR. TRAYLOR: What you was referring to?

5 THE COURT: Yes.

6 MR. TRAYLOR: Herberman (phonetic) versus --

7 THE COURT: No, no, no. Not the authority for
8 it. Was that in this case, that order entered --

9 MR. TRAYLOR: That was in this case, that's
10 correct.

11 THE COURT: Any other cases?

12 MR. TRAYLOR: In the -- In the writ of mandamus
13 case.

14 THE COURT: All right. And you were barred from
15 representing --

16 MR. TRAYLOR: The estate.

17 THE COURT: -- the estate in the mandamus
18 action.

19 MR. TRAYLOR: From my understanding, Your Honor,
20 that -- when you dismissed that, that went
21 automatically to the appeals court, which I have
22 filed my briefs and challenged the -- challenged the
23 case that you used, the authority which was
24 misrepresenting who I am.

25 THE COURT: All right, okay. Somebody had --
26 The estate had their right to appeal that.

27 MR. TRAYLOR: Well, Your Honor, --

1 THE COURT: You can do that as the
2 administrator, authorize a lawyer to do that, but you
3 didn't.

4 MR. TRAYLOR: That's up to the appeals to decide
5 whether or not your decision, Your Honor, was
6 correct. They haven't made a decision on whether or
7 not your dismissing that case was correct or
8 mischaracterizing me with the Herberman case.
9 Herberman was trying to represent his sister. I'm
10 not trying to represent anybody here. I'm
11 representing myself.

12 THE COURT: That's your grand ability to read a
13 case or misread a case.

14 MR. TRAYLOR: I met Mr. Herberman.

15 THE COURT: Huh?

16 MR. TRAYLOR: I met Mr. Herberman. I know he
17 tried to represent his sister. He acknowledged his
18 error. The Court acknowledged his error trying to
19 represent his sister. He acknowledged his error.
20 The Court acknowledged his error trying to represent
21 his sister.

22 His sister was instructed to, by probate court,
23 to represent the estate, not Mr. Herberman.

24 THE COURT: Well, I'm not going to argue that.
25 All right.

26 You recognize that Sylvester Traylor cannot
27 represent the estate, applied equally to the mandamus

1 action?

2 MR. TRAYLOR: I do not recognize that, Your
3 Honor. I -- That's your order, but I don't recognize
4 it because it's not according to law.

5 THE COURT: Wait, wait. I mean, I --

6 MR. TRAYLOR: It's also mischaracterized me with
7 the Herberman case, which I'm not trying to represent
8 a third party.

9 THE COURT: Okay. I have here the brief you
10 filed in the Appellate Court on behalf of the estate
11 and yourself individually.

12 Did you bring to the Appellate Court's attention
13 the fact that on December 21, 2009, I entered an
14 order barring you from representing the estate?
15 That's a question. I know it was a long time, so
16 take --

17 MR. TRAYLOR: No, no, no, no, no.

18 THE COURT: Yes or no. Did you tell --

19 MR. TRAYLOR: Yes. Yes.

20 THE COURT: -- the Appellate Court that?

21 MR. TRAYLOR: Yes. Yes, I did.

22 THE COURT: Well, here's your brief. Tell me
23 where it says that?

24 (Pause.)

25 MR. TRAYLOR: Okay. The only -- Do you want me
26 to read all of it, Your Honor?

27 THE COURT: What page is that?

1 MR. TRAYLOR: Page -- The very first page,
2 statement on the facts and proceeding.

3 THE COURT: May I see that?

4 MR. TRAYLOR: Yes.

5 THE COURT: And I'll find --

6 MR. TRAYLOR: Can I just tell you more because
7 there's more?

8 THE COURT: No.

9 MR. TRAYLOR: There's more here.

10 THE COURT: No, not me. Did you tell the
11 Appellate Court that Judge Parker had on December 21,
12 2009, barred you, Sylvester Traylor, from
13 representing the Estate of Roberta Mae Traylor in the
14 mandamus action and in the malpractice action?

15 The answer to that question can be answered yes
16 or no.

17 MR. TRAYLOR: I don't want to say yes or no
18 unless, Your Honor, I'm definitely sure of your
19 question, answer to your question.

20 THE COURT: Well, --

21 MR. TRAYLOR: But I know, like I was about to
22 say, is the very first page I was referring to your
23 final decision in dismissing that writ of mandamus,
24 and in that final decision, you referred to the
25 December 21st decision.

26 THE COURT: So the answer to your question -- my
27 question is no, I did not tell the Appellate Court

1 that Judge Parker had barred me, Sylvester Traylor,
2 from representing the estate in the mandamus action?

3 MR. TRAYLOR: No, that's not correct, Your
4 Honor.

5 THE COURT: Well, --

6 MR. TRAYLOR: Here it is right here, page 18.
7 It says despite the --

8 THE COURT: Who --

9 MR. TRAYLOR: -- above facts on December 21st,
10 Judge Parker issued an arbitrary and capricious
11 order, ordering all parties not to take any further
12 action in both Traylor and Awwa and Traylor versus
13 State of Connecticut Superior Court, pending the
14 appellant plaintiff obtain an attorney. Judge Parker
15 completely ignored the appellant plaintiff rights to
16 file an objection and/or a motion to reargue his
17 decision on December 21st, 2009. Needless to say,
18 and I apologize, I just put your name here, I didn't
19 say --

20 THE COURT: I remember my name.

21 MR. TRAYLOR: -- Judge Parker. Judge Parker's
22 decision was not based on any Supreme Court decision
23 which would alter -- I'm sorry, I'm not wearing my
24 glasses.

25 THE COURT: Put them on then.

26 MR. TRAYLOR: I don't have them. I forgot them.
27 All right -- alter the Supreme Court decision which

1 the plaintiff had presented to him concerning his
2 writ of mandamus was proper and pursuant to the rules
3 of this Court.

4 THE COURT: Now, we danced around for a long
5 time, and the answer to my question is no. Right?

6 MR. TRAYLOR: It's right here, page 18, Your
7 Honor.

8 THE COURT: Okay.

9 MR. TRAYLOR: And also, it's on the very first
10 page of the statement.

11 And also, from my understanding, it said --

12 THE COURT: Okay. The answer to my question is
13 no, and I know you were constitutionally unfit, admit
14 the truth.

15 MR. TRAYLOR: Can I show you another part where
16 I say --

17 THE COURT: No, don't bother. Don't bother.
18 I've read that. Okay, you may sit down.

19 Mr. Leone, --

20 MR. LEONE: Yes, Your Honor.

21 THE COURT: -- we've been dancing, talking about
22 the writ -- excuse me, the brief filed in the
23 mandamus action in the Appellate Court filed by Mr.
24 Traylor wearing both his hats, the estate and that.
25 Have you seen it?

26 MR. LEONE: Yes, Your Honor.

27 THE COURT: You want to see this?

1 MR. LEONE: No, thank you.

2 THE COURT: Okay. All right. The motion to --
3 the two motions to withdraw, having been granted,
4 i.e. the motion to withdraw the supposed reply filed
5 today on behalf of the estate and the motion to
6 withdraw as counsel made by Hall, Johnson, both
7 having been granted, where does that leave us?

8 MR. TRAYLOR: Your Honor, --

9 THE COURT: I didn't ask you. Go ahead.

10 MR. TRAYLOR: Your Honor, --

11 THE COURT: Who are you speaking on behalf of?

12 MR. TRAYLOR: I'm speaking on behalf of myself,
13 Sylvester Traylor, and Sylvester Traylor, the
14 Administrator of the Estate.

15 THE COURT: Well, wait a minute.

16 MR. LEONE: I'm going to object to that, Your
17 Honor.

18 THE COURT: Sustained.

19 MR. TRAYLOR: Because --

20 THE COURT: Sustained.

21 MR. TRAYLOR: Okay. So I'm speaking on behalf
22 of Sylvester Traylor, Your Honor, in my individual
23 and own cause.

24 Your Honor, first of all, I don't want to sound
25 disrespectful to you, and that's not my character.

26 What you have asked me and to articulate to you
27 something in that writ of mandamus that it's

1 throughout that document, even in the end when I
2 start talking about in my own cause. And -- But if
3 you want to hand it back to me, I could show you
4 that, too.

5 THE COURT: Never mind. I'm familiar with
6 what's in there.

7 MR. TRAYLOR: Your Honor, my -- my -- my -- my
8 my gut feeling is from my understanding and from what
9 have taken place in this court, I mean the disparity
10 treatment and four marshals in the courtroom, you
11 know, all I did, Your Honor, was file a writ of
12 mandamus to ask this Court to enforce another judge
13 order. That's it. I didn't try and come in here to
14 be hostile or disrespectful to this Court.

15 So where does it leave us now? The writ of
16 mandamus is in the Appellate Court, all right. Let
17 them decide whether or not Sylvester Traylor should
18 or should not have -- represent himself. Let them
19 decide whether or not Sylvester Traylor, the appeals
20 -- the first six counts was dismissed, that's in the
21 Appellate Court now.

22 The only thing pending, Your Honor, is the
23 spoliation and CUTA claim.

24 All I ask today, Your Honor, is that you make an
25 order to clear this up so that Sylvester Traylor may
26 proceed in his own cause regarding this spoliation
27 and CUTPA claim.

1 Keep in mind, I've already told Your Honor I do
2 have new counsel that will be filing an appearance as
3 soon as they figure out, if we figure out what this
4 Court wants to proceed, like you are asking, where
5 are we going to proceed. How are we going to go
6 forward.

7 THE COURT: You know what, several times you've
8 said you have new counsel coming in.

9 MR. TRAYLOR: Yes.

10 THE COURT: And you know what, I can't recognize
11 phantoms.

12 MR. TRAYLOR: No. Because --

13 THE COURT: Who is the new counsel coming in?

14 MR. TRAYLOR: Your Honor, as I have been
15 instructed not to give their name because this Court
16 will call their office, harass them and say why are
17 you not here. So they want -- They also -- They also
18 --

19 THE COURT: When that new counsel comes in, I'm
20 going to ask them if they made such an accusation
21 against the Court.

22 MR. TRAYLOR: They said when they was on
23 vacation --

24 THE COURT: All right.

25 MR. TRAYLOR: When they was on vacation, they
26 said do not give him our number. He even know.
27 Attorney James Hall know how bad it was for him when

1 he went on vacation, you know. Things wasn't going
2 right.

3 So I don't want -- another thing, the last thing
4 is this, Your Honor. The way you, again, no
5 disrespect to you, and I know that you want to try
6 and make this case move along quickly as possible,
7 it's been around a long -- I appreciate that, to be
8 honest, I really appreciate that, but when you start
9 changing the rules and say that you got two days to
10 file this versus fifteen days according to the
11 Connecticut statute, new counsel is saying it's not
12 right, what is he doing.

13 They don't want to be put under that pressure to
14 say that, here, they come in this case and then, even
15 Attorney Leone, you know, is shaking his head because
16 he's also requested extension of time, some of the
17 things you gave him regarding two days responses and
18 this Court, it's different than the rules of the
19 Court.

20 So new counsel is looking at all of this and
21 says, well, go back by yourself today, see how this
22 Court is going to proceed. If it's going to proceed
23 with you in your individual capacity for those two
24 counts, and the Court is going to give us the time to
25 come in and argue, I mean, they're ready to go to
26 trial.

27 THE COURT: They are?

1 MR. TRAYLOR: Two things, Your Honor. There's
2 two things going on right now. Either we'll go to
3 trial or, like I told Attorney Hall before he
4 withdraw, and I gave him the opportunity to contact
5 Halloran and Sage, attorneys who's representing the
6 writ of mandamus as well as the appeals, everything,
7 everything is over.

8 Those are the two aspects new counsel will come
9 back and do.

10 And the last thing is this, Your Honor.
11 Tomorrow I'm going into the hospital, and if you want
12 proof, I'll give you proof. I need some time --

13 THE COURT: I don't care if you're going in the
14 hospital. I wish you well.

15 MR. TRAYLOR: As I know you've been in the
16 hospital recently, also. I'm asking for time, Your
17 Honor, to recover.

18 THE COURT: How much time?

19 MR. TRAYLOR: Two weeks, two weeks, fourteen
20 days.

21 THE COURT: I gave you four months once.

22 MR. TRAYLOR: Your Honor, that's your choice. I
23 didn't ask for four months. I asked for six -- I
24 think about six days or six weeks because I had
25 counsel already, but then I knew that I was going in
26 the hospital. Attorney -- I came out of the hospital
27 on the day of your deadline.

1 I mean, Your Honor, believe me when I tell you
2 this.

3 THE COURT: It's difficult.

4 MR. TRAYLOR: When I say I'm not -- my intent is
5 not to be disrespectful of this Court or to you.
6 I've asked if you want to see that I need time. I'm
7 going in the hospital.

8 THE COURT: We're going to move along.

9 MR. TRAYLOR: In fourteen days, I can either --
10 I mean, as far as I know, pleadings have been closed.

11 THE COURT: I don't believe so.

12 MR. TRAYLOR: If Attorney Leone wants to modify
13 your order, I mean, I never heard of someone all of a
14 sudden to say, well, now I want to comply with the
15 discovery order six years or four years ago.

16 He's not just asking to modify your order; he's
17 asking to modify Judge Hurley's order.

18 THE COURT: Perish the thought.

19 MR. TRAYLOR: So, it's --

20 THE COURT: The pleadings are not closed. The
21 estate is now nonappearing and at some time a motion
22 for nonsuit and judgment will be asked for, I
23 suspect. I don't know. I'm not --

24 MR. LEONE: If Your Honor please, it's already
25 been filed. We filed it before I left the office in
26 anticipation of Mr. Hall's motion to withdraw as
27 counsel being granted.

1 MR. TRAYLOR: From my understanding, Your Honor,
2 how can you file something that doesn't -- I mean, a
3 nonsuit against something that doesn't exist? You
4 already dismissed that part.

5 THE COURT: Okay. So he'll go back to the
6 office tonight and he'll file another one. This will
7 be timely.

8 MR. TRAYLOR: The only thing that is pending is
9 the spoliation and CUTPA claim.

10 THE COURT: You see, you don't understand how
11 they're tied together. You can see that the estate
12 has no case on what I -- on Counts One through Six.
13 That's the ball game. Those cases have been
14 dismissed, your whole claim for spoliation is what I
15 would have gotten had the records not been spoliated
16 or destroyed or become nonavailable, unavailable.
17 And we've already established what the damages would
18 be in that case absent the alleged spoliation, and
19 that's a big cipher.

20 So the spoliation case seems to be worth
21 nothing.

22 MR. TRAYLOR: Well, this is the key.

23 THE COURT: Well, --

24 MR. TRAYLOR: From my understanding, when Judge
25 Leuba asked us to file briefs on spoliation and we
26 both had to do that back in May of 2009, when we
27 filed our brief, my understanding of spoliation, Your

1 Honor, according to Rizzuto and Davidson (phonetic),
2 Your Honor, that case went all the way to the Supreme
3 Court of Connecticut. It came down saying that a
4 person can file a separate claim separate from the
5 original counts, a tort by itself because of the
6 spoliation.

7 Now, what the Court is confusing --

8 THE COURT: That's what you have in Count Nine,
9 but your second amended complaint, which you did not
10 file until June 4 of 2009, so when Leuba was asking
11 you -- Judge Leuba was asking you questions, I don't
12 know what you're talking about.

13 MR. TRAYLOR: In May, he asked us to file our
14 briefs. In June, I amended my complaint for
15 spoliation. Now, what Attorney Leone is doing, here
16 it is a year later, he said hey, I want discovery on
17 spoliation. Well, he had plenty of time.

18 He had time to do that discovery on spoliation
19 as far back as when Judge Hurley ordered. This
20 spoliation, Your Honor, if the Court may permit me
21 just to argue this one point regarding the estate.

22 The estate is a separate entity that --
23 concerning the wrongful death of my wife, all right.
24 You have dismissed that part, aspect of it and sent
25 it to the appeals court.

26 THE COURT: I didn't send it to the appeals
27 court.

1 MR. TRAYLOR: I sent it to the appeals court,
2 Your Honor. That --

3 THE COURT: Another violation of my December 21,
4 '09 --

5 MR. TRAYLOR: That aspect of your dismissing
6 that part of this case is the estate. That was all,
7 however, according to Rizzuto and Davidson, what I
8 would have to do is say if they would not have
9 destroyed that -- those evidence, this is what I
10 would have succeeded.

11 THE COURT: Don't you realize that by my
12 dismissal of the estate -- well, the so-called
13 malpractice claims, Counts One through Six, that's
14 it. I dismissed them because of your not attaching
15 a similar healthcare provider. It has nothing to do
16 with how many records Dr. Awwa did or did not.
17 You laugh at me.

18 MR. TRAYLOR: No, I'm not laughing, Your Honor.
19 I'm not laughing. If I was laughing, I would be
20 laughing. This is a frown.

21 THE COURT: Oh.

22 MR. TRAYLOR: Your Honor, what you did was you
23 mischaracterized, and Judge Hurley's earlier decision
24 on this issue regarding a motion to dismiss.

25 A motion to dismiss should have been filed
26 equally according to the rules of the court, which
27 you turn a blinding eye to the negligence of

1 Attorney Leone, failing to file a motion to dismiss
2 seven months later after the case had been filed.
3 Judge Hurley had ruled that it was his motion to
4 dismiss was untimely, according to appellate
5 decisions. They agreed that a motion to dismiss
6 should be filed in its proper time.

7 THE COURT: What was the proper time?

8 MR. TRAYLOR: Thirty days.

9 Another problem is this with your --

10 THE COURT: Did you -- Did you read my decision
11 on your motion to reargue?

12 MR. TRAYLOR: Your Honor, your --

13 THE COURT: You mischaracterized, your word.

14 MR. TRAYLOR: Your -- Your -- Your decision,
15 you know, granted, Your Honor, the way your decision
16 was choreographed, it leaves out also my right to
17 amend my complaint for a defect, which I did. This
18 also was argued before Judge Hurley, and I got the
19 transcript.

20 The transcript clearly sets out that a plaintiff
21 does have a right to amend its complaint for a
22 defect, which I did within that three-year time
23 period which Attorney Hall -- I mean Attorney Leone
24 also brought up. There's a three -- not just a two-
25 year, there's a three-year clause that this Court
26 ignored.

27 THE COURT: Excuse me. Note this. Sit down

1 with your pencil. I don't have the foggiest idea
2 what you're talking about.

3 MR. TRAYLOR: Do you want me to give you a
4 statute number, Your Honor?

5 THE COURT: No. Never mind. Too confused.

6 MR. TRAYLOR: I'm looking at Connecticut General
7 Statute, Your Honor. Section 52-584, and it says --

8 THE COURT: Oh, that's the statute of
9 limitations.

10 MR. TRAYLOR: Limitation of an action for
11 injury for persons or property caused by negligence,
12 misconduct or malpractice or in excess of reasonable
13 care should have been discovered and accepted that
14 no such action may be brought more than three years.

15 I amended my complaint, the defect within that
16 three-year time period.

17 THE COURT: All right. You've confused me.
18 I have such a command of this file, I'm not going to
19 listen to anymore about that.

20 As of now, it's the Court's position that the
21 pleadings are not closed. I could be wrong, and you
22 can have that settled up in Hartford.

23 Anything further? You want to be heard on
24 anything? I don't understand what he talked about.

25 MR. LEONE: If Your Honor please, I think to be
26 accurate, I will refile a motion -- alert everybody
27 here I'm filing a motion for nonsuit against the

1 estate for being unrepresented and violating your
2 December 21st, 2009 order, which will leave Counts --
3 well, if acted upon and ruled upon and granted,
4 that would leave Mr. Traylor's case against my
5 clients on Counts Seven and Eight, and if Your
6 Honor is asking if there's any other business in that
7 matter, then I would ask for the Court to consider
8 my motion to modify your orders with respect to
9 discovery and/or filing of dispositive motions, but
10 --

11 THE COURT: That's the order you filed late
12 last week.

13 MR. LEONE: That is correct, Your Honor.
14 Correct.

15 THE COURT: I haven't studied it against --
16 against the -- I think it's 388 --

17 MR. LEONE: Yes, Your Honor, 389. Yes.

18 THE COURT: Okay, close enough for --

19 MR. LEONE: Your previous -- Your previous --

20 THE COURT: Scheduling order.

21 MR. LEONE: Yes, Your Honor. I just wanted --
22 I had filed actually right before I left the office
23 for today's hearing a motion for nonsuit, the
24 purpose of which was to, and I indicated in the
25 motion that should the Court grant Mr. Hall's motion
26 to withdraw, I was seeking a nonsuit against the
27 estate, Your Honor, --

1 THE COURT: Well --

2 MR. LEONE: -- to avoid any -- to avoid any
3 other problem, I'm going to file it first thing
4 tomorrow morning, and the motion will speak for
5 itself, and then we'll have -- well, then I would
6 ask the Court to deal with the motion to modify.

7 The only reason I'm pressing it today is I
8 believe that Your Honor's order that was entered
9 last Wednesday or Thursday indicated a dispositive
10 motion to be filed by this Thursday by the
11 defendants.

12 THE COURT: 24th?

13 MR. LEONE: Thursday, yes. The 24th.

14 THE COURT: Are you in a position to file any
15 dispositive motions as that term is normally used and
16 not including a motion for nonsuit and judgment?
17 Did I confuse you?

18 MR. LEONE: Yes, I'm easily confused, Your
19 Honor.

20 Am I prepared, if I understood your question,
21 am I prepared to file a dispositive motion regarding
22 --

23 THE COURT: Other than a nonsuit?

24 MR. LEONE: Not at this time, Your Honor. I
25 think -- Let me -- Let me be more specific, Your
26 Honor.

27 As to Mr. Traylor's individual claims, I think

1 that's an accurate representation. Again, my
2 understanding of the current state of the pleadings
3 is that the estate is still a party to the lawsuit
4 relative to, an unrepresented party relative to
5 Counts Seven and Eight.

6 THE COURT: Now, Mr. Traylor, do you understand
7 the estate's case goes in the -- it's invalidated
8 for -- dismissed, this, that or the other thing, you
9 know what your case is worth? It goes right down
10 the tubes with it. Your individual case.

11 I've said that in several documents that that's
12 what the law appears to be. I may be wrong. I may
13 be wrong. It wouldn't be the first time, but --

14 MR. TRAYLOR: I've talked to the lawyers, Your
15 Honor, who argued Rizzuto and Davidson. They all --

16 THE COURT: You what?

17 MR. TRAYLOR: They've (sic) talked to both sides
18 of the law firms that represented the case Rizzuto
19 and Davidson. Both of them have agreed that this --
20 I mean, Rizzuto and Davidson dealt with a ladder
21 being destroyed.

22 THE COURT: I'm familiar with it.

23 MR. TRAYLOR: The same thing, Your Honor. Here,
24 we're talking about medical records being destroyed.
25 This can act alone, separate from the estate,
26 separate from the -- the only thing that, from my
27 feedback, is this. It's up to the Court's

1 discretion to decide whether or not they are going to
2 enforce what Rizzuto and Davidson done, said if it
3 comes -- if they have to go all the way back to the
4 Supreme Court of Connecticut and say well, can't a
5 person act on a tort alone separate from the estate,
6 if that's -- if that have to happen, then it have to
7 happen.

8 However, this is my -- and respect to your
9 initial introductory here, Your Honor, regarding
10 whether or not the estate can act alone, if the Court
11 pleases, after my surgery, an attorney will file an
12 appearance just for the estate to please this Court.
13 However, you know, they also agree that there's two
14 separate entities. They're going to come in with the
15 same mindset as I am, that the only thing that is
16 pending is the spoliation and the CUTPA claim.

17 THE COURT: I don't believe that's true.

18 MR. TRAYLOR: Your Honor, if --

19 THE COURT: In this court, the malpractice,
20 Counts One through Six have been dismissed. They
21 still have some viability by virtue of the fact that
22 you purported to appeal. And you claimed the other
23 day, the last time we were here, that when you filed
24 the appeal from the dismissal of Counts One through
25 Six, you were filing that appeal on behalf of
26 Sylvester Traylor individually and the estate.

27 Now, that's in the hands of the Appellate Court,

1 and whether or not they're going to permit an
2 unlicensed person to practice law before the
3 Appellate Court.

4 MR. TRAYLOR: They have already, Your Honor.

5 THE COURT: They what?

6 MR. TRAYLOR: They already have allowed that.

7 THE COURT: Well, how do you know that?

8 MR. TRAYLOR: I sat in some of their hearings,
9 their cases. Not only that, Your Honor, I've
10 studied some of their case law.

11 THE COURT: Okay. Then in my judgment, wasted
12 a lot of our time because they issued Sophie Ellis
13 (phonetic). I followed Sophie to the letter, I
14 believe and so they're going to allow you to be the
15 lawyer in the Appellate Court, that's good.

16 MR. TRAYLOR: Because this Court have mis --

17 THE COURT: That's the wonder of the common law.
18 It completely changes with --

19 MR. TRAYLOR: That's true.

20 THE COURT: -- new circumstances.

21 MR. TRAYLOR: True.

22 THE COURT: All right.

23 MR. TRAYLOR: Your Honor, --

24 THE COURT: All right. Now, we got to get this
25 case moving despite your wishes.

26 MR. TRAYLOR: Can I address one last thing
27 that Attorney --

1 THE COURT: I just want to know when are you
2 going in the hospital?

3 MR. TRAYLOR: Tomorrow.

4 THE COURT: Where?

5 MR. TRAYLOR: I'm a veteran, so Providence VA.

6 THE COURT: All right. How long are you going
7 to be in there?

8 MR. TRAYLOR: Just -- I'll be in the hospital
9 for -- in and out. Somebody is picking me up.

10 THE COURT: Just day surgery?

11 MR. TRAYLOR: Yes. But I have a 48-hour notice
12 after all surgeries you can't drive, you can't do
13 anything. You're supposed to stay put. But then,
14 also, after that, it will take me maybe two weeks
15 just to walk. I mean, Attorney Hall will tell you
16 I barely could walk today. I shouldn't have been
17 driving to his office, and I got -- I mean, he
18 barely had to walk me back to the car. I was in
19 very much pain, Your Honor, and it takes me, I'd say
20 about two week to start to even walk and move about.

21 And even in that two weeks' time, Your Honor, I
22 mean, I can be mobile, but I'm not physically able to
23 really do a lot. I'm under a lot of restraint and a
24 lot of medication.

25 THE COURT: You've got somebody to drive you to
26 the hospital in Providence?

27 MR. TRAYLOR: Yes.

1 THE COURT: I would gather you could get
2 somebody in a week or so to drive you from way over
3 on Vauxhall Street to 70 Huntington Street.

4 MR. TRAYLOR: It's possible. Is this to -- Your
5 Honor, if I'm in pain, Attorney Hall will tell you,
6 it's just --

7 THE COURT: Never mind what he'd tell me.

8 MR. TRAYLOR: It hurts to even sit after this
9 type of surgery. So I'm asking if the Court can
10 please, you know, you know, out of not only in
11 respect to my request, but the rules of court. If
12 Attorney Leone filed anything, say a motion to
13 nonsuit, whatever reason, and we got to come back
14 according to the rules fifteen days to reply.

15 THE COURT: That's not true. Well, excuse me.
16 You have a different rule book.

17 MR. TRAYLOR: I think it's Connecticut General
18 Practice, Your Honor. I think we're reading from
19 the same book.

20 THE COURT: Well, hey, I'm not going to spend
21 40 hours trying to find this rule that I know isn't
22 there, but I'll check it out. Never mind.

23 Do you have anything to say, Mr. Leone?

24 MR. LEONE: Yes, Your Honor. I have a question.
25 I'm not sure what Mr. Traylor is asking this Court to
26 do. If he's asking this Court to essentially stay
27 the entire proceedings for two weeks while he has --

1 THE COURT: Is that what you're asking for?

2 MR. TRAYLOR: Yes. I think that would be -- two
3 weeks --

4 THE COURT: Okay.

5 MR. TRAYLOR: -- is enough time for me to get
6 back in here.

7 THE COURT: Okay. It's denied.

8 MR. TRAYLOR: Then, Your Honor, I have to
9 proceed and file a constitutional claim against this
10 Court for violation of my due process rights.

11 THE COURT: You forgot something. They always
12 go hand in hand in your papers. I think you ought to
13 file an equally and valid claim under the equal
14 protection provision. But you can do that. Do it
15 within the next, or whenever you want.

16 MR. TRAYLOR: Yes.

17 THE COURT: I'm just saying I'm not staying this
18 case.

19 MR. TRAYLOR: I don't think that's -- I mean,
20 two weeks, Your Honor, is not really a stay
21 according to the rules of court. It's fifteen days
22 to file a reply. I mean, if he wants to insist to
23 call it a stay, yeah, a stay, stay until the rules,
24 I mean, the standard -- whatever the rules are is
25 a response in fifteen days.

26 You want to call it a stay, fine. Call it a
27 stay, but I'm saying that I'm asking for the Court to

1 abide by its own rules and not try and put pressure
2 on me knowing that I got to go into surgery and say
3 that well, you got two days. That's a violation of
4 my due process.

5 MR. LEONE: If Your Honor please, I want to make
6 the record clear for today. There has been no
7 written motion filed by Mr. Traylor seeking an
8 extension, stay, whatever you want to call it.
9 That's my understanding.

10 Secondly, if this is an oral motion for a two-
11 week stay of the proceedings, I want it to be --
12 defendants on the record to object. We're objecting
13 to that, and I understand that Your Honor has already
14 ruled. But I want to make sure that they -- the
15 record is clear, that there has been no written
16 document filed with this Court, and it is an oral
17 motion and I'm objecting to it.

18 MR. TRAYLOR: Again, Your Honor, like I said,
19 I'm not filing the motion to stay. If you're asking
20 me if you call it a motion to stay, yes, that's fine.
21 But I'm telling -- I'm asking the Court just to abide
22 by its own rules of court. How long I should have
23 to respond to Attorney Leone's motion, whatever he
24 filed, that I could have the same standard of any
25 other person in Connecticut under those rules, the
26 time meant to file. That's all I'm asking.

27 THE COURT: Well, I don't know what -- I

1 suspect I know what he's going to file, and you want
2 me to stop the clock on the fifteen days you're
3 talking about?

4 MR. TRAYLOR: No. I mean, I'm saying whatever
5 the rules are, just abide by the rules. I'm not
6 --

7 THE COURT: Okay, all right. I'll do that.
8 I'll try to make a point of doing that.

9 MR. TRAYLOR: That's all I'm asking, Your Honor.
10 I don't think that's asking too much of this Court.
11 These are the rules of the court, just comply with
12 the rules of the court, that I file my response by
13 a certain time and date instead of putting pressure
14 on me and saying that you got two days to respond to
15 Attorney Leone's motion.

16 THE COURT: No, no. Everything that he's talked
17 about, filing the motion for nonsuit, which he said
18 he filed before he came here, he's going to do first
19 thing tomorrow morning.

20 MR. LEONE: I am, Your Honor.

21 THE COURT: All right?

22 MR. TRAYLOR: Yeah.

23 THE COURT: And there are time limitations built
24 in on that, not fifteen days. I'm not going to stop
25 the clock.

26 MR. TRAYLOR: No.

27 THE COURT: While you convalesce. And you've

1 already got -- you said a lawyer's going to be here
2 and file an appearance.

3 MR. TRAYLOR: I had Attorney -- I had James
4 Hall agree to take this case before your December
5 21st decision. The only thing -- the reason why he
6 didn't come in this case is I had to go in for
7 surgery, in and out for surgery.

8 THE COURT: You met with James Hall on December
9 9.

10 MR. TRAYLOR: December 15th.

11 THE COURT: December 9, in one of your
12 affidavits. It's December 9.

13 MR. TRAYLOR: I thought it was December --

14 THE COURT: 2009. You met with Hatfield and,
15 what's his name, Hasse, Attorney Hasse.

16 MR. TRAYLOR: Yep.

17 THE COURT: Okay.

18 MR. TRAYLOR: And Attorney Ann Hatfield. And
19 here's my doctor's note saying that I was in and out
20 of the hospital several times after I met with them.

21 THE COURT: Anything further?

22 MR. LEONE: No, Your Honor.

23 MR. TRAYLOR: I do have one last thing, Your
24 Honor.

25 THE COURT: Go ahead.

26 MR. TRAYLOR: Regarding two things. Attorney
27 Leone have said that he was -- he was going to

1 withdraw his first motion for nonsuit.

2 THE COURT: I was here during the entire thing,
3 and this is -- I didn't hear him say that.

4 MR. TRAYLOR: Yeah, he said it, Your Honor.

5 THE COURT: No, he didn't.

6 MR. TRAYLOR: He already have a motion that's
7 filed, he's going to file a different one tomorrow.

8 THE COURT: If he wears a different hat
9 tomorrow than he's wearing today, does it mean that
10 he threw away the hat that he was wearing today?
11 That's the kind of rationale that I don't understand.

12 MR. TRAYLOR: Well, let me make it -- okay.
13 Attorney Leone filed something today.

14 THE COURT: He filed a motion for nonsuit and
15 judgment before he came here.

16 MR. TRAYLOR: Yes. Now, he said that --

17 THE COURT: And it turns out that you're
18 claiming that was premature because Hall, Johnson
19 had not been -- the motion of Hall, Johnson had not
20 been granted.

21 It's now been granted for an hour.

22 MR. TRAYLOR: Exactly.

23 THE COURT: Mr. Leone said I'm going to file a
24 new motion for nonsuit and judgment, which,
25 according to your objection, would now be timely.
26 He did not say he was going to withdraw the motion
27 that he had filed this morning.

1 MR. TRAYLOR: Your Honor, --

2 THE COURT: He did not say that, did he?

3 MR. TRAYLOR: What he said was, as he -- and you
4 can read back for the transcript, if you want, that
5 that part, that would be vacated. He was filing a
6 new one because it's not necessary. It's not
7 necessary because now he have to. Because now
8 Attorney Hall have withdrawn.

9 Second, Your Honor. That's the first issue
10 that I wanted to deal with. And in that issue is, I
11 mean, I already talked about the time limit for me
12 to file a response to that, but the second thing that
13 I wanted to discuss with the Court is what I've
14 handed in to the Court to your clerk earlier is my
15 objection to defendant's motion to modify.

16 Your Honor, this is --

17 THE COURT: That's not before the Court today.
18 I have not read thoroughly Mr. Leone's motion that
19 you're objecting to. I'm taking no action on it
20 today. I got to read it first, and I'm not going to
21 take a recess now and study it in connection with
22 file number -- Entry Number 388 or 9, whichever it
23 is. I got to understand what's going on, and so I'm
24 not going to hear you today.

25 MR. TRAYLOR: Okay. Your Honor, then --

26 THE COURT: Then I think we can conclude.

27 MR. TRAYLOR: I think we're done, Your Honor.

1 No disrespect, I don't -- I'm not disrespecting a
2 person like that. As I said earlier.

3 I just -- thank you very much, Your Honor, for
4 your time.

5 THE COURT: Okay.

6 MR. TRAYLOR: Now is there any more orders
7 other than what you already said?

8 THE COURT: I don't know.

9 (Whereupon court adjourned.)

10

* * *

NO: CV-06-5001159S : SUPERIOR COURT
SYLVESTER TRAYLOR : JUDICIAL DISTRICT
OF NEW LONDON
VS : AT NEW LONDON, CONNECTICUT
BASSAM AWWA, M.D. : SEPTEMBER 20, 2010

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 New London, Connecticut, before the Honorable Thomas F. Parker, Judge Trial Referee, on the 20th of September, 2010.

Dated this 27th day of September, 2010, in New London, Connecticut.

Marielle Bottinelli
Court Recording Monitor

1 DOCKET NO. CV06-5001159-S : SUPERIOR COURT

2 SYLVESTER TRAYLOR, et al : NEW LONDON J.D.

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4
5 vs. : AT NEW LONDON

6
7 BASSAM AWWA, et al : JANUARY 19, 2011

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10
11 HEARD BEFORE:

12 The Honorable Thomas F. Parker, Judge Trial Referee

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14
15
16 APPEARANCES:

17
18
19 For the Plaintiff: (Ordering Party on Appeal)

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24
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26 For the Defendant:

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39 Cheryl C. Straub,
40 Certified Court Reporter
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THE COURT: We're here today for the hearing as required by Section 1-22(b) of the practice book dealing with the complaint the plaintiff, Sylvester Traylor filed with the Judicial Review Council on June 15, 2010.

Before we proceed on that, there are a couple of things I'd like to find out about. The first, will counsel identify themselves for the record.

ATTY. BERDICK: Counsel for plaintiff is Edward C. Berdick, your Honor.

ATTY. LEONE: Attorney Don Leone for the defendant, Dr. Awwa, and his professional corporation.

THE COURT: Thank you. The plaintiff filed or plaintiffs filed a motion to reargue plaintiffs' motion to transfer this case to Bridgeport. He filed this, I believe -- or reconsideration rather -- not reargument, reconsideration. I believe that he filed that on December 1st. Now, in that motion for reconsideration, the body of it is just one paragraph long. The last -- the second sentence thereof says, "See Judge Handy's application to the complex litigation dated June 15, 2009, entry number 313.50."

Now, Mr. Berdick, you signed and submitted that motion for reconsideration which included the

1 sentence about Judge Handy's application, so I
2 gather you believe it was important that the court
3 consider or take into consideration in some way
4 Judge Handy's application to have this case
5 transferred to the complex litigation docket; is
6 that correct?

7 ATTY. BERDICK: Yes, your Honor. If I may
8 elaborate why I think that?

9 THE COURT: No, I'll ask the questions right
10 now.

11 ATTY. BERDICK: Yes, your Honor.

12 THE COURT: Why do you think it was important?

13 ATTY. BERDICK: Because at that time we wanted
14 to have a reconsideration on that issue, I mean, and
15 that -- my understanding is that issue had been
16 somewhat articulated somewhat earlier in the
17 litigation, which I wasn't the attorney of record,
18 so that was relevant at that time. In my
19 determination, that was a relevant piece of -- you
20 know, those circumstances at that time are relevant
21 to that reargue that we were requesting at that
22 time.

23 THE COURT: Okay.

24 ATTY. BERDICK: For your consideration, you
25 know, to be aware of that previous argument.

26 THE COURT: Would you mark this as Court
27 Exhibit 1.

1 (The clerk complies.)

2 THE COURT: Mr. Berdick, would you take a look
3 at this. Would you hand this to Mr. Berdick.

4 ATTY. BERDICK: Yes, your Honor. Did you want
5 to direct me to any particular pages?

6 THE COURT: No. Look at it. Have you ever
7 seen it before -- excuse me. Have you ever seen it
8 before?

9 ATTY. BERDICK: I think I've seen this -- not
10 this transcript, a transcript of Hiller's hearing on
11 that.

12 THE COURT: Well, that's a copy of it.

13 ATTY. BERDICK: Yes, your Honor. I've seen
14 something like this before.

15 THE COURT: Did you have Traylor submit that to
16 the court?

17 ATTY. BERDICK: I don't recall, your Honor.
18 It's been not since a long time. I've been
19 hospitalized on and off for three weeks so, I mean,
20 I wouldn't want to rely on my memory right now to
21 that question.

22 THE COURT: How long would it take you to
23 remember whether you had Mr. Traylor file this with
24 the court?

25 ATTY. BERDICK: Pretty much going back to my
26 records in my office and seeing, you know, the file
27 pagination in the file.

1 THE COURT: So are you saying it may be that
2 you authorized or told Mr. Traylor to have this
3 transcript filed?

4 ATTY. BERDICK: No, I can't say that that's
5 what I'm saying. I can't make that -- I can't
6 answer your question truthfully because I don't
7 know, you know, at this time.

8 THE COURT: Mr. Leone, would you take a look at
9 Court Exhibit 1 -- oh, wait a minute. Before that,
10 you see that blue handwriting on the cover?

11 ATTY. BERDICK: Yes.

12 THE COURT: Whose handwriting is that?

13 ATTY. BERDICK: I don't know but I've seen
14 something like that before, a Xeroxed copy.

15 THE COURT: Okay. Mr. Leone.

16 ATTY. LEONE: If I may, your Honor, if I
17 understand what the court's exhibit is, this is a
18 transcript from the hearing that was held before
19 Judge Hiller on the motion -- on Judge Handy's
20 motion to transfer the case to complex litigation?

21 THE COURT: And that hearing was held in
22 Bridgeport before Judge Hiller on July 31 or June 31
23 -- June 30, 2009.

24 ATTY. LEONE: Yes, your Honor. I was at that
25 hearing. I'm not familiar with the transcript but I
26 was at the hearing, your Honor. I'm familiar with
27 what transpired.

1 THE COURT: Well, was a copy of that transcript
2 delivered to you or sent to your office in
3 mid-December of this month?

4 ATTY. LEONE: No.

5 THE COURT: And I can tell you that a copy was
6 not filed with the office of the clerk. Now -- and
7 it wasn't delivered to opposing counsel but that
8 transcript dated -- not dated -- was delivered to
9 the judges' secretary on December 13th by Mr.
10 Traylor.

11 ATTY. BERDICK: Okay.

12 THE COURT: Was that done with your knowledge,
13 Mr. Berdick?

14 ATTY. BERDICK: No, your Honor, it was not.

15 THE COURT: So Mr. Traylor did it on his own?

16 ATTY. BERDICK: I can't say that but --

17 THE COURT: Well, excuse me, your fingerprints
18 aren't on it then. I mean, you did not say, hey,
19 Mr. Traylor, get this --

20 ATTY. BERDICK: No, I did not, your Honor.

21 THE COURT: Okay. We have a problem here.

22 ATTY. BERDICK: Which is that, your Honor?

23 THE COURT: Well, it's a gross -- you're trying
24 to influence a judge by submitting -- you disavow
25 any knowledge of this but Mr. Traylor, he's been
26 around, he's had a couple cases, at least two, and
27 he knows the rules. If you try to submit something

1 or a party tries to submit something for the court's
2 consideration, it's to be filed with the court
3 clerk; you understand that?

4 ATTY. BERDICK: Yes, your Honor.

5 THE COURT: Mr. Traylor understands that. And
6 submitting it to the judges' secretary so that the
7 judge will get it is a gross violation of our
8 procedure. So what do I do about this? Do you have
9 any ideas, Mr. Berdick?

10 ATTY. BERDICK: I think you exercise judicial
11 discretion, your Honor.

12 THE COURT: Well, what should my -- what are
13 the range of things I could do?

14 ATTY. BERDICK: I don't know. The answer to
15 your question legalistically: I don't know the full
16 range of your options. I'm sure there's guidance on
17 that, you know, in the rules, I'm sure you're aware
18 of them right now but I'm sure there is and I'm sure
19 you're aware of it too what your ranges are.

20 (Pause.)

21 THE COURT: Mr. Leone, do you have any thoughts
22 on this?

23 ATTY. LEONE: If your Honor please, this is the
24 first I'm hearing of it so I'm at a somewhat
25 handicap but I will say to the court that this is
26 one of many instances, and I have addressed the
27 court -- this issue with the court many times in

1 motions, of Mr. Traylor's practice of filing things
2 and not sending them to opposing counsel. I've
3 asked for sanctions, I've asked for -- actually, in
4 one motion I've asked the court to not allow Mr.
5 Traylor to file anything without judicial review.
6 So aside from what I've already asked for in terms
7 of sanctions, this is yet another example of Mr.
8 Traylor's either ignorance of or total, blatant
9 disregard for the rules of practice and I think
10 being that this is multiple times that this has
11 occurred, I believe that any sanction that the court
12 deems appropriate should take into account the prior
13 transgressions on behalf of Mr. Traylor.

14 THE COURT: Mr. Leone, I have a question.

15 ATTY. LEONE: Yes, your Honor.

16 THE COURT: At any time -- I think you just
17 indicated that you brought this to the -- his filing
18 papers with the court without sending them to you as
19 opposing counsel --

20 ATTY. LEONE: Yes, your Honor.

21 THE COURT: -- that type of thing. And you've
22 moved for sanctions --

23 ATTY. LEONE: I have, your Honor.

24 THE COURT: -- and for orders appropriate?
25 Have any of those motions come before me?

26 ATTY. LEONE: No, your Honor. In fact, many of
27 -- I know of at least two of the motions that

1 haven't been heard, your Honor.

2 THE COURT: Have they ever been --

3 ATTY. LEONE: Well, at the time, your Honor,
4 when you got involved, we had the December hearing
5 and your Honor ordered a stay of all proceedings
6 until April 21st and, quite frankly, on April 21st
7 when things got rolling, again we had motion after
8 motion that were being addressed in the pleadings
9 and they have not been reclaimed, your Honor.

10 THE COURT: Okay.

11 ATTY. LEONE: So the long answer to your
12 question is you have not been asked to consider any
13 such motion, your Honor.

14 THE COURT: Well, since I've been blessed with
15 this case, I see this isn't the first time this has
16 happened since I've been aboard or I suspect it
17 hasn't.

18 (Pause.)

19 THE COURT: Mr. Berdick --

20 ATTY. BERDICK: Yes, your Honor.

21 THE COURT: -- on November 16th of this year
22 (sic) since you've been here in this case, and I
23 gather you don't have anything to do with the two
24 appeals Mr. Traylor has pending in the -- or had
25 pending in the appellate court now?

26 ATTY. BERDICK: No, your Honor. I'm aware of
27 those, he's told me about them, that's not my work

1 product but I am cognis (sic) of it, I have seen the
2 papers.

3 THE COURT: I'm not the appellate court.

4 ATTY. BERDICK: No, your Honor. I'm just
5 trying to answer your question.

6 THE COURT: Well, on November 16th of this year
7 --

8 ATTY. BERDICK: Yes, your Honor.

9 THE COURT: -- in an apparent attempt to
10 influence what I might be doing or have to do, Mr.
11 Traylor delivered to the secretaries' office on
12 November 16th of this year a motion for
13 articulation. He delivered a copy of this motion
14 for articulation to the secretaries' office with the
15 obvious intent that it would aid me in my decision
16 making. He did not file it with the clerk's office
17 here and I'm going to ask -- mark that as Exhibit 2.

18 (The clerk complies.)

19 THE COURT: Would you hand this to Mr. Berdick.

20 THE CLERK: Yes, sir (complying).

21 ATTY. BERDICK: Thank you.

22 THE COURT: Have you ever seen that, Mr.
23 Berdick?

24 ATTY. BERDICK: Not at this moment, your Honor.
25 Not in this form, no, your Honor, I have not.

26 THE COURT: Not what?

27 ATTY. BERDICK: Not in this form, your Honor.

1 No, I have not.

2 THE COURT: Well, it's a motion for
3 articulation filed -- submitted to the appellate
4 court.

5 ATTY. BERDICK: I mean, the answer is no, your
6 Honor. I have not seen this before. I'm cognizant
7 he was doing stuff in regards to the appellate
8 court.

9 THE COURT: Well, okay.

10 ATTY. BERDICK: Just answering your question.

11 THE COURT: Hold on. I've got another
12 question. Did you know he was filing that with the
13 or submitting that to the judges' secretary?

14 ATTY. BERDICK: No.

15 THE COURT: Mr. Berdick -- I mean, excuse me,
16 Mr. Leone --

17 ATTY. LEONE: Yes, your Honor.

18 THE COURT: -- look at Court Exhibit 2. Was
19 that delivered to you, served upon you or your
20 office on or about November 16 of this year?

21 ATTY. LEONE: I can't answer that question,
22 your Honor. I've seen many documents, I'm not
23 handling the appeal so I don't want to make that
24 representation, your Honor. I may have seen this
25 but I may not have been delivered as counsel in that
26 case. I might have received it from the counsel
27 who's representing Dr. Awwa in the appeal, so I

1 don't want to make that representation.

2 THE COURT: I'm also going to state that a copy
3 of this Court Exhibit 2 was not submitted to the
4 clerk of this court on or about mid-November -- on
5 or about the 16th of November and, if you gentlemen
6 would notice, the first paragraph of that --

7 ATTY. BERDICK: Yes, your Honor. Let me take a
8 look.

9 THE COURT: It involves me or at least my name
10 is mentioned in the first paragraph.

11 ATTY. BERDICK: That's correct, your Honor.
12 Your name is mentioned in the prefatory paragraph.

13 THE COURT: But that was delivered, ostensibly,
14 because you or Mr. Traylor or both of you thought I
15 should have this to help me and guide me in what I'm
16 doing in various matters.

17 ATTY. BERDICK: You're directing the question
18 to the wrong person. I'm not the counsel of record
19 on the appeal.

20 THE COURT: He can file anything he wants with
21 the appellate court. He can put it in a sleigh and
22 bring it down the chimney to them but filing it in
23 this court for the purposes of influencing this
24 court, he's out of bounds. He has a lawyer.

25 ATTY. BERDICK: Mmm-Hmm.

26 THE COURT: Does he listen to you?

27 ATTY. BERDICK: Yes, he does, your Honor.

1 THE COURT: Okay. Well, you whisper to him
2 outside he better not file anything more or submit
3 anything more to this court. You're the one that
4 does it.

5 ATTY. BERDICK: Yes, your Honor.

6 THE COURT: And you take responsibility for it.

7 ATTY. BERDICK: Now, just for clarification,
8 not to judge what you're saying, I understand what
9 you're saying but when you mean file, you mean you
10 don't want anything submitted to secretaries and
11 stuff like that?

12 THE COURT: Why do you submit it to the judges'
13 secretary? Because it's going to get to the to the
14 judge. Why do you want it to get it to the judge?
15 To influence the judge.

16 ATTY. BERDICK: What I'm saying, when I get to
17 that conversation with my client. I want to give
18 him a thorough --

19 THE COURT: He knows more about this than you
20 do. I'm not trying to denigrate or demean you.

21 ATTY. BERDICK: I'm clear on what you want me
22 to say to my client.

23 THE COURT: I'm going to say it here in open
24 court: Sylvester Traylor is not to file anything in
25 connection with this case with anyone in this court
26 building except through you, Mr. Berdick. I'm being
27 very specific it's about this case. He has lots of

1 other cases and he still can do what he wants and
2 about which you do not represent him. If another
3 thing is submitted for use in this case by Mr.
4 Traylor, there will be severe sanctions.

5 ATTY. BERDICK: Yes, your Honor.

6 THE COURT: And sanctions can run the full
7 gamut; a pat on the wrist, and that isn't what I'm
8 inclined to do, and it can get more severe and it
9 could even mean outright dismissal of this case.
10 And look at all the work that it would save me.
11 Look at all the work it would save me.

12 ATTY. BERDICK: Yes, your Honor.

13 THE COURT: So Mr. Traylor, in all likelihood,
14 is still going to file things because that's been
15 his habit but --

16 ATTY. BERDICK: If he files it through me
17 that's not the problem. It's if he --

18 THE COURT: If you file and put your --

19 ATTY. BERDICK: It's clear.

20 THE COURT: -- proverbial John Hancock on it,
21 you're counsel, fine. He's to deal through counsel
22 and --

23 ATTY. BERDICK: That's clear.

24 THE COURT: -- not end run you.

25 What do you have to say on any of this, Mr.
26 Leone?

27 ATTY. LEONE: Well, obviously it's your Honor's

1 discretion. I just, again, would point out to the
2 court that this -- this has been a pattern of
3 conduct that has permeated the history of this case
4 and I just want to make sure that everybody is on
5 notice. I will and I expect to the extent the case
6 is still pending I'm going to reclaim those other
7 motions.

8 And, if your Honor please, if we're off that
9 issue, I do have one issue with respect to today's
10 hearing.

11 THE COURT: Now, let me -- I have another thing
12 I want to bring up.

13 ATTY. LEONE: Yes, your Honor.

14 THE COURT: It's kind of related to this, what
15 we've been talking about. We were here, Mr.
16 Berdick, on October 18th and that was the first day
17 you had your appearance in and there was some
18 confusion about that but somehow an appearance had
19 been filed at the window for you by Mr. Traylor and
20 part of the system got caught up with it and part of
21 it didn't but whatever. And I have a portion of the
22 transcript of October 18th which raises a question
23 just -- on page 2 of the transcript I said -- well,
24 as we open most hearings, you then identified
25 yourself and I asked, "You have an appearance with
26 the court? Attorney Berdick: Yes, I do. I believe
27 it was electronically submitted in the file this

1 morning, on Friday."

2 Now, October 18th was a Monday or a Tuesday but
3 there's the confusion about it so I'm going to
4 repeat this: "I believe it was electronically
5 submitted in the file this morning on Friday and I
6 was here on (sic) 8:40 this morning. My
7 understanding is that I do have an appearance on
8 that. The Court: How do you know that? Attorney
9 Berdick: I conferred with the people that submitted
10 it electronically and they told me they did it." Do
11 you remember that?

12 ATTY. BERDICK: Yes, your Honor, that part of
13 it I do remember. The other stuff I'd have to look
14 into the transcript a little more.

15 THE COURT: Well, I'd like you to tell me who
16 you're talking about when you say the people that
17 submitted it electronically.

18 ATTY. BERDICK: Yeah.

19 THE COURT: Who are they?

20 ATTY. BERDICK: I was in another attorney's
21 office and I used their computer.

22 THE COURT: Okay. What's his name?

23 ATTY. BERDICK: It's not a his name, it's a
24 woman.

25 THE COURT: Well, let's change his to her.
26 What's the name?

27 ATTY. BERDICK: I mean, is it relevant to what

1 you're trying to say or it goes to the credibility
2 of the excuse? I mean, I'll give it. I'm just
3 saying why is the person's name --

4 THE COURT: Okay. I'm asking you to answer.
5 What's her name?

6 ATTY. BERDICK: Her name is Ann Palmer
7 Hatfield, your Honor, and it was submitted -- and
8 the reason I said that at the time is when it was
9 put in, they give you a printout it went through but
10 it was kicked back later on. So in the time I
11 transferred to the court, when I conferred back to
12 them, they said there's a glitch in the system. In
13 other words, because I was registered Friday,
14 inadvertently wrongful or correctly, they wouldn't
15 let you submit electronically. That's where the
16 confusion, you know what I mean? That's what I'm
17 trying to explain. Your understanding about being
18 confused is correct but there was a reason why it
19 was that way.

20 THE COURT: No, no --

21 ATTY. BERDICK: So I didn't actually submit it.
22 I was over the terminal when Ann was using her thing
23 to put it in for me.

24 THE COURT: So Attorney Hatfield used your --

25 ATTY. BERDICK: No, I gave her my juris number.

26 THE COURT: She used your juris number, which
27 is fine, I don't care, and you gave her your

1 password in addition to the --

2 ATTY. BERDICK: I typed in the password. I
3 think I'd have to -- the password was in trouble
4 because it was a long time since I used it. She
5 somehow knows my password. Whether she typed it in
6 or not, she's aware of that password.

7 THE COURT: Well, you need a password to submit
8 it, don't you --

9 ATTY. BERDICK: Yes, you do.

10 THE COURT: -- in addition to the password
11 (sic)?

12 ATTY. BERDICK: That's correct.

13 THE COURT: Let me ask you, does Mr. Traylor
14 have your password?

15 ATTY. BERDICK: I don't think so.

16 THE COURT: Has he ever submitted any of this
17 stuff electronically for you?

18 ATTY. BERDICK: No, your Honor.

19 THE COURT: What?

20 ATTY. BERDICK: No, your Honor.

21 THE COURT: Okay. And are you doing your own
22 submittals now?

23 ATTY. BERDICK: The last one -- I still use her
24 office sometimes but, yes, everything I've done, you
25 know, has been submitted by me in this case. I
26 mean, I took this case because the client needed
27 representation or else the case -- my understanding

1 at the time -- I could be wrong, at the time was it
2 was going to be dismissed by your Honor, you know,
3 so I came in. I realized there was a hectic
4 transition period which I'm finally getting up to
5 speed with with all the motions prior to my being on
6 record as the attorney in this case. I know there's
7 a lot of tangential and relevant issues that bleed
8 over into this case and I understand the court's
9 concerns, you know. There is -- there is equities
10 in your case, your Honor.

11 THE COURT: I don't have a case here.

12 ATTY. BERDICK: In your involvement in the case
13 there's equities that I understand and appreciate
14 and I'd like to go on the record to acknowledge my
15 gratitude for giving me an extension for this
16 hearing because of my hospitalization. I just want
17 to put that on the record because I do appreciate
18 it. You did help me out.

19 THE COURT: Mr. Leone, do you have any thoughts
20 on anything we've covered up until now?

21 ATTY. LEONE: No, your Honor, none other
22 than what I've already stated, your Honor.

23 THE COURT: You've indicated that you want --
24 you had some question or concern about what the
25 stated purpose of the hearing was today.

26 ATTY. LEONE: If your Honor please, I
27 thought I heard your Honor indicate that the purpose

1 of today's hearing was to have a hearing pursuant to
2 the practice book, 122(d) on a complaint that was
3 filed to the Judicial Review Council which was dated
4 June 15th. I've been provided -- I'm sorry, July
5 15th.

6 THE COURT: No, I think it's June.

7 ATTY. LEONE: The only complaint that I have
8 that Mr. Traylor filed against your Honor is one
9 that is signed and sworn to on July 8th, 2010, so if
10 there is -- if there is another complaint out there
11 and the purpose of today's hearing is to have a
12 hearing on that. I just want to ask the court if I
13 can have a copy of that hearing -- complaint before
14 the hearing starts because that's the only complaint
15 I have, your Honor.

16 THE COURT: I don't have the exact date but
17 about two orders ago I directed the clerk to give
18 notice of this hearing. It was then I think going
19 to be scheduled for December 21. Is that when you
20 had your --

21 ATTY. BERDICK: That's my understanding.

22 THE COURT: -- eye problem?

23 ATTY. BERDICK: 10 a.m., December --

24 THE COURT: And she was to attach to it a copy
25 of the Judicial Review complaint dated June 15. Did
26 she --

27 ATTY. LEONE: The complaint that the clerk's

1 office sent me is the complaint that I referenced
2 and it says received from Judicial Review Council
3 dated July 12th.

4 THE COURT: Well, that's the wrong one. What
5 did you get, Mr. Berdick?

6 ATTY. BERDICK: I just want to refer to him so
7 I don't -- I got the same thing he got I think but
8 it wasn't the right one when I read the transcript
9 for July 8th because when I read the transcript I
10 said I don't know if she gave me the right notice
11 that Judge Parker's talking about because I wasn't
12 at the July 8th.

13 THE COURT: No, I know.

14 ATTY. BERDICK: I read the transcript and you
15 made reference to a page 2, you know, whether that
16 was the letter my client sent you or page 2 of the
17 complaint --

18 THE COURT: Oh, just now I referred to page 2
19 in connection with the October 18th hearing.

20 ATTY. BERDICK: No, I'm not talking about that
21 page 2 reference, I'm talking about in the July 8th
22 -- when I read through the transcript of July 8th,
23 you talk about a page 2.

24 THE COURT: I'm going to take a brief recess.

25 (Whereupon, there is a recess in the
26 proceedings.)

27 THE COURT: Would you hand this to each counsel

1 and let them look at it.

2 THE CLERK: Mark it as an exhibit first?

3 THE COURT: I'm going to make copies of that.

4 (The clerk complies.)

5 ATTY. BERDICK: Your Honor, I hate -- if I may
6 speak?

7 THE COURT: Sure. Anything to enlighten.

8 ATTY. BERDICK: I'll try to, your Honor. To
9 the best of my recollection, and, you know, it's not
10 perfect -- I've been under some medications -- but I
11 don't think I did get a copy of this, do you know
12 what I mean?

13 THE COURT: I'm going to rectify that in the
14 next two minutes.

15 ATTY. BERDICK: What's that?

16 THE COURT: I'm going to rectify that in the
17 next two minutes.

18 ATTY. BERDICK: But I can't speak for Attorney
19 Leone.

20 ATTY. LEONE: If I may, your Honor. During the
21 recess I called my office to confirm the
22 representations that I had made to the court
23 earlier. The clerk's office did submit the
24 complaint form but the complaint form that our
25 office received was the complaint dated July 8th of
26 2010, not the one that your Honor has just handed.

27 THE COURT: Well, I'm going to ask our clerk

1 here, our very able clerk -- don't get all
2 embarrassed -- to take the piece of paper which Mr.
3 Berdick has and which is handed towards you, detach
4 the staple and make a copy of the last two pages of
5 what you have. That is the actual complaint.

6 Make three copies while you're at it.

7 THE CLERK: Yes.

8 THE COURT: So each of you should have now a
9 filled out complaint form which in the upper
10 right-hand corner has received, June 16, 2010,
11 Judicial Review Council.

12 ATTY. LEONE: Defense counsel does, yes, your
13 Honor.

14 ATTY. BERDICK: Your Honor, I do. I have a
15 copy of the document you're referring to, two pages.

16 THE COURT: Does it have in the upper
17 right-hand corner of the first page --

18 ATTY. BERDICK: It has a time stamped received,
19 Judicial Review Council, June 16th, 2010.

20 THE COURT: Okay. And that sheet has print on
21 both sides?

22 ATTY. BERDICK: Well, not our copy does. Our
23 copy has single sheets.

24 THE CLERK: I apologize. Let me go get that.

25 (Pause.)

26 ATTY. BERDICK: Your Honor, if I may, I don't
27 know what your intention is by showing this but I'd

1 like to take the opportunity to point out something
2 that's come to my attention from reviewing it for
3 the first time that might be relevant to the court.
4 My understanding from conversing with my counsel
5 (sic) is with regard to the bottom of the first page
6 is there a word with the letter A, in my order. In
7 all fairness to the court, if you're preparing for
8 this, your Honor, that incident took place on
9 December 21st, 2009, vice paragraph 4, subsection 8,
10 date that's in there June 15th, 2010, so in all
11 fairness --

12 THE COURT: I'm well aware of the carelessness
13 with which these complaints are filed.

14 ATTY. BERDICK: Well, I wanted to point that
15 out. And the second point, if I may --

16 THE COURT: Yes.

17 ATTY. BERDICK: -- quite frankly, I wasn't
18 prepared for this allegation here, this complaint,
19 for today this morning. I'd really like to have as
20 part of the reference material, if not evidence, is
21 that the transcript for December 21st, 2009, but I
22 just wanted to point those two points out.

23 THE COURT: Well, now do both of you have what
24 appears to be three pages of the complaint form, the
25 first one with the received in the upper right-hand
26 corner, the second page starting out with provide
27 copies of transcript and then -- well, the last part

1 of page 2 says, "I declare under penalties of
2 perjury," and then the third page is the signature
3 page? Do you each have that?

4 ATTY. LEONE: Yes, your Honor.

5 THE COURT: Now --

6 ATTY. BERDICK: Yes, your Honor.

7 THE COURT: -- if you notice on each page at
8 the very bottom in the shaded, elongated box there's
9 an indication, it says complaint against Judge
10 Parker, page one of eight, second page says two of
11 eight, then the third page says three of eight. I
12 don't know the explanation for that and I'm sure
13 that will be forthcoming. Mr. Berdick --

14 ATTY. BERDICK: Yes, your Honor.

15 THE COURT: -- you will have the burden of
16 proof such as it is in this proceeding. How long do
17 you expect to take?

18 ATTY. BERDICK: If we go forward today this
19 morning, your Honor, it's probably going to take --
20 I don't want to go forward this morning because of
21 this recent development here because I don't have
22 the transcript of the December 21st, 2009 hearing
23 which is relevant concerning the bullet I just read
24 on the statement of facts because that seems to be
25 the allegation that my client's making in regard to
26 his offense to the letter A during that proceeding
27 but, if we were to go forward, probably 45 to 50

1 minutes would be the best estimate I could give at
2 this time.

3 THE COURT: How many witnesses will you have?

4 ATTY. BERDICK: Given this, I will have my
5 client definitely as one witness and I didn't --
6 with the December 21st hearing I didn't prepare for
7 additional witnesses because I wasn't aware of it.
8 If we were going with the thing I thought we were
9 going for, I was going to ask that the court
10 consider Attorney Hall being called because my notes
11 indicate that -- from the court that it was a
12 continuation of the July 8th hearing, you know.
13 That was my understanding.

14 THE COURT: If you're trying to confuse me,
15 count it up as a success.

16 ATTY. BERDICK: Well, I apologize if I did
17 that.

18 THE COURT: I'm not --

19 ATTY. BERDICK: I was just reading this thing.
20 This hearing was originally scheduled for -- when I
21 read that transcript to page 15, it seems to be
22 going like there was going to be a hearing on
23 judicial misconduct but it then pivoted into other
24 things but, if we're not going to talk about that
25 complaint that I was prepared to talk about then
26 that's irrelevant, Attorney Hall would not be
27 called. So my only -- if we go forward today, I

1 would be calling Sylvester Traylor, my client, to
2 the stand and probably submitting the December 21st,
3 2009 transcript which I do not have a copy so that's
4 my fault because I do have that transcript in my
5 office. I didn't bring it today because it didn't
6 tie it up to the notice I had on what we were
7 talking about.

8 THE COURT: All right.

9 Mr. Leone -- well, I'm going to continue this
10 hearing until tomorrow morning at ten o'clock. I
11 think it's unfair to both sides and while I've tried
12 to lay this off on the clerk for sending you the
13 wrong complaint, I don't know that I am not equally
14 guilty, but I want you to have -- be able to come
15 prepared with the right documents.

16 Do you have any thoughts, Mr. Leone?

17 ATTY. LEONE: No, your Honor. The only thing I
18 would ask the court, could there be a brief recess
19 -- no, that's fine. I will have to -- I was
20 thinking of whether I have court appearances.

21 THE COURT: If we recess five or ten minutes
22 here until tomorrow --

23 ATTY. LEONE: I was thinking of my court
24 appearances tomorrow, if I have any court
25 appearances.

26 THE COURT: Where would they have to be, here?

27 ATTY. LEONE: They would likely be here, your

1 Honor, but I don't know that I have any --

2 THE COURT: No, I know.

3 ATTY. LEONE: -- but I would be here. I will
4 make arrangements to be here at ten o'clock, your
5 Honor.

6 THE COURT: Well, we can take a recess if --

7 ATTY. LEONE: I would --

8 THE COURT: -- it's a short matter.

9 ATTY. BERDICK: I would suggest for judicial
10 economy a 30 second phone call to find out his
11 schedule for tomorrow. Mine is good in the morning.
12 I have something in the afternoon. Ten o'clock
13 doesn't seem to be a problem for me.

14 THE COURT: I think this hearing might be more
15 than three hours.

16 ATTY. BERDICK: Okay, then it might -- I'd have
17 to change something.

18 THE COURT: Yeah, okay. Make arrangements
19 because I don't think we're going to finish
20 tomorrow.

21 All right. You each have now the correct
22 complaint, the June -- complaint dated June 15,
23 2010?

24 ATTY. BERDICK: Yes, your Honor. There would
25 be one additional thing if we go forward tomorrow,
26 that the defendant -- plaintiffs would like is the
27 December 21st, 2009 letter from the assistant

1 attorney general I think by the name of Kirsten
2 Rigney because I think that surfaced during the
3 hearing on the 21st. It might be, I'm not saying it
4 is material.

5 THE COURT: This is a hearing about what
6 happened on June 15 and the false representations
7 made under oath by the complainant.

8 ATTY. BERDICK: Oh, that's what it is, your
9 Honor?

10 THE COURT: Yeah.

11 ATTY. BERDICK: I'd like to go on the record to
12 say I'm not prepared.

13 THE COURT: You will be between now and ten
14 o'clock tomorrow. You have a copy or he has a copy
15 of the December 21 transcript --

16 ATTY. BERDICK: That's correct, your Honor.

17 THE COURT: -- and he has a copy of the June
18 15th transcript.

19 ATTY. LEONE: So if your Honor please, we're
20 going to be doing both of those complaints in
21 tomorrow's --

22 THE COURT: It's how he shapes his case.

23 ATTY. LEONE: Or is it contemplated by the
24 court that if the complainant wishes to we're going
25 to hear both of those?

26 THE COURT: I would think that could be
27 possible -- would be possible.

1 Anything further?

2 ATTY. BERDICK: Yes, your Honor. We got off
3 today, you know -- I kind of like really didn't have
4 notice of what the beginning of this hearing -- what
5 it turned out to be. I'm not complaining about it
6 except to the fact it was a disservice to my client
7 not to be able to speak to some of the issues that
8 came out on the record. One, we didn't have notice.

9 THE COURT: Didn't have notice of what?

10 ATTY. BERDICK: Of the first part of this
11 hearing this morning, your Honor.

12 THE COURT: Well, why do you have to have
13 notice? It's just Mr. Traylor thinks he can file
14 what he wants when he wants.

15 ATTY. BERDICK: I just want to put it on --

16 THE COURT: You're just surplus to him.

17 ATTY. BERDICK: -- as an advocate for my
18 attorney (sic), it does involve due process
19 implications not to have notice on certain things.

20 THE COURT: Now, if you think you need a full
21 hearing and you file a motion and maybe we'll hear
22 it and maybe we won't.

23 ATTY. BERDICK: I don't anticipate that, your
24 Honor.

25 THE COURT: How are you prejudiced?

26 ATTY. BERDICK: It's basically a constitutional
27 issue, your Honor, to have adequate notice to

1 prepare for a hearing or, you know, to prepare
2 actually.

3 THE COURT: Well --

4 ATTY. BERDICK: It's a fundamental right.

5 THE COURT: If you were deprived of anything
6 you want to say to me, you can say it tomorrow.

7 ATTY. BERDICK: Just putting it on the record,
8 that's all. Thank you.

9 Your Honor, if I could have a moment, my client
10 wants --

11 (Whereupon, there is a discussion off the
12 record.)

13 ATTY. BERDICK: Your Honor, my client's
14 conferred to me just recently that he'd like to put
15 it on today because it came up in the beginning of
16 today's hearing that he was instructed by the
17 appellate court of Connecticut to deliver a copy of
18 one of the documents, one of the exhibits that you
19 referred to earlier.

20 THE COURT: The motion for articulation?

21 ATTY. BERDICK: Okay.

22 THE COURT: Excuse me. You didn't get that
23 order from the appellate court?

24 ATTY. BERDICK: No, I didn't.

25 THE COURT: You call somebody tomorrow or
26 whenever you want to have a hearing on this that he
27 was instructed because the appellate court does that

1 itself so, if he lays that off on the appellate
2 court, bring the correct person here.

3 ATTY. BERDICK: As far as the other exhibit,
4 we'll address that tomorrow, your Honor. I guess I
5 don't want to antagonize the court. If we're going
6 to have this tomorrow, the only thing I'm not really
7 sure about -- I'm not the sharpest knife in the
8 drawer after this medication -- Attorney Leone
9 refers to two complaints. Could he go on the record
10 what the two complaints are that may be on the
11 record tomorrow and clear that up?

12 THE COURT: First they weren't complaints, they
13 were motions, I gather, in which he sought to inform
14 the court and perhaps have the court intervene in
15 Mr. Traylor's alleged habit of filing papers with
16 the court and not serving them on Mr. Leone or his
17 office.

18 ATTY. BERDICK: I apologize, I misunderstood.

19 THE COURT: Is that correct, my
20 characterization?

21 ATTY. LEONE: Yes, your Honor.

22 THE COURT: And he said he thought he -- I
23 don't know that he used this motion but he claimed
24 those motions, in other words, to get them up before
25 me or some judge now or in the near future.

26 ATTY. BERDICK: So the only thing we're going
27 to deal with tomorrow is the one you handed out,

1 that complaint as far as the complaint not, you
2 know, -- as far as the complaint?

3 THE COURT: The issues raised by the June 15th,
4 2010 complaint to the Judicial Review Council
5 wherein, according to you, although Mr. Traylor says
6 it occurred on June 15, you say it occurred on
7 December 21, 2009, and so you go with that wherever
8 you want to go and we'll see whether --

9 ATTY. BERDICK: Yes, your Honor. Thank you.

10 THE COURT: Anything further?

11 ATTY. LEONE: No, your Honor.

12 (Pause.)

13 THE COURT: Adjourn court, please.

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CERTIFICATION

I, Cheryl C. Straub, Certified Court Reporter, do hereby certify that the within and foregoing is an accurate transcription and the electronic version required by statute to the best of my ability of my stenographic notes taken in the matter of Sylvester Traylor, et al vs. Bassam Awwa, et al, heard on the 19th day of January, 2011, before the Honorable Thomas F. Parker, a Judge Trial Referee in the Judicial District of New London at New London, Connecticut.

Certified this 25th day of April, 2011.

Cheryl C. Straub,
Certified Court Reporter

1 DOCKET NO. CV06-5001159-S : SUPERIOR COURT

2 SYLVESTER TRAYLOR, et al : NEW LONDON J.D.

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4
5 vs. : AT NEW LONDON

6
7 BASSAM AWWA, et al : JANUARY 20, 2011

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9
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11 HEARD BEFORE:

12 The Honorable Thomas F. Parker, Judge Trial Referee

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14
15
16 A P P E A R A N C E S:

17
18
19 For the Plaintiff: (Ordering Party on Appeal)

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24
25
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39 Cheryl C. Straub,
40 Certified Court Reporter
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1
2 THE COURT: Counsel identify themselves for the
3 record.

4 ATTY. LEONE: Don Leone for the defendants, Dr.
5 Awwa and his professional corporation.

6 MR. TRAYLOR: Sylvester Traylor --

7 THE COURT: I said counsel.

8 MR. TRAYLOR: I have an appearance in the file,
9 your Honor.

10 THE COURT: You're not a lawyer, you know.

11 Excuse me --

12 MR. TRAYLOR: Okay. You want --

13 THE COURT: Just sit down, please.

14 MR. TRAYLOR: You want pro se not to appear for
15 themselves?

16 THE COURT: Sit down, please. Just sit down.

17 MR. TRAYLOR: I'm sitting. I'm moving down,
18 downward.

19 THE COURT: Down is your direction.

20 MR. TRAYLOR: All right.

21 THE COURT: Okay. Mr. Berdick.

22 ATTY. BERDICK: Attorney Berdick. I'm
23 representing the estate concerning the underlying
24 civil litigation. I received notice yesterday in
25 appearance form that my client wanted to represent
26 himself in regard to the judicial complaint that's
27 scheduled for today.

1 THE COURT: Okay.

2 ATTY. BERDICK: In all fairness --

3 THE COURT: In all fairness, I have to tell you
4 you're still in the case for both plaintiffs.

5 MR. TRAYLOR: And I object to it.

6 THE COURT: You object. Okay.

7 Did you get that?

8 THE COURT REPORTER: Yes, your Honor.

9 THE COURT: Okay. Thank you.

10 ATTY. BERDICK: By rules of professional
11 conduct in the allocation of the service of the
12 reputation (sic) is not up to me.

13 THE COURT: Did you get that?

14 THE COURT REPORTER: Yes.

15 THE COURT: You're in the case for Sylvester
16 Traylor, Administrator and you're still in the case
17 for Sylvester Traylor in his individual capacity.

18 MR. TRAYLOR: Under what rights?

19 THE COURT: Excuse me?

20 MR. TRAYLOR: Under what rights?

21 ATTY. BERDICK: Sylvester, please sit down.

22 THE COURT: In light of the right of this robe.

23 ATTY. BERDICK: Your Honor, I apologize for my
24 client's outburst.

25 Again, I'd like to insist I'm not trying to be
26 disrespectful to the court.

27 THE COURT: Whatever. Put whatever you want on

1 the record.

2 ATTY. BERDICK: For the record, I'd like to put
3 two things on. I want to respect the code of
4 professional -- 1.2 so I will not be representing
5 the client with regards to the judicial misconduct
6 hearing today if it goes on. Two is after the
7 hearing yesterday, I went back to my files and I
8 discovered something that was germane to the judge's
9 decision yesterday which I'd like to bring to the
10 court's attention.

11 One of the exhibits that was marked where it
12 had a blue 11, 28, 33 on the front page, I had
13 something like that in my file yesterday. So what
14 you showed me yesterday, my testimony might have
15 been incorrect because that writing looked almost
16 like a perfect copy of what was on your cover page
17 as an --

18 THE COURT: Do you have Court Exhibit 1?

19 (The court reporter hands Court Exhibit 1 to
20 the court).

21 ATTY. BERDICK: That marking on the cover of
22 your sheet was done probably if not at my office, it
23 was done by me or someone instructed by me.

24 THE COURT: Is that your handwriting?

25 ATTY. BERDICK: It may -- I'm not 100 percent
26 sure but it could be because -- the reason I came to
27 that is when I went back and looked at it, those

1 pages, I think it's 11, 27, and 33, they highlight
2 things when I reviewed the transcript that if we had
3 a hearing on the transfer to complex litigation,
4 which we didn't have, they were points that I would
5 make as an advocate for my client at that time. So
6 I'd like to correct the record that I might have
7 misstated, not willingly but after reviewing my
8 file. I don't know if you had the original or a
9 copy that was made when I reviewed it but I'm not
10 sure of that but that was done either by me or
11 someone instructed by me because normally I will
12 paper clip the stuff that I do on transcripts but it
13 could have been done by me or someone directed by
14 me, your Honor, so --

15 THE COURT: Let me ask you did you direct
16 anyone to have this brought to the secretaries'
17 office?

18 ATTY. BERDICK: No, your Honor, and I talked to
19 my client about that.

20 THE COURT: Never mind. Yes or no?

21 ATTY. BERDICK: No, your Honor. I don't think
22 I did, you know, to be honest with you.

23 THE COURT: Okay. Okay.

24 ATTY. BERDICK: So if that changes your
25 decision yesterday, I'd like to give that
26 information.

27 THE COURT: I didn't make any decision

1 yesterday.

2 ATTY. BERDICK: Okay. I misunderstood, your
3 Honor. Thank you, your Honor.

4 THE COURT: Are you ready to proceed now, Mr.
5 Berdick?

6 ATTY. BERDICK: Yes, your Honor.

7 THE COURT: You're still representing both
8 plaintiffs in this case today in this proceeding.

9 ATTY. BERDICK: Your Honor, I respect your
10 decision but I'm not going to comply with part of
11 it, you know what I mean? I'm putting it on the
12 record I can't.

13 THE COURT: Well, I'm telling you, you
14 understand --

15 ATTY. BERDICK: Yes, I do, the ramification.

16 THE COURT: And you understand that Mr. Traylor
17 might find some fault with this at a later time
18 against you?

19 ATTY. BERDICK: I understand, your Honor. I'm
20 in an ethical dilemma, I realize that. I'm not
21 saying you're wrong, I'm not saying I'm right. I've
22 thought about this for ten hours, your Honor.

23 THE COURT: Go ahead. Call your first witness.

24 MR. TRAYLOR: I call your Honor.

25 THE COURT: Excuse me?

26 MR. TRAYLOR: I call you.

27 THE COURT: Well, you just sit down, please.

1 Mr. Berdick, call your first witness.

2 ATTY. BERDICK: In regard to what proceeding,
3 your Honor?

4 THE COURT: This proceeding that brought you
5 here today.

6 ATTY. BERDICK: Okay, your Honor. Then, in all
7 due respect to the court and yourself, I cannot
8 comply with that order.

9 THE COURT: Even on behalf of the estate?

10 ATTY. BERDICK: No, your Honor. From my
11 understanding --

12 THE COURT: All right.

13 ATTY. BERDICK: -- it's not detrimental to the
14 estate in my determination, the allocation, after my
15 review last night. I'm not saying I'm 100 percent
16 right in any rationale on reaching my decision today
17 but I thought about this and I had the conclusion
18 that I have.

19 THE COURT: I'm directing you to proceed with
20 the purpose of the hearing today.

21 ATTY. BERDICK: Your Honor, with all due
22 respect, again, in reference to --

23 THE COURT: Forget the respect.

24 ATTY. BERDICK: I'm not going to --

25 THE COURT: Forget the respect, just do what I
26 tell you.

27 ATTY. BERDICK: Your Honor, I can't comply with

1 that. I don't have his agency. I'm no longer his
2 agent as far as an attorney. It terminated as of
3 four-something yesterday with regard to this part of
4 the proceeding or this --

5 THE COURT: Well, that's not true. I'm
6 ordering you, and Mr. Traylor cannot represent
7 himself.

8 MR. TRAYLOR: Am I invisible, your Honor?

9 THE COURT: Excuse me. Would you sit down.
10 When I want to hear from you, I'll talk to you.

11 MR. TRAYLOR: Okay. I'll wait on you.

12 THE COURT: Sit down. I'm not promising I'm
13 going to ask for you.

14 MR. TRAYLOR: I'll wait right here.

15 ATTY. BERDICK: Yes, your Honor. Continue.

16 THE COURT: Your appearance is still effective
17 for both plaintiffs and, if you're just going to say
18 I'll blow off the court, that's fine and dandy but
19 that could come back to hurt you.

20 MR. TRAYLOR: Are you threatening me, your
21 Honor?

22 THE COURT: I'm not threatening -- Mr. Traylor,
23 do you have a hearing aid?

24 MR. TRAYLOR: Do you have one?

25 ATTY. BERDICK: That's uncalled for. He's
26 addressing me.

27 THE COURT: Okay. I asked for it.

1 ATTY. LEONE: I think it's appropriate and I'm
2 going to ask the court to have a marshal in here in
3 light of --

4 THE COURT: How many?

5 MR. TRAYLOR: How about four?

6 ATTY. LEONE: -- prior things that have gone on
7 in this courtroom with respect to Mr. Traylor's
8 conduct. I think it's appropriate to have a marshal
9 in here.

10 THE COURT: Maybe. I've never asked for a
11 marshal nor have I asked for four of them or asked
12 for three of them or two of them.

13 ATTY. LEONE: I understand, your Honor.

14 THE COURT: I'll take a brief recess.

15 ATTY. LEONE: Thank you.

16 THE COURT: You may ask the marshal.

17 ATTY. LEONE: May I, your Honor?

18 THE COURT: Sure.

19 (Whereupon, there is a recess in the
20 proceedings.)

21 THE COURT: Mr. Berdick, have you had time to
22 think over where we're going with this, the way you
23 want it?

24 ATTY. BERDICK: Your Honor, since I took the
25 recess, is that what you're referring to?

26 THE COURT: While I was out.

27 ATTY. BERDICK: Somewhat, yeah. I consulted

1 with my client on some other matters but, you know

2 --

3 THE COURT: Let me tell you this, and Mr.
4 Traylor knows this: An order of the court must be
5 obeyed until in due course it's set aside by the
6 court itself or by an appellate court. It must be
7 obeyed. You have to obey them even if you think I'm
8 wrong.

9 ATTY. BERDICK: What order are you referring
10 to?

11 THE COURT: The order that you proceed with
12 this case and that you're still representing both
13 plaintiffs in this case.

14 ATTY. BERDICK: Your Honor, that's not my
15 understanding of the law.

16 THE COURT: Let me tell you --

17 ATTY. BERDICK: I have an oath to the law as
18 well as to comply with the judges.

19 THE COURT: You see where that oath is going to
20 take you. Are you going to proceed?

21 ATTY. BERDICK: No, your Honor, not as I
22 understand it.

23 THE COURT: Marshal, will you take Mr. Berdick
24 downstairs until he purges himself.

25 MR. TRAYLOR: No, no, no. Go ahead, go ahead.

26 (Pause.)

27 THE COURT: Mr. Berdick, I don't like doing

1 this.

2 ATTY. BERDICK: I know. I understand.

3 THE COURT: And this hearing I intend to
4 continue today, tomorrow at least, so at any time if
5 you inform the marshals that you've had a change of
6 heart -- Mr. Traylor, I don't want to hear from you.

7 MR. TRAYLOR: I'm not speaking. I'm grabbing
8 my stuff. I'm leaving.

9 THE COURT: No you're not.

10 MR. TRAYLOR: I'm not? Oh, okay, but you don't
11 want to hear from me.

12 THE COURT: Now you're getting it.

13 (Whereupon, Attorney Berdick is escorted from
14 the courtroom by the court marshal.)

15 THE COURT: Okay. Mr. Leone, what do we do
16 now?

17 ATTY. LEONE: I don't know, your Honor. We're
18 here on a complaint filed before the Judicial Review
19 Board. There is no person, I guess, that the court
20 is recognizing to pursue that complaint at the
21 present time and I don't know how, quite frankly, we
22 proceed.

23 THE COURT: Well -- recess just for a minute.

24 (Whereupon, there is a recess in the
25 proceedings.)

26 THE COURT: Would you mark in as Court Exhibit
27 1 -- the next one is 2? Oh, no, no, no. Start with

1 3.

2 (The clerk complies.)

3 THE COURT: All right. Court Exhibit 3 is a
4 complaint filed by Sylvester Traylor with the
5 Judicial Review Council, it's dated February 8,
6 2010. Also as a part of Court Exhibit 3 --

7 MR. TRAYLOR: Is it necessary for me to be
8 here, your Honor?

9 THE COURT: Excuse me? I didn't hear you.

10 MR. TRAYLOR: Is it necessary for me to be
11 here?

12 THE COURT: Yes.

13 MR. TRAYLOR: Would -- I will able to speak or
14 --

15 THE COURT: No.

16 MR. TRAYLOR: Okay, but you want me to stay?

17 THE COURT: Do you want to go downstairs? I'll
18 let you go downstairs.

19 MR. TRAYLOR: That's up to you.

20 THE COURT: Downstairs means in the company of
21 a marshal.

22 MR. TRAYLOR: That's up to you. I'm not
23 intimidated by you.

24 THE COURT: Court Exhibit 4 is a complaint
25 filed by Sylvester Traylor with the Judicial Review
26 Council against Thomas J. Parker. The complaint is
27 dated February 17, 2010.

1 Also, I would further describe Court Exhibit 3
2 as being against Judge Parker.

3 Court Exhibit 5 is a complaint by -- filed by
4 Sylvester Traylor dated June 15, 2010, against Judge
5 Parker.

6 Court Exhibit 6 is a complaint filed by
7 Sylvester Traylor dated July 8, 2010, against Judge
8 Parker and it's a complaint filed by (sic) the
9 Judicial Review Council. And also included in
10 Exhibit 6 is a letter from the Judicial Review
11 Council notifying the parties that the case has been
12 dismissed.

13 Mark these seriatim whatever the next numbers
14 are.

15 THE CLERK: Yes, your Honor.

16 (The clerk complies.)

17 THE CLERK: This is 7 (handing).

18 THE COURT: Court Exhibit 7 is a complaint
19 filed by Sylvester Traylor with the Commission on
20 Human Rights and Opportunities which was received by
21 the commission on November 14.

22 THE CLERK: This is 8 (handing).

23 THE COURT: Court Exhibit 8 is another
24 complaint filed by Sylvester Traylor with the
25 Commission on Human Rights and Opportunities which
26 indicates it was received by the commission on June
27 24, 2009.

1 THE CLERK: This is Exhibit 9 (handing).

2 THE COURT: Exhibit 9 -- Court Exhibit 9 is
3 another complaint filed by Sylvester Traylor with
4 the Commission on Human Rights and Opportunities
5 which indicates it was received by the commission on
6 October 19th, 2010.

7 MR. TRAYLOR: Your Honor, first of all, those
8 documents you're reading as court exhibits, I think
9 you would be wise to let me verify if these are
10 accurate. The complaints against you I would agree
11 but these are documents I'm not aware of that you're
12 referring to.

13 THE COURT: Well, you know, I've seen a lot of
14 your papers filed in this court and I think I
15 recognize your signature.

16 MR. TRAYLOR: Well, I object unless I could
17 verify it.

18 THE COURT: You what? I didn't hear you
19 because you're not supposed to be speaking. You
20 have an attorney who's presently in contempt of the
21 court at your bidding and we'll proceed the way I
22 want to proceed and you can take it up with the
23 appellate authorities.

24 The next court exhibit -- did I do 9?

25 THE CLERK: I believe you did.

26 THE COURT: Court Exhibit 10 is a complaint
27 filed by Sylvester Traylor with the Commission on

1 Human Rights and Opportunities indicating it was
2 received by the commission on October 19th, 2009.

3 Court Exhibit 11 is a complaint filed by
4 Sylvester Traylor which indicates it was received by
5 the commission on October 19th, 2009.

6 THE COURT: Next number?

7 MR. TRAYLOR: Would the court provide us copies
8 -- all parties copies of what you're marking?

9 THE COURT: There's a way of getting them. You
10 can go to the clerk's office and pay the required
11 fee. You have copies of all of these anyway.

12 MR. TRAYLOR: I don't know what you're marking.
13 I asked you to show me copies of it but you refused
14 that too.

15 THE COURT: Everything in due course.

16 Court Exhibit 12 is a 15 page complaint filed
17 by Sylvester Traylor and in addition to the 15 pages
18 of the complaint there are several pages of
19 exhibits. The complaint indicates it was filed with
20 the commission on April 6th, 2010. As I understand
21 it, this complaint was the basis for seven cases
22 before the Commission on Human Rights and
23 Opportunities filed in the year 2010. One of the
24 cases which Exhibit 10 was the predicate complaint
25 -- wait a minute, is that ten? Excuse me -- in
26 which Exhibit 12 was the predicate complaint to the
27 Commission on Human Rights and Opportunities case

1 number 1040332 and, in that case, the complainant
2 was Sylvester Traylor and the respondent was
3 Connecticut Behavioral Health Associates.

4 Here. Mark that as exhibit number --

5 THE CLERK: 13.

6 MR. TRAYLOR: Are you giving each other eye
7 signals here, you and Don Leone, your Honor?

8 THE COURT: I didn't hear you and -- I didn't
9 hear you and I don't want to hear from you. See,
10 apparently there's something wrong that you don't
11 hear me. You're to be -- sit there and be quiet.

12 MR. TRAYLOR: I'm invisible.

13 THE COURT: Oh, no. I see you.

14 MR. TRAYLOR: Okay.

15 THE COURT: And the respondent also in this
16 case with the last three digits of 332 about which I
17 was just speaking, the -- Dr. Awwa may also be a
18 respondent.

19 Exhibit 13 -- Court Exhibit 13 is a commission
20 document entitled a Merit Assessment Review. It's
21 dated August 17, 2010.

22 Exhibit 14 is a commission document wherein
23 Sylvester Traylor sought a request for early release
24 of jurisdiction on the case number we were just
25 talking about, the one with the case number ending
26 in the three digits, 332.

27 Next exhibit, that is, Court Exhibit --

1 THE CLERK: That was 14.

2 THE COURT: -- 14. It's the request for early
3 release for jurisdiction signed by Mr. Traylor but
4 also a release of jurisdiction letter.

5 Did you have a message for someone, marshal?

6 THE MARSHAL: No, I'm getting the guy's
7 property.

8 (Pause.)

9 THE COURT: Mark these in succeeding numbers.

10 THE CLERK: Yes, your Honor.

11 (Clerk complies.)

12 THE CLERK: This is 15, 16 (handing).

13 THE COURT: Exhibit 15 -- Court Exhibit 15 is a
14 Merit Assessment Review of the commission and a
15 release of jurisdiction letter from the commission
16 pertaining to Sylvester -- the case before the
17 commission bearing the last three numbers on its --
18 the last three numbers of the case of the
19 commission's case number is 333 and the respondents
20 in this case, 333, are The Law Firm of Chinigo,
21 Leone & Maruzo, LLP.

22 THE CLERK: These are 16 through 20
23 (handing).

24 THE COURT: Last one was 14 I think.

25 THE CLERK: 15. We're up to 16.

26 THE COURT: Oh, okay. Court Exhibit 16
27 involves a case with the last three digits in the

1 case number of 334. Case name before the commission
2 is Sylvester Traylor vs. Richard Blumenthal; also
3 contains a release of jurisdiction letter.

4 Court Exhibit 17 is a Merit Assessment Review
5 of the Commission on Human Rights and Opportunities
6 in the case bearing the end digits 335. The name of
7 the case is captioned by the commission as Sylvester
8 Traylor vs. The New London Police Department.
9 Exhibit 17 also includes a release of jurisdiction
10 letter.

11 Exhibit 18 -- Court Exhibit 18 is a Merit
12 Assessment Review from the commission with the case
13 number ending in 336. The name of the case before
14 the commission is Sylvester Traylor vs. Connecticut
15 State Division of Criminal Justice. It also
16 includes a release of jurisdiction number -- a
17 release of jurisdiction letter.

18 Court Exhibit 19 is a Merit Assessment Review
19 with the case number ending in 337. The name of the
20 case, according to the commission, is Sylvester
21 Traylor vs. The Connecticut -- State of Connecticut
22 Department of Public Health.

23 MR. TRAYLOR: For the record, your Honor, I
24 would like to state that I object to you referring
25 to another case that's pending before this court.
26 Proceed if you like.

27 THE COURT: I'll note that. Did the court

1 reporter get that?

2 THE COURT REPORTER: Absolutely.

3 THE COURT: Thank you. Your objection is
4 noted.

5 MR. TRAYLOR: Thank you.

6 THE COURT: Then we have 20 now?

7 THE CLERK: I think so.

8 THE COURT: Court Exhibit 20 for identification
9 -- Court's Exhibit 20 is a Merit Assessment Review
10 by the commission on the case ending with the digits
11 338 before the commission. The case name is State
12 of Connecticut Office of Chief Court Administrator
13 and there's also a release of jurisdiction letter.

14 THE CLERK: 21 (handing).

15 THE COURT: Court Exhibit 21 is a copy of a
16 complaint filed by Sylvester Traylor individually
17 and as Administrator of the Estate of Roberta M.
18 Traylor vs. The Town of Waterford. That action was
19 returned to this court in January 2005, subsequently
20 transferred to the Tolland Judicial District where
21 it was eventually settled and withdrawn.

22 MR. TRAYLOR: Once again --

23 THE COURT: You may sit down, Mr. Traylor.

24 MR. TRAYLOR: -- I object to you reading from
25 that case.

26 THE COURT: Sit down, Mr. Traylor.

27 Court Exhibit 22 is the copy of a complaint in

1 an action entitled Sylvester Traylor, Plaintiff vs.
2 Daniel Steward, First Selectman for the Town of
3 Waterford; Town of Waterford Police Department; Law
4 Offices of Ryan, Ryan & Deluca, LLP; Attorney Donald
5 Leone of Chinigo, Leone & Maruzo, LLP; Candice
6 Weigle-Spier; and Thomas Linwood.

7 MR. TRAYLOR: Once again, I object to you
8 entering that as an exhibit. It does not have
9 anything to do with this proceeding.

10 THE COURT: Why don't you save your breath.
11 You object to everything that's going on, right?

12 (No audible response.)

13 THE COURT: I'll take that as a yes, so please
14 don't bother to say you object any more.

15 Exhibit 23 -- Court Exhibit 23 is a copy of a
16 complaint which bears the date November 26th, 2010.
17 It's a complaint which was filed with this court in
18 November -- I don't have the exact date -- wherein
19 Mr. Traylor attached this complaint, Exhibit 23 --
20 Court Exhibit 23 to an application for a fee
21 waiver. The name of the action is Sylvester
22 Traylor, Plaintiff vs. Bassam Awwa, M.D. and
23 Connecticut Behavioral Associates -- Health
24 Associates, PC; Attorney Donald Leone of Chinigo,
25 Leone & Maruzo, LLP; Robert and Neil Knowles on
26 behalf of Advanced Teleessaging, Inc.; Richard
27 Blumenthal, Connecticut Attorney General on behalf

1 of the State of Connecticut; Superior Court, City of
2 New London, Joseph D'Alesio of the State of
3 Connecticut Court Operations; Connecticut Criminal
4 Division State's Attorneys, State's Attorney Michael
5 L. Regan, Supervisory Assistant State's Attorney
6 Lawrence J. Tytla, and Supervisory Inspector Phillip
7 Fazzino; Dr. Robert Galvin, Commissioner for the
8 State of Connecticut Department of Public Health;
9 the Connecticut Medical Insurance Company; and
10 Halloran & Sage, LLP, defendants.

11 Exhibit 24 is a copy of a complaint filed --
12 recently filed in this court entitled Sylvester
13 Traylor, Plaintiff vs. Bassam Awwa, M.D. and
14 Connecticut Behavioral Health Associates, P.C.;
15 Attorney Donald Leone of Chinigo, Leone & Maruzo,
16 LLP --

17 MR. TRAYLOR: Your Honor, you just read that
18 one. It's the same complaint.

19 THE COURT: Is there something wrong with you?
20 Didn't I tell you to just be quiet? You're allowed
21 to be here because this involves you very seriously
22 --

23 MR. TRAYLOR: Right.

24 THE COURT: -- but you cannot represent
25 yourself in this proceeding and that's because I
26 said so and any order I give is effective until
27 somehow it's rescinded on appeal or some other way,

1 all right? So just please be quiet.

2 Robert and Neil Knowles on behalf of Advanced
3 Telemessaging, Inc.; Richard Blumenthal, Connecticut
4 Attorney General; and on behalf of the State of
5 Connecticut Superior Court, City of New London,
6 Joseph D'Alesio of the State of Connecticut Court
7 Operations; New London Criminal Division State's
8 Attorneys, State's Attorney Michael L. Regan,
9 Supervisory Assistant Attorney Lawrence J. Tytla,
10 and Supervisory Inspector Phillip Fazzino; Dr.
11 Robert Galvin, Commissioner for the State of
12 Connecticut Department of Health; Connecticut
13 Medical Insurance Company; Halloran & Sage, LLP.

14 It appears that Exhibit 24, the complaint is
15 dated November 26 and, without close examination, it
16 appears to be the same complaint as was Exhibit 23
17 -- Court Exhibit 23.

18 The court is going to adjourn.

19 Mr. Leone, have you any thoughts of what
20 the court's options are at this point regarding
21 representation of the plaintiffs and what I should
22 do?

23 ATTY. LEONE: Well, if your Honor please, as I
24 understand the present situation, your Honor has
25 ordered previously and reiterated that order today
26 that Mr. -- I'm sorry, Attorney Berdick has an
27 appearance and is the only person authorized by this

1 court to represent both Mr. Traylor and the Estate
2 of Roberta Mae Traylor relative to today's hearing;
3 that's my understanding. In light of Mr. -- excuse
4 me, Attorney Berdick's refusal to obey the court's
5 order, I suppose all of the remedies that are
6 available to the court when any person/entity
7 disobeys a direct court order are available to the
8 court, which are any number of things and sanctions
9 up to dismissal of the case.

10 Having said that, your Honor, I believe the
11 case law is fairly clear -- not fairly clear, I
12 think it is clear that the court has discretion how
13 to proceed. Other than those comments, your Honor,
14 I don't know how else I can guide the court or
15 assist the court in deciding how best, if at all, we
16 should proceed further.

17 MR. TAYLOR: Your Honor, can I have time with
18 my attorney before you -- after -- so he can decide
19 what he wants --

20 THE COURT: You're going to speak to him as
21 administrator only.

22 MR. TRAYLOR: That's fine. However you want to
23 characterize it, I would like to speak to him and
24 determine how he wants to --

25 THE COURT: Sure. Take him downstairs.

26 THE COURT: We're going to adjourn until two
27 o'clock. I'm sorry, Mr. Leone, this proceeding has

1 gone today not as I envisioned it and I have more
2 exhibits to put in. The clerk will be here with the
3 exhibits and we'll put them out on the table and you
4 are free to look at them. You too, Mr. Traylor.

5 MR. TRAYLOR: I'd like copies of whatever
6 you're marking as exhibits, your Honor.

7 THE COURT: Is that a formal request?

8 MR. TRAYLOR: Yes, your Honor.

9 THE COURT: It's denied. You may have copies
10 in the normal chain of events.

11 MR. TRAYLOR: I'll file a fee waiver.

12 THE COURT: Oh, a fee waiver.

13 MR. TRAYLOR: I'm to commence at two o'clock?

14 (Pause.)

15 MR. TRAYLOR: For the record, Judge Parker's
16 phone has gone off.

17 THE COURT: That was real helpful. Thanks.

18 MR. TRAYLOR: So I'll talk to my attorney, see
19 how we proceed with this, your Honor. For the
20 record, also I cautioned I wanted him to stay when
21 you insisted him to --

22 THE COURT: Never mind. I don't want to hear
23 about that.

24 MR. TRAYLOR: So but I'll speak to him and --

25 THE COURT: You can tell that at the appellate
26 court.

27 MR. TRAYLOR: -- talk to him about how I'm

1 going to proceed with this. Okay. Thank you.

2 THE COURT: You will be here at two o'clock.

3 MR. TRAYLOR: I'll be here.

4 THE COURT: You're ordered to be here at two
5 o'clock.

6 MR. TRAYLOR: I have no doubt I will be here at
7 two o'clock.

8 THE COURT: If there's any doubt, we'll take
9 care of it.

10 MR. TRAYLOR: It will be an honor to be here.

11 THE COURT: Mr. Leone, I'm concerned. Are you
12 suggesting that you might be making a motion to
13 dismiss?

14 ATTY. LEONE: I don't know what I'm going to
15 do.

16 THE COURT: All right. Well, I don't know --

17 MR. TRAYLOR: Are you leading him, your Honor,
18 to make a motion to dismiss?

19 THE COURT: Excuse me?

20 MR. TRAYLOR: Are you leading him? Are you
21 directing --

22 THE COURT: No, I'm not directing him.

23 MR. TRAYLOR: He's the attorney.

24 THE COURT: That's why I'm speaking to him.

25 MR. TRAYLOR: Oh, oh.

26 THE COURT: Adjourn court, please.

27 (Whereupon, there is a recess in the

1 proceedings.)

2 THE COURT: Marshal, can you take the
3 restraints off, please.

4 (Pause.)

5 THE COURT: Mr. Berdick, what occurred this
6 morning, I'm not sure that you appreciate the
7 seriousness of the -- what occurred this morning.
8 You could be found in criminal contempt. Criminal
9 contempt. The shorthand is you disobeyed an order
10 of this court right in the presence of the court, so
11 there's no need for any further trial, anything
12 else. The court could find you in criminal
13 contempt. Criminal contempt, by statute, you could
14 go to jail for six months and be fined \$100. That's
15 serious stuff, particularly for an attorney.

16 Now, you apparently think because Mr. Traylor
17 purported to file an appearance last night in lieu
18 of your appearance, well, Mr. Traylor's now free to
19 act as his own lawyer and you're off the hook from
20 representing him in his individual capacity. Not
21 so. And Mr. Traylor realizes that too because he
22 attached to his appearance an order of this court
23 entered on September 10th of this year -- of 2010
24 and the last five or six paragraphs of that order
25 shows why his appearance yesterday doesn't instantly
26 free you of your obligations to continue to
27 represent him. Do you understand that?

1 ATTY. BERDICK: No, your Honor, I didn't see
2 that attachment. I understand what you're saying
3 but you're asking me a question in my belief that
4 you think I have comprehended what you have stated;
5 that's not the case. I did not see that attachment.

6 THE COURT: Well, take a look at it.

7 ATTY. BERDICK: Okay.

8 THE COURT: The last five or six and what I
9 have handed to the clerk for her -- for which the
10 clerk has now handed it to Mr. --

11 ATTY. BERDICK: Berdick.

12 THE COURT: -- Berdick is an order of this
13 court entered on September 10th. Also is the
14 appearance that Mr. Traylor filed yesterday and
15 attached to it was this order which he refers to in
16 his appearance, and that order entered on September
17 10th cites and states that such an appearance by Mr.
18 Traylor which occurred back in August or early
19 September doesn't take effect for at least ten days.

20 ATTY. BERDICK: Well, I appreciate your telling
21 me.

22 THE COURT: And beyond the rules, I think it's
23 about time that this court stopped the nonsense and
24 whether or not any objection is filed or not by you,
25 the defendant also has a right to object and the
26 court has a right to object because this case has
27 been dawdling around through the efforts of Mr.

1 Traylor. He's playing games with the court by his
2 in and out appearances. You know, you're the third
3 or fourth lawyer in this case and of course none of
4 the lawyers are any good compared to the lawyering
5 ability of Mr. Traylor.

6 MR. TRAYLOR: Your Honor, that's why I
7 voluntarily -- that is the reason why I filed an
8 appearance because of statements like that by this
9 bench, that's the request I filed to ask for
10 disqualification because of various statements like
11 that against my character. Now, if you want to
12 proceed, we can go forward on my behalf.

13 THE COURT: Oh, do I have to take your wishes
14 as what's going to run this courtroom?

15 MR. TRAYLOR: No. Those are your wishes, your
16 Honor.

17 THE COURT: Well, I don't have any wishes. We
18 were here to proceed as required by the statute or,
19 excuse me -- yeah, by the rule which has been
20 continued several times and you refuse to go
21 forward. Now, if you're willing to go forward, I'll
22 hold in abeyance any further proceedings on the
23 contempt. I'm not saying I've decided not to hold
24 you in contempt but we'll hold it in abeyance and
25 see how we do. Are you willing to proceed in
26 accordance with the court's order -- orders?

27 ATTY. BERDICK: Your Honor, not as stated

1 because that's not the issue. I recognize there's
2 an order now, I'm aware of this, but there's other
3 obligations I have as an attorney. Yesterday he
4 terminated a basic agency contract that underlines
5 all the attorney-clients' contracts we have. I was
6 terminated as his representative to be an attorney
7 to argue on his behalf. If you're ordering me, I
8 have to say no. If he's willing to engage me as an
9 attorney, that affects the dynamics of my rational
10 decision making then I will be in compliance of 1.2
11 of the code.

12 THE COURT: The rules are --

13 ATTY. BERDICK: I'm not trying to be in
14 contempt of the court. I have other competing
15 obligations as an attorney.

16 THE COURT: When you entered an appearance --

17 ATTY. BERDICK: Yes.

18 THE COURT: -- you were well aware of the rules
19 regarding appearing.

20 ATTY. BERDICK: Yes.

21 THE COURT: And when he entered an appearance,
22 you just don't disappear because of someone's whim.

23 ATTY. BERDICK: That's why I'm here, your
24 Honor.

25 THE COURT: It has to be with the permission of
26 the court so you can disregard to a certain extent
27 what Mr. Traylor has said. The rules say you're out

1 when the court lets you out and you're not let out.
2 You have not been let out, you still represent the
3 estate or Mr. Traylor as an administrator and you
4 still represent Mr. Traylor in his individual
5 capacity. Are you willing to proceed?

6 MR. TRAYLOR: Yes.

7 ATTY. BERDICK: Are you forcing me to proceed,
8 your Honor? Is that what we're getting to, back to
9 the contempt? That's how I view it. If I'm wrong
10 on that, please enlighten me.

11 THE COURT: Well, I believe you are.

12 MR. TRAYLOR: Well, your Honor, I'll make it
13 easy. I'll withdraw my appearance.

14 THE COURT: Excuse me, Mr. Traylor. You keep
15 your mouth shut.

16 MR. TRAYLOR: I'll withdraw my appearance.
17 Does that make it easier for you? Then he can
18 refile his appearance.

19 ATTY. BERDICK: Sorry about that, your Honor.
20 Continue, please.

21 THE COURT: Are you willing to proceed and
22 do your duties in accordance with the appearance you
23 have on file?

24 ATTY. BERDICK: No, your Honor. It's not
25 because I'm trying to be in contempt of the court,
26 it's just my understanding of the conflict I'm in.

27 THE COURT: What's the conflict?

1 ATTY. BERDICK: He withdrew my right to --

2 THE COURT: He fired you.

3 ATTY. BERDICK: The scope of his -- for me to
4 represent him was received from his judicial
5 complaint hearing that we're having today that we
6 started yesterday, it terminated last night. I'm
7 not allowed under basic agency law, the principal
8 says no longer can you be my attorney to represent
9 me in that matter, that's how I see it. I'm not
10 saying you don't have your rights to do what you're
11 doing. There's just a conflict. You're not
12 obligated by my obligations, I am, and I understand
13 that. I know why -- I'm not saying you're wrong,
14 I'm just saying I'm in a bind, that's all I'm
15 saying.

16 And I am the third or fourth, whatever,
17 attorney but let's make judicial notice -- I make a
18 request there's been a lot of judges assigned to
19 this case as well besides attorneys, so if I may put
20 that on the record. I'm not trying to be bolsterous
21 (sic) here. This thing is complicated, I understand
22 that, but I didn't start this thing yesterday, last
23 night it came to me -- you know, it was presented to
24 me in appearance form, a copy of it. I let opposing
25 counsel know about it as soon as I could and I
26 didn't have this sheet that you just handed me today
27 and then --

1 THE COURT: You only get what he wants you to
2 get.

3 ATTY. BERDICK: Roger, but the state I'm in
4 right now, I would need to settle down and look at
5 this and give it some thought. You've given it to
6 me, I just was down in the hoosegow for two hours,
7 whatever. I can't come up here and say, hey, is my
8 client under duress to do this or am I being forced
9 because I want to go back to my wife tonight and so
10 I say yes and go on. You put me in a tough spot and
11 I'll go back to my previous rational thought and say
12 no, I'm being asked to do something -- I'm not
13 rational now. I'm not going to change. I have to
14 go on my thought process when I showed up here this
15 morning. I'm sorry. I apologize too.

16 THE COURT: So you don't know whether you're
17 going to comply with the court's order or not?

18 ATTY. BERDICK: Your Honor, I do. Given the
19 constraints I perceive I'm in right now, it would
20 change -- if my client wants me to represent him in
21 this thing, that allows me to do -- that would
22 affect my decision making going forward. I wouldn't
23 have that conflict with the code so then I would say
24 yes.

25 It's not your order I'm having a problem
26 with, it's your order in conjunction with the code
27 1.2. My scope of representation was curtailed last

1 night.

2 THE COURT: Did you have a retainer agreement
3 with Mr. Traylor?

4 ATTY. BERDICK: Yes, I do and I did.

5 THE COURT: Do you have a copy of it here?

6 ATTY. BERDICK: It's down in the hoosegow with
7 my other inventoried belongings. It's actually the
8 original but --

9 THE COURT: Excuse me?

10 ATTY. BERDICK: It's not a copy, it's one of
11 two originals. One goes to the client and one's for
12 me.

13 THE COURT: You're faced with a very simple
14 question.

15 ATTY. BERDICK: I understand.

16 THE COURT: Are you going to comply with the
17 court's order to proceed today with what brought us
18 here, the hearing on the disqualification issue
19 prompted by Mr. Traylor's July -- June 15, 2010
20 complaint to the Judicial Review Council?

21 ATTY. BERDICK: I am if I have -- if he
22 retracts his appearance form in regard to today's
23 hearing, your Honor, my client. That's the only way
24 I can.

25 THE COURT: He seems to be nodding his head and
26 saying and he told me a few minutes ago that he'll
27 withdraw his appearance that he made yesterday --

1 filed yesterday.

2 ATTY. BERDICK: I would even though other
3 concerns bother me. Is he being under duress for my
4 benefit to get me out? That leaves another issue
5 that he can argue but -- I would be able to go
6 forward but I know it's going to raise the internal
7 issue for the court and myself. He could raise that
8 as an issue, I did that under duress for your
9 benefit but be that as it may.

10 THE COURT: How long do you think it will take
11 you to get out of duress?

12 ATTY. BERDICK: I'll be out of duress probably
13 in a couple hours probably, you know, but the court
14 -- it would probably be better if there's a time gap
15 so I can consult with my attorney -- my client and
16 say, hey, did you concede that because I'm in lockup
17 status or did you concede it because it's in your
18 best interest for me to go forward. With that
19 caveat, yes. If he withdraws the appearance, I
20 would go forward and represent him in the judicial
21 misconduct proceeding that's part of this ongoing
22 litigation.

23 THE COURT: You understand that the proceeding
24 on the disqualification issue that we're here for
25 yesterday or mainly today and we came here
26 originally yesterday is a part of the case, the
27 malpractice case?

1 ATTY. BERDICK: I am now, your Honor, but I
2 wasn't. At the time I was retained I was not aware
3 of that. There's many complaints that were out
4 there that I was not aware of in this particular
5 complaint, you know. My recollection is I came
6 onboard sometime in September. I could be wrong.

7 THE COURT: No, it was October 18th, give or
8 take a day.

9 ATTY. BERDICK: Okay. That -- I wasn't aware
10 of these outstanding judicial complaints so, to be
11 quite frank with you, I was kind of surprised that
12 this thing surfaced.

13 THE COURT: Well, you might have been aware of
14 it had you ever looked at the file.

15 ATTY. BERDICK: Roger.

16 THE COURT: Okay. Well, I'm going to give you
17 until 3:30 to find out whether you're in or out of
18 duress and you may confer with Mr. Traylor.

19 ATTY. BERDICK: Thank you, your Honor.

20 THE COURT: Mr. Traylor, I don't want to hear
21 from you.

22 MR. TRAYLOR: Well, I thought you was about to
23 get up.

24 THE COURT: Excuse me, sir. I don't want to
25 hear --

26 MR. TRAYLOR: I'm not saying anything. I
27 thought you was about to leave so we can go out

1 there and talk.

2 THE COURT: Mr. Berdick is still in custody.
3 We will vacate the courtroom. You don't have to go
4 downstairs, Mr. Traylor, unless you want to. The
5 marshals can take you downstairs but you and Mr.
6 Traylor will have until 3:30 to converse and
7 strategize and do whatever else you want to do. And
8 at 3:30 I'll come in and ask you whether you're
9 going to comply with the court's order or not. If
10 you're not --

11 ATTY. BERDICK: Thank you, your Honor.

12 THE COURT: And you're going to represent -- I
13 will ask you whether you're under duress.

14 ATTY. BERDICK: Yes, your Honor. Thank you. I
15 appreciate that.

16 THE COURT: Okay. Anything else, Mr. Leone?

17 ATTY. LEONE: No, your Honor.

18 THE COURT: We're all on sort of uncharted
19 waters here. I would ask that everybody except Mr.
20 Traylor and Mr. Berdick vacate this courtroom so
21 they can use it as -- for their conversations.

22 MR. TRAYLOR: Excuse me, your Honor. We just
23 need two appearance forms -- I mean, one so he can
24 file with --

25 THE COURT: I'll thoroughly canvass you on the
26 record if we're going to proceed.

27 MR. TRAYLOR: So he can file it in lieu of me

1 then that would be it.

2 THE COURT: No, we're not playing that game.

3 (Whereupon, there is a recess in the
4 proceedings.)

5 THE COURT: Mr. Berdick, what's it going to be?

6 ATTY. BERDICK: Your Honor, after conferring
7 with my client, under protest I decided to go
8 forward under the conditions you stated. The reason
9 I'm under protest I'm going forward -- part of it is
10 consideration drawing from the case from my
11 understanding consulting with him is out of the
12 situation that I find myself in if I would decide
13 otherwise.

14 THE COURT: Do you think you're mentally
15 capable of making such a decision?

16 ATTY. BERDICK: Yes, your Honor, if you gave me
17 sufficient time. I'm not 100 percent but most of
18 the days I'm not 100 percent.

19 THE COURT: But you feel you're competent
20 enough to make kind of an important decision for you
21 and your client?

22 ATTY. BERDICK: Exactly, that's correct, and I
23 appreciate the time you gave me to deliberate and
24 converse with my client.

25 THE COURT: Now, Mr. Traylor, you're
26 withdrawing your appearance that was filed
27 yesterday?

1 MR. TRAYLOR: Yes, I am, your Honor.

2 THE COURT: And you're doing it on the record
3 now --

4 MR. TRAYLOR: Yes, your Honor.

5 THE COURT: -- twenty of four --

6 MR. TRAYLOR: Yes, your Honor.

7 THE COURT: -- today, Thursday, the 20th of
8 January?

9 MR. TRAYLOR: As long as Attorney Berdick can
10 file his appearance in lieu of mine, that's not a
11 problem.

12 THE COURT: He needn't file. His appearance
13 has never -- he's never disappeared, so to speak.
14 Your attempt yesterday is a nullity as of now.

15 MR. TRAYLOR: But --

16 THE COURT: It will not take effect for ten
17 days.

18 MR. TRAYLOR: But my question is on the
19 judicial website my appearance is already there in
20 lieu of his.

21 THE COURT: The judicial website is wrong.

22 MR. TRAYLOR: Will they put it back?

23 THE CLERK: I can do it right here right now.

24 THE COURT: No, we'll take care of it later.

25 MR. TRAYLOR: Okay. That was it. I agree,
26 yes.

27 THE COURT: And you want it to be withdrawn as

1 if it was never filed yesterday?

2 MR. TRAYLOR: That's correct.

3 THE COURT: All right. Under those conditions,
4 you're ready to proceed?

5 ATTY. BERDICK: Yes, your Honor. Under the
6 conditions stated, I am.

7 THE COURT: All right. I'm going to continue
8 until tomorrow morning at 10 o'clock this hearing.
9 I'm not going to reraise what we did in your
10 absence. You were given the opportunity to present
11 your case in chief which you declined to do,
12 therefore, we proceeded.

13 MR. TRAYLOR: Excuse me. We never declined.

14 THE COURT: Mr. Traylor --

15 ATTY. BERDICK: Sit down.

16 MR. TRAYLOR: -- and deliver evidence.

17 THE COURT: Mr. Traylor, excuse me. You just
18 withdrew any excuse you might have for thinking you
19 could speak to me. You just withdrew as of roughly
20 twenty of four. That appearance you filed yesterday
21 is a nullity. Mr. Berdick is the sole attorney for
22 the estate and for Sylvester Traylor as -- in your
23 personal or individual capacity.

24 So we shall proceed tomorrow at ten. Mr.
25 Berdick, you're in the driver's seat.

26 Mr. Leone, anything further?

27 ATTY. LEONE: No, your Honor.

1 THE COURT: Anything further?

2 ATTY. BERDICK: No, your Honor. I have nothing
3 further to add.

4 THE COURT: You'll be here. Mr. Traylor and
5 Mr. Berdick are ordered to be here at ten o'clock
6 tomorrow morning; you understand that? Of course if
7 you read on TV or wherever it is that the court's
8 opening at a later date -- a later time tomorrow
9 than ten o'clock then the order is to be here
10 instead of ten o'clock whatever the postponement
11 time.

12 ATTY. BERDICK: Yes, your Honor. Understood.

13 THE COURT: Anything further? We'll adjourn
14 until tomorrow morning at ten o'clock or such later
15 date as the snow occasions.

16 (Whereupon, there is a recess in the
17 proceedings.)

18 THE COURT: You're hereby released from
19 custody, Mr. Berdick.

20 ATTY. BERDICK: Thank you, your Honor.

21 THE COURT: You better thank the marshal for
22 making me say that.

23 ATTY. BERDICK: Thanks.

24 THE COURT: See you tomorrow.

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CERTIFICATION

I, Cheryl C. Straub, Certified Court Reporter, do hereby certify that the within and foregoing is an accurate transcription and the electronic version required by statute to the best of my ability of my stenographic notes taken in the matter of Sylvester Traylor, et al vs. Bassam Awwa, et al, heard on the 20th day of January, 2011, before the Honorable Thomas F. Parker, a Judge Trial Referee in the Judicial District of New London at New London, Connecticut.

Certified this 25th day of April, 2011.

Cheryl C. Straub,
Certified Court Reporter

1 DOCKET NO. CV06-5001159-S : SUPERIOR COURT

2 SYLVESTER TRAYLOR, et al : NEW LONDON J.D.

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4
5 vs. : AT NEW LONDON

6
7 BASSAM AWWA, et al : FEBRUARY 3, 2011

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10
11 HEARD BEFORE:

12 The Honorable Thomas F. Parker, Judge Trial Referee

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

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18
19 For the Plaintiff: (Ordering Party on Appeal)

20
21 Attorney Edward C. Berdick
22 764 Voluntown Road
23 Griswold, Connecticut

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25
26 For the Defendant;

27
28 Attorney Donald Leone
29 Chinigo, Leone & Maruzo
30 141 Broadway
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40 Cheryl C. Straub,
41 Certified Court Reporter

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THE COURT: Counsel identify themselves for the record.

ATTY. LEONE: Attorney Leone, Donald Leone for the defendants, Dr. Awwa and Connecticut Behavioral Health Associates.

ATTY. BERDICK: Attorney Ed Berdick for plaintiff in both cases I guess, as himself and the Estate of Roberta Traylor, your Honor.

THE COURT: All right. We'll proceed.

MR. TRAYLOR: Sylvester Traylor is present also pro se acting in my own capacity. I filed an appearance.

THE COURT: Okay. I understand sort of what you've done.

MR. TRAYLOR: Okay. Thank you, your Honor. I want to make it for the record.

THE COURT: I'm just telling you we're going to proceed and you're not going to interfere. Your appearance is ineffective. This proceeding is not a game. This is not a game and you're having fun with this game, I know.

MR. TRAYLOR: I object to that statement, your Honor. It's not a game to me.

THE COURT: Spell it out to make sure the reporter has it.

MR. TRAYLOR: Is that an order?

1 THE COURT: Mr. Leone, did you get a batch of
2 papers purportedly prepared by and signed by or
3 whatever?

4 ATTY. LEONE: I have before me, your Honor,
5 several batches of papers appearing apparently filed
6 February 3, 2011. One's entitled an appearance,
7 another is entitled plaintiff's appeal to chief
8 administrative judge, The Honorable Judge Devine,
9 and the other is a lengthy document I guess entitled
10 on disqualification of the Honorable Judge Thomas
11 Parker, plaintiff's exhibits. I received those this
12 morning when I came to court.

13 THE COURT: Since ten o'clock or so?

14 ATTY. LEONE: When I walked in, your Honor,
15 they were on the counsel's table.

16 THE COURT: Okay. All right. Well, I have had
17 no order -- oh, well, let me ask you this, Mr. Leone
18 and Mr. Berdick: Do you know of any authority
19 whereupon litigants appeal to the chief
20 administrative judge or rather the administrative
21 judge that any proceedings are stayed?

22 ATTY. LEONE: No, your Honor.

23 THE COURT: Do you know of any, Mr. Berdick?

24 ATTY. BERDICK: Your Honor, I haven't
25 researched the issue that you've presented.

26 THE COURT: So you don't know?

27 ATTY. BERDICK: You're right, your Honor.

1 THE COURT: Okay. Well, Judge Devine not
2 having told me to stop these proceedings, I'm going
3 to proceed and, as far as I know, there's no such
4 authority. The chief administrative or the
5 administrative judge in the county does not have
6 appellate authority, does not have authority to stop
7 these proceedings and so if as of when you choose to
8 do it, that may be taken up in the appellate court.
9 I mean, you don't have enough issues for appeal
10 anyways so now you have one.

11 Yes, Mr. Leone.

12 ATTY. LEONE: I want to make it clear for the
13 court I have not had the opportunity to read these
14 documents and I'm not making any representations to
15 what they are but as I understand -- I agree with
16 your Honor's statement with respect to the
17 authority. I'm not aware of any authority whereby
18 the chief administrative judge has the ability --
19 authority to stay this proceeding which I understand
20 to be a proceeding pursuant to Practice Book Section
21 1-22, which is a hearing on a complaint or,
22 actually, in this case, two complaints filed against
23 your Honor. That's what we're here today for.

24 THE COURT: But they're in this.

25 ATTY. LEONE: That is correct, your Honor.

26 THE COURT: In Traylor vs. Awwa, 06-5001159.

27 ATTY. LEONE: That's correct, your Honor.

1 ATTY. BERDICK: Your Honor, if I may?

2 THE COURT: Yes.

3 ATTY. BERDICK: Opposing counsel has referred
4 to two complaints. Part of due process is we would
5 notify what those two complaints are. I was under
6 the impression there was one complaint that was the
7 subject of today's hearing.

8 THE COURT: Well --

9 ATTY. BERDICK: Also I'd like to address the
10 other -- in all fairness, part of procedural due
11 process is not only the opportunity to be heard but
12 reasonable notice so I can prepare to be heard about
13 the issues. The paper dumped today, you know,
14 affects me as well as it affects opposing counsel.
15 I'm in a tough spot. My perusal of them indicates
16 some of them are relevant to what I anticipate to be
17 the subject or the pertinent issues at the hearing
18 when --

19 THE COURT: Okay.

20 ATTY. BERDICK: Thank you, your Honor.

21 THE COURT: We'll proceed. Mark this as the
22 next exhibit.

23 THE COURT: The record will reflect that
24 Sylvester Traylor, the plaintiff in dual -- the
25 plaintiff here in his capacity as the plaintiff here
26 in his capacity as administrator of the estate of
27 Roberta Mae Traylor and he's also plaintiff in his

1 individual or personal capacity has just left the
2 courtroom and it's now approximately by the
3 courtroom clock 10:14. Is that accurate, Mr.
4 Berdick?

5 ATTY. BERDICK: Yes, your Honor.

6 THE COURT: Okay.

7 ATTY. BERDICK: It reflects the time and the
8 day.

9 THE COURT: And he left the courtroom?

10 ATTY. BERDICK: Yes, your Honor. He left this
11 courtroom, you know, my understanding is the 3rd of
12 February approximately 10:14.

13 THE COURT: Okay. What number exhibit is that?

14 THE CLERK: 25, the next one?

15 ATTY. LEONE: Yes, your Honor. Court exhibit?
16 If this is a court exhibit, it's Court Exhibit
17 Number 25.

18 ATTY. BERDICK: Your Honor, what is the subject
19 of the court exhibit?

20 THE COURT: I'm going to tell you in a minute.

21 ATTY. BERDICK: I apologize.

22 THE COURT: Court Exhibit 25 are two letters
23 from Martin R. Libbin, who is the Deputy Director of
24 Legal Services for the State of Connecticut Judicial
25 Branch. Attorney Libbin wrote a letter to Mr.
26 Traylor on October 16th, 2009, and he also wrote a
27 letter to Mr. Traylor on November 2, 2009. It may

1 be seen.

2 THE CLERK: (Handing.)

3 THE COURT: Have this marked as 27, whatever
4 the next number is.

5 THE CLERK: 26.

6 (Pause.)

7 THE COURT: Exhibit 26, let me describe it for
8 the record, is approximately three to four inch
9 papers -- of papers representing -- which are a
10 record of the complaints and grievances which Mr.
11 Traylor has filed or complained to the Judicial
12 Branch about judicial employees and the record, such
13 as it is, of what was done with those complaints or
14 other written and the like.

15 The court's going to take a very brief recess
16 at this time and should be back within five
17 minutes.

18 (Whereupon, there is a recess in the
19 proceedings.)

20 THE COURT: Would you mark this as --

21 THE CLERK: 27.

22 THE COURT: -- 27.

23 THE CLERK: (Marks exhibit.)

24 THE COURT: Exhibit 27 -- Court Exhibit 27 is a
25 record of the grievance panels or committees on
26 grievances filed by Sylvester Traylor in connection
27 with this case against Dr. Awwa.

1 (Pause.)

2 THE COURT: Is it more comfortable for you to
3 stand?

4 ATTY. LEONE: No, your Honor, but thank you.

5 ATTY. BERDICK: Your Honor, in your description
6 of Exhibit 27 are you purporting to say that it
7 encompasses the complaints that are subject today as
8 well, Exhibit 27?

9 THE COURT: I'm not saying anything. I'm just
10 saying that's the record of the grievances that Mr.
11 Traylor filed against various lawyers.

12 ATTY. BERDICK: I just want to peruse them and
13 kind of see if it includes --

14 THE COURT: Well, okay.

15 (Pause.)

16 ATTY. BERDICK: Apologize, your Honor, for the
17 time. I just want to review what's here as best I
18 can so I can make an informed decision on it.

19 (Pause.)

20 ATTY. BERDICK: Your Honor, regarding Exhibit
21 26, even though I've been reviewing 27 I haven't
22 gone through 26, there seems to be some duplication
23 of some of the paperwork within Exhibit 26 which in
24 general terms purports to be what I would call, for
25 lack of a better term, quite a few other documents,
26 you know, under that. I think you called Exhibit 26
27 -- I don't have it written down here but a file on

1 Sylvester Traylor of some sort.

2 THE COURT: Well, see, it's my understanding
3 that Mr. Traylor picked up the phone a lot and
4 called or filed papers, complaints, whenever he was
5 unhappy with judicial department employees and so
6 they've kept a record and tried to find out whether
7 the employee was misperforming or -- I don't know,
8 it's in there.

9 ATTY. BERDICK: What I'm just trying to say is
10 I went through a little bit less than an inch and
11 the previous exhibit with the two letters from,
12 what's his name, Martin --

13 THE COURT: Attorney Libbin, L-i-b-b-i-n.

14 ATTY. BERDICK: That October 16th letter shows
15 up in Exhibit 26 as well, you know, so what I'm
16 saying without the benefit --

17 THE COURT: There's a lot of duplication. All
18 right.

19 ATTY. BERDICK: I guess my point is for the
20 sake of posing for my client's interest in these
21 things, I think right now it might be prejudicial in
22 a sense that it might take your Honor's attention
23 away from what the issue is subject to the hearing.

24 THE COURT: Well, I'll try to be careful.

25 ATTY. BERDICK: I don't want to beat it any
26 further. I haven't gone through the whole thing yet
27 but it seems to be, yes, purports to be what you say

1 it is. That's what I wanted to put on the record.

2 Thank you.

3 THE COURT: All right. You may proceed -- oh,
4 let me put on the record by -- according to the
5 clock here in the courtroom, Mr. Traylor returned to
6 the courtroom at 10:35.

7 MR. TRAYLOR: Excuse me, your Honor. I didn't
8 know if it was mandatory to stay here. Did you
9 order me to stay here?

10 THE COURT: No. I don't care whether you're
11 here or not.

12 MR. TRAYLOR: Another thing, the reason why I
13 left is to --

14 THE COURT: Excuse me.

15 MR. TRAYLOR: -- regarding whether or not there
16 was --

17 THE COURT: Mr. Traylor --

18 MR. TRAYLOR: -- to confirm --

19 THE COURT: Mr. Traylor --

20 MR. TRAYLOR: -- whether or not you can or
21 cannot proceed in this case. It's Connecticut
22 General Statutes 42 -- 43-38, disqualification of
23 presiding judge.

24 THE COURT: Right.

25 MR. TRAYLOR: And I just handed you a copy of
26 that. That's the reason why I left, your Honor.

27 THE COURT: Okay. Don't take this because it

1 has nothing to do with this proceeding and you
2 described it, I believe, as part of the statute.

3 MR. TRAYLOR: The practice book, I'm sorry.

4 THE COURT: Well, it makes a difference.

5 MR. TRAYLOR: And I just want to ask if your
6 Honor may please -- I was wondering if this is
7 trying to implicate me as a criminal during this
8 hearing. Earlier on the 19th you told my attorney
9 --

10 THE COURT: Would you please speak through your
11 attorney.

12 MR. TRAYLOR: Okay. Can you ask him the
13 question, please.

14 THE COURT: The answer is no.

15 ATTY. BERDICK: Your Honor, the paper you're
16 referring to, section of the practice book which my
17 client provided me a copy of, I guess what I'd like
18 to do for the sake of my client's interest is, one,
19 find out if the court's motive today is to go into
20 the judicial complaint or to capture some other
21 things in addition to that. And two is --

22 THE COURT: Stay tuned.

23 ATTY. BERDICK: Okay. The other thing, your
24 Honor, is Section --

25 THE COURT: And, Mr. Berdick, you're a lawyer?

26 ATTY. BERDICK: Yes, your Honor.

27 THE COURT: Okay. Use your own thinking as a

1 lawyer.

2 ATTY. BERDICK: I am, your Honor.

3 THE COURT: Oh, okay.

4 ATTY. BERDICK: Okay. All right. I'm in a
5 bind today. I understand the court's, you know,
6 position as well.

7 THE COURT: You may proceed then. It's my
8 ruling right now 43--

9 ATTY. BERDICK: 38.

10 THE COURT: -- -38 of the practice book is not
11 germane to this proceeding. Go ahead with your --
12 in this proceeding.

13 ATTY. BERDICK: Okay. Your Honor, today I'd
14 like to focus on what my understanding the reason
15 for the hearing today was that a complaint on the
16 15th of 2010 that was filed. Is that -- your Honor,
17 is that your understanding of the genesis of this
18 hearing originally slated for? Because earlier
19 testimony --

20 THE COURT: Look it, I'm not here to answer
21 questions --

22 ATTY. BERDICK: Okay.

23 THE COURT: -- notices --

24 ATTY. BERDICK: Roger.

25 THE COURT: -- whatever.

26 ATTY. BERDICK: Okay. Your Honor, I'd like to
27 -- earlier in the hearing, I think it was the 19th,

1 maybe the 20th of this month, the clerk at the time
2 mentioned that the transcripts would be available
3 for this hearing and I'd like the December 21st
4 transcript of 2009 to be marked in an exhibit for
5 us.

6 THE COURT: Go ahead.

7 THE CLERK: (Marks exhibit.)

8 THE COURT: What is this?

9 ATTY. BERDICK: It's my understanding that
10 that's the transcript from the December 21st, 2009
11 show cause hearing.

12 THE COURT: In what case?

13 ATTY. BERDICK: Two cases I think, your Honor.
14 From reading the transcript, it involved I guess
15 there was a case against the State of Connecticut
16 through the superior court system as well as the
17 Traylor vs. Dr. Awwa, the Estate of Roberta Traylor.

18 THE COURT: Okay.

19 ATTY. LEONE: If your Honor please, the only
20 thing I would like to add is on the back of I guess
21 what is being marked as Plaintiff's Exhibit 1 --

22 ATTY. BERDICK: One.

23 ATTY. LEONE: -- is handwriting on the back of
24 a blue sheet of paper. I don't know the extent to
25 which that's being offered as evidence in this --

26 ATTY. BERDICK: Good point.

27 ATTY. LEONE: -- in this matter but to the

1 extent it is anything outside of the official
2 transcript, I'm going to object to it.

3 THE COURT: Sustained. May I see it?

4 ATTY. BERDICK: For the court's attention,
5 there are marks on the transcript, it's not a clean
6 transcript.

7 THE COURT: Why don't you just remove the last
8 page.

9 ATTY. BERDICK: Yes, your Honor. I will do
10 that.

11 THE COURT: Excuse me, a blue cardboard or
12 almost cardboard piece of paper.

13 ATTY. BERDICK: Plaintiff's Exhibit 2 I'd like
14 to have --

15 THE CLERK: Is this an exhibit here?

16 ATTY. BERDICK: I wasn't at this hearing, I'm
17 not knowledgeable about it.

18 THE COURT: You weren't at the hearing?

19 ATTY. BERDICK: Not the one I'm referring to
20 right now, your Honor.

21 THE COURT: Oh, all right.

22 ATTY. BERDICK: But it's an order to show
23 cause, it's dated October 6th, 2010.

24 THE COURT: Can you tell me how that's relevant
25 to --

26 ATTY. BERDICK: Yes, your Honor.

27 THE COURT: -- this proceeding?

1 ATTY. BERDICK: Part of the argument I'm going
2 to make in the canons for -- one of the canons for
3 my client is that hearing on the 21st of December
4 2009 raised a couple of issues that our argument is
5 that the judge might have been biased, you know, and
6 the way we need to get there is Sophie vs. Ellis
7 (sic), which was decided December 1st.

8 THE COURT: December 1 --

9 ATTY. BERDICK: Okay. December 1 --

10 THE COURT: -- '09.

11 ATTY. BERDICK: -- '09, and that order of show
12 cause was issued the same day.

13 THE COURT: Mmm-Hmm.

14 ATTY. BERDICK: So what I'm trying to get on
15 the record as far as exhibits and eventually
16 evidence is, you know, the perception to a
17 reasonable person could be that that's kind of
18 quick, you know, that the decision comes down one
19 day, show cause order comes down the same day.
20 December 1st was a Tuesday, you know, I'd have to go
21 back to the calendar.

22 THE COURT: Well, wait a minute. When did it
23 become effective?

24 ATTY. LEONE: That's a good question because it
25 should be effective that same day but without --

26 THE COURT: Okay. So did I --

27 ATTY. BERDICK: It could be, your Honor, if

1 further testimony reveals that, you know, the thing
2 was -- depends on what time it's published, what
3 time of the day on the 1st, it's that theoretically
4 possible that the order had gone out before? I'm
5 not saying it is, we're just trying to raise that
6 someone to draw an inference if we can.

7 THE COURT: Are you going to have evidence that
8 I issued the order before Tuesday or whatever
9 December 1 was?

10 ATTY. BERDICK: No, I'm not.

11 THE COURT: Are you going to have evidence of
12 that?

13 ATTY. BERDICK: Unless it's by testimony, your
14 Honor. I don't see us getting there.

15 THE COURT: Well, wait a minute. You're the
16 one putting it in.

17 ATTY. BERDICK: Roger. I'm answering.

18 THE COURT: Okay. Now, you're a lawyer.
19 You're a lawyer licensed to practice book law.

20 ATTY. BERDICK: I'm trying to be careful, your
21 Honor.

22 THE COURT: Okay. Very careful. Are you going
23 to proffer evidence to the effect that the court
24 issued its order to show cause dated December 1,
25 2009, before December 1, 2009?

26 ATTY. BERDICK: No, your Honor, I am not.

27 THE COURT: Okay. What's the relevance of this

1 order to show -- I have no objection -- not
2 objection but --

3 ATTY. BERDICK: Relevance. I'm trying through
4 circumstantial evidence and other pieces of evidence
5 to say, hey, this is not, you know, like two weeks
6 later, a day later. This is like the same day. And
7 with the letter that I'm going to submit, I guess
8 it's Kirsten Rigney, her involvement in this might
9 show that maybe there was some type of collusion or
10 opportunity for collusion to know what the damn
11 appellate decision was ahead of time. It was issued
12 after the thing. It's say, hey, this is quick.

13 ATTY. LEONE: If your Honor, please, has
14 Exhibit 2 been offered as an exhibit?

15 ATTY. BERDICK: Yes.

16 ATTY. LEONE: Thank you. And just -- I'm
17 sorry, your Honor, for the record, that is the
18 court's order to show cause dated December 1, 2009?

19 ATTY. BERDICK: No. That's not my
20 understanding. It's just the paperwork.

21 ATTY. LEONE: Then could the clerk of the court
22 identify what Exhibit 2 is.

23 THE CLERK: I think we have -- I know we have
24 previous exhibits that are not here. We might be
25 looking at three and four.

26 ATTY. LEONE: All I want to know is what Mr.
27 Berdick has just offered as Plaintiff's Exhibit 2

1 for purposes of this hearing, that's all.

2 THE CLERK: All right. This is 2, this would
3 be 1.

4 THE COURT: What is Court Exhibit for
5 identification 2?

6 ATTY. LEONE: Thank you.

7 THE COURT: Make it for ID, please.

8 THE CLERK: We may have to adjust.

9 ATTY. LEONE: With the court's permission, may
10 I ask the court to read whatever the exhibit is so I
11 can identify it?

12 THE CLERK: Order to show cause.

13 THE COURT: What's the date on it?

14 THE CLERK: October 6th, 2010.

15 THE COURT: Why is that relevant, Mr. Berdick?

16 ATTY. BERDICK: Well, your Honor, the time line
17 for the motion to show cause, the decision on
18 Sophie vs. Ellis, the assistant attorney general's
19 role on the 21st, which he (sic) was not there, the
20 ex parte communication you didn't put on the record
21 --

22 THE COURT: Do you know what an ex parte
23 communication is?

24 ATTY. BERDICK: Yes. It was a fax, it was a
25 written document that could have been handed to my
26 client and opposing counsel instead of after the
27 hearing during the hearing. You did summarize the

1 content of that letter but we know it was a fax and
2 the fax has a cover sheet. That's standard
3 operating procedure for most state communications.
4 That cover sheet is a communication, your Honor, and
5 it wasn't provided to the counsel even after the
6 hearing. Procedural due process is my argument,
7 hey, when you have opportunity to be heard, you have
8 to serve notice or some notice of the document as
9 well as your summary of it. If it was an oral
10 communication, you wouldn't have to provide a
11 written document; it doesn't exist, your Honor. So
12 that's my relevancy. I'm trying to get that the
13 written communication just isn't your summary,
14 sometimes it's the envelope, the cover sheet, the
15 letter. You had an opportunity to -- go ahead.

16 ATTY. LEONE: I'm going to object to Exhibit 2,
17 your Honor. The purpose for this hearing is a
18 judicial complaint dated or filed June 16th and it
19 supposedly deals with alleged judicial misconduct of
20 June 15th, 2010. To the extent this is being
21 offered --

22 THE COURT: Wait a minute. May I see that?

23 ATTY. LEONE: The exhibit, your Honor?

24 THE COURT: The one that's presently under
25 discussion.

26 ATTY. LEONE: Yes, your Honor.

27 (Pause.)

1 THE COURT: All right. Plaintiff's Exhibit 2
2 for identification is a copy of the order to show
3 cause issued by this court on October 6th, 2010, and
4 it happens to be already a part of the record in
5 this case. It's file entry 436.

6 Now, my density level is up today. Can you try
7 to tell -- explain to me why an order to show cause
8 which I issued on October 6th, 2010, having nothing
9 to do with anything that occurred on December 9,
10 2009, has anything to do with this proceeding today.

11 Is there a particular part of the order to show
12 cause?

13 ATTY. BERDICK: Yes, your Honor --

14 THE COURT: What --

15 ATTY. BERDICK: -- because --

16 THE COURT: No, excuse me. Is there a
17 paragraph or two or three in this order to show
18 cause dated October 6th, 2010, that I should be
19 particularly concerned with?

20 ATTY. BERDICK: All of them, your Honor,
21 because my argument -- my theory and my argument is
22 the Sophie vs. Ellis argument is not implicated in
23 that exhibit, it's in the -- my point is December
24 1st, boom, the appellate decision comes down, the
25 same day your show causing -- order comes down
26 December 1st. I mean, December 1st --

27 THE COURT: Okay.

1 ATTY. BERDICK: -- I'm saying that was quick.
2 Our argument is the appearance or maybe there was,
3 if we get the other piece of evidence we see it in
4 through a mosaic, maybe it was kind of like the
5 state through the assistant attorney general, she
6 doesn't show up the 21st but everything was taken
7 care of, you know what I mean? If my client wasn't
8 there, it would be unusual. He's supposed to be
9 there, you know. She's not there, she's one of the
10 parties, your Honor. The state is one of the
11 parties, she's an attorney for the state. Her --
12 she doesn't even sign the letter. The signature is
13 signed by someone else at her office. If she was
14 sick that day, the 21st, she might have called in or
15 something else happened. Her signature is not
16 there. It's something if someone else signs, it's
17 common protocol you put your initials by it. That's
18 what's on that letter.

19 THE COURT: Are you going to have some
20 witnesses on that?

21 ATTY. BERDICK: You know I'm not going to be
22 able to get her on the stand, your Honor.

23 THE COURT: Why not?

24 ATTY. BERDICK: I'd like to get the clerk
25 because the clerk can testify that letter itself
26 raises issues. There's no name in that letter. Is
27 she talking about Barbara Quinn or a clerk down here

1 in the bottom of the letter?

2 THE COURT: I don't know and what difference
3 does it make?

4 ATTY. BERDICK: That's my argument, your Honor.

5 THE COURT: What difference does it make?

6 ATTY. BERDICK: No. My argument is, hey, does
7 someone in -- to an objective, reasonable person it
8 looks like a little inside baseball here today at
9 this hearing and you terminated his pro se rights at
10 that hearing, you held him -- you cannot do any --
11 you took away an interest, a political -- I'm not
12 saying you did it wrongfully. We're going into the
13 process.

14 THE COURT: What's the accusation, that I had
15 inside information from the appellate court before
16 December 1 --

17 ATTY. BERDICK: No, your Honor.

18 THE COURT: -- or --

19 ATTY. BERDICK: No, your Honor. If something
20 happened to me today favorably and I wasn't even
21 here and you ruled in my favor and this guy, what's
22 the impression he has? The guy didn't even show up
23 and the state prevails. There's a show cause order
24 rendered, a pro se litigant, black American, the
25 assistant attorney general didn't even show up, your
26 Honor. What I mean, ex parte communication of facts
27 --

1 THE COURT: Did you ever read her so-called ex
2 parte letter?

3 ATTY. BERDICK: Yes, your Honor. Last time at
4 the hearing I did.

5 THE COURT: Yeah, didn't she --

6 ATTY. BERDICK: Knows nothing really -- go
7 ahead.

8 THE COURT: Let me use perhaps a crude -- well,
9 not crude. Didn't she in effect say, hey, I'm sick,
10 I don't have a dog in this fight, the issue/fight on
11 December 21, and she doesn't care?

12 ATTY. BERDICK: She said in that letter
13 hopefully it would be resolved that day in the same
14 letter and, your Honor, the issue is --

15 THE COURT: What be resolved?

16 ATTY. BERDICK: The issue you're hearing on the
17 21st.

18 THE COURT: Which was --

19 ATTY. BERDICK: Does he have a right, he cannot
20 represent the estate; that's my understanding that
21 you tried to focus on at that hearing, you know.
22 You told him --

23 THE COURT: What did she say about that?
24 Didn't she say, in effect, I hope that's resolved?
25 She didn't push either way.

26 ATTY. BERDICK: No, you're right but I'm
27 saying, your Honor, what --

1 THE COURT: Look it, look it, please --

2 ATTY. BERDICK: Okay, your Honor. Go ahead.

3 THE COURT: -- please. The implication I think
4 from what you're saying is that somehow Attorney
5 Kirsten Rigney, who is the assistant attorney
6 general --

7 ATTY. BERDICK: It's a high decision.

8 THE COURT: -- and this court both had inside
9 knowledge of --

10 ATTY. BERDICK: No, that's not it. Under your
11 canons, your Honor, under canon 3a-4, if you get an
12 ex parte communication, there's things you've got to
13 do. You did under A-4-1, that's all right; two --
14 but you didn't promptly notify and give them an
15 opportunity to respond. That thing was given to the
16 clerk, they disseminated that letter after the
17 hearing, after the hearing. But you did summarize
18 it on the record.

19 THE COURT: Okay.

20 ATTY. BERDICK: During the hearing they should
21 have had a copy of that.

22 THE COURT: Before the hearing?

23 ATTY. BERDICK: At the hearing. At the
24 hearing, your Honor. At the hearing.

25 THE COURT: I believe --

26 ATTY. BERDICK: You verbally summarized it but
27 you did not give him a copy of that.

1 THE COURT: All right. Your argument to me I'm
2 not following but tell me how you were prejudiced.

3 ATTY. BERDICK: Because -- not me. I was not
4 the attorney on record but my client would make the
5 argument, hey, he would say that Rigney didn't sign
6 that letter.

7 THE COURT: So what?

8 ATTY. BERDICK: That's important, your Honor.

9 THE COURT: If she signed it or didn't sign it,
10 how is it going to affect the overall outcome of
11 this case or the issue present before the court on
12 December 21, 2009? Just tell me because you're the
13 lawyer, you've been in his case --

14 ATTY. BERDICK: On December 21st maybe not,
15 your Honor, but you're right. The motion today is
16 we're talking about your behavior, your demeanor,
17 what happened on the 21st. That's part of my
18 understanding of the complaint from the 15th of
19 June. It was saying, hey, the judge was
20 condescending to my client. That's his allegation,
21 one of them; two, he raises the ex parte
22 communication in that complaint. That's why I'm
23 trying to focus it on those two issues and, your
24 Honor, the issue did you meet your standards under
25 judicial canon three. It's not, you know, this
26 other thing, whether he's going to prevail on the
27 21st on the underlying issue on the hearing, it's,

1 hey, did you breach your canons, your observations
2 under the canons. That's what the subject of the
3 hearing should be, not, hey, are you right or wrong
4 in your judicial thinking or the holding from Sophie
5 vs. Ellis that applies to the case, you know.
6 That's not the issue I'm arguing about. I'm talking
7 about would a reasonable person looking at the
8 evidence what happened that day or are subject to
9 the complaint come away with the -- hey, maybe there
10 was some partiality at that hearing. The attorney
11 didn't even show up for the state. That's
12 important, your Honor. She could have sent someone
13 else.

14 THE COURT: What for?

15 ATTY. BERDICK: Honor, she was the
16 representative, she was the attorney for the other
17 party. There's two cases involved that day, she was
18 the damn legal representative for the State of
19 Connecticut and you know that. You can't -- your
20 Honor, if I wasn't here today, it would be noted in
21 the file --

22 THE COURT: Sure.

23 ATTY. BERDICK: -- and rightly so but what
24 happens if I wasn't here today and there was an
25 issue that some termination or political rights,
26 liberty or interest or property and I won and I
27 didn't have to show up? I sent you a memo I can't

1 make it today, I hope you resolve. It's not right
2 or wrong, it's the impression, integrity, the
3 rectitude of the court. Someone sitting here would
4 be, hey, nice, you don't even --

5 THE COURT: I'm going to make it a full
6 exhibit. You develop evidence. You have subpoena
7 power. Get Kirsten Rigney here or someone but
8 you're spinning wheels, man.

9 ATTY. BERDICK: I might be, your Honor. I
10 might be. That's your determination. I'm making
11 the argument as the facts appear to me. It doesn't
12 mean I'm right, it doesn't mean my client's right.
13 He filed the judicial complaint that's the subject
14 of the hearing today, that's my understanding and,
15 if I'm way off, please enlighten me. I'm not trying
16 to go outside of that complaint. My understanding
17 of that complaint, and I know counsel mentioned
18 another complaint, you know, I'm not trying to take
19 away from what he stated on the record earlier
20 today, I'm focusing on that June 15th complaint
21 where my client said condescending treatment from
22 Judge Parker and reference to an ex parte
23 communication on the 21st of December, 2009.

24 Now, your Honor, that's why I've got to focus
25 on the canons. I mean, I've got to focus on the ex
26 parte communication as an advocate. I'm not saying
27 I'll prevail, I'm telling you this is what my

1 argument is. The ex parte communication part of it
2 was summarized but under the canons you should have
3 provided a copy of that not after the hearing, it
4 should have been provided during the hearing so they
5 have opportunity to respond to that communication.

6 THE COURT: Hope you're getting paid by the
7 hour because you're wasting time.

8 ATTY. BERDICK: I don't think so, your Honor,
9 but I appreciate your comment.

10 THE COURT: Okay.

11 ATTY. BERDICK: Your Honor, if it's already
12 part -- one of the exhibits, I'd like to mark
13 Plaintiff's Exhibit 3 is that letter that I've
14 referred to earlier, Assistant Attorney General
15 Kirsten Rigney I think is the way I'm pronouncing
16 her last name that was referenced in the December
17 21st, 2009 --

18 THE COURT: Okay. Put it in, mark it.

19 (Pause.)

20 THE CLERK: You saw it or no?

21 ATTY. LEONE: I did.

22 THE CLERK: (Marks exhibit.)

23 THE COURT: Let me see it.

24 THE CLERK: (Handing.)

25 (Pause.)

26 THE COURT: Is there objection, Mr. --

27 ATTY. LEONE: No, your Honor.

1 THE COURT: Well, you know, I'm letting it in
2 because it doesn't mean two hoots but, Mr. Berdick,
3 let me ask you is there a part of this letter --

4 ATTY. BERDICK: Yes, your Honor.

5 THE COURT: Is there part of this letter where
6 I should discern that Attorney General Rigney takes
7 sides on the issue before the court on December 21,
8 '09?

9 ATTY. BERDICK: Well, I think she's aligned
10 with one -- she's aligned with the state, your
11 Honor, so if you're asking should you assume
12 something, yes, you should.

13 THE COURT: Well, tell me. Read the part that
14 tells me bar him or not bar him. Where does it say
15 that?

16 (Pause.)

17 ATTY. BERDICK: "I spoke with the court clerk a
18 few days ago and she informed me that it was not
19 necessary that I attend," the meeting -- the
20 hearing, excuse me, "the hearing." Now, if you
21 think you're going to be adverse, do you think you
22 would skip a hearing?

23 THE COURT: Oh, she had insights of what I was
24 going to do?

25 ATTY. BERDICK: No, I'm not saying that. I'm
26 saying, "I spoke with the court clerk a few days ago
27 and she informed me it was not necessary that I

1 attend the hearing." A common person -- a common,
2 objective person would think there's no penalty if I
3 don't show up or attend the hearing. I'm not saying
4 that that's the only inference you can draw.

5 THE COURT: Full exhibit. Forget it.

6 ATTY. BERDICK: Thank you, your Honor.

7 THE CLERK: (Marks exhibit.)

8 THE COURT: One of the reasons it's being
9 admitted as a full exhibit --

10 ATTY. BERDICK: I understand, your Honor.

11 THE COURT: -- is to give you more stuff
12 because your brief is going to be more than 35
13 pages.

14 ATTY. BERDICK: Yes, your Honor.

15 Your Honor, I'd like to request the court for
16 Plaintiff's Exhibit 4, the court take judicial
17 notice of Sophie vs. Ellis, the decision itself, as
18 part of the record.

19 THE COURT: I'm quite aware of Sophie Ellis.
20 I'm even aware of some court contorted readings of
21 it by a party to this case.

22 ATTY. BERDICK: And the purpose --

23 THE COURT: All right.

24 ATTY. BERDICK: And the purpose of that is just
25 the date of the decision pretty much for my
26 argument, you know, I'm not going to argue the
27 underlying judicial rational or holdings or stuff

1 for the case. It's relevant to my argument as, you
2 know, you might not say it's a strong argument, I
3 understand that. My argument is premised on the
4 fact that if a reasonable person would say, hey,
5 maybe there's not some impartiality here, maybe some
6 partiality. I need to reference that case and when
7 it came down from the appellate court --

8 THE COURT: Okay. It's dated December 1 and so
9 the implication that the court or somebody else had
10 knowledge of it before December 1. Do you know that
11 such opinions --

12 ATTY. BERDICK: I'm not even saying they had to
13 have knowledge of it before. I mean, that would be
14 from my side of the argument, from my rational
15 thinking that would be helpful if I'm trying to
16 posit evidence that, hey, maybe somebody knew or was
17 writing the orders and stuff for the court to be
18 signed and delivered but that's not my argument. My
19 argument is it was the same day, your Honor. The
20 same day that decision came down, that show cause,
21 you know, motion, you know, the hearing was sent --
22 sent out the same day. That's very unusual. Very
23 unusual, your Honor. I'm not saying it's not
24 impossible, your Honor. It's possible that that
25 letter you got that we got a copy of from Rigney
26 there was no cover sheet, common knowledge usually
27 when you fax something there's a tally across the

1 top with the time it was faxed, boom, boom, boom,
2 the number. We have to assume a reasonable
3 inference could be there was a cover sheet to it.

4 THE COURT: Do you have a copy of Rigney's
5 letter?

6 THE CLERK: Three. Do you want this to be full
7 or ID, number 2?

8 (Pause.)

9 THE COURT: Because these arguments are so
10 subtle and my density level is up there, why does
11 the October 6th, 2010 order to show cause fit into
12 this rationale of yours?

13 ATTY. BERDICK: Your Honor, it's an argument by
14 implication that I'm trying to say the Sophie Ellis
15 thing, when that came down, boom, boom, boom. It's
16 not manifested in October 6th so implication is,
17 hey, if you had that knowledge on October 6th of the
18 court date or the advocate did, it doesn't mean it
19 had to be but it could have been served earlier in
20 the case. No. As soon as that decision came down
21 in Sophie vs. Ellis, which is a reasonable
22 consequence of what happened, I see it as a
23 rational, hey, you've got an appellate court
24 decision, it's on point to what's going on. I'm
25 talking about the alacrity of what happened, not
26 that it happened. I mean, boom, the same day, your
27 Honor. Come on. So if I could get -- and in the

1 letter that she faxed to you on the 21st --

2 THE COURT: How many hours do you think it took
3 me to read Sophie vs. Cohen?

4 ATTY. BERDICK: I would say less than an hour.

5 THE COURT: How long do you think it took me to
6 put together the order to show cause?

7 ATTY. BERDICK: Probably an hour, your Honor,
8 but I would ask you when did you find out? If I had
9 the opportunity, I would ask you if I'm given that,
10 Honor.

11 THE COURT: Okay, big boy. Ask me.

12 ATTY. BERDICK: When did you become aware of
13 Sophie vs. Ellis, the appellate court holding and
14 decision? When did you read that case?

15 THE COURT: Not later than December 1, 2009.

16 ATTY. BERDICK: Not later than --

17 THE COURT: It may have been earlier because --

18 ATTY. BERDICK: I understand.

19 THE COURT: -- these opinions --

20 ATTY. BERDICK: Get circulated.

21 THE COURT: -- are circulated. There's some
22 circulation. Now, what you should do if you want to
23 learn about this at state's expense, you subpoena
24 the Reporter of Judicial Decisions and he'll give
25 you the whole time frame.

26 ATTY. BERDICK: I'm somewhat aware, your Honor,
27 of the understanding that's involved with that, not

1 completely but that's not my point. My point is I'm
2 arguing that December 1st, boom. Now I'm arguing
3 21st we got a letter purported from the lawyer for
4 the State of Connecticut for the court
5 administrator.

6 THE COURT: Wait a minute. She had my order to
7 show cause shortly after October -- December 1, the
8 --

9 ATTY. BERDICK: The argument --

10 THE COURT: -- decided between then, whenever
11 she got it in early December.

12 ATTY. BERDICK: You're right. You're right,
13 your Honor, but I had the order to show up today,
14 I'm here. I had the order. What happens if I just
15 faxed you something I hope it gets resolved
16 favorably and then it does? I'd be jumping for joy
17 not showing up, not doing anything, just sending a
18 faxed cover sheet shown to the parties after the
19 hearing, summarized by the judge. Come on, your
20 Honor. That's where I'm going. Laser-like focus.
21 I'm talking about procedural due process. You put
22 it on the record, that was fine.

23 THE COURT: Fine.

24 ATTY. BERDICK: You should have distributed
25 that page to my clients during the hearing.

26 THE COURT: And you are saying grievously what
27 happened here --

1 ATTY. BERDICK: I'm asserting on the 21st
2 everything didn't go 100 percent right according to
3 my client's point of view. I'm not saying it was a
4 travesty, far from it.

5 THE COURT: Okay.

6 ATTY. BERDICK: Your Honor, I would like to
7 have the court take judicial cognizant or judicial
8 notice that the 21st of December was a Monday.

9 THE COURT: You mean a Monday that comes right
10 after the Sunday and before a Tuesday?

11 ATTY. BERDICK: Yes, your Honor.

12 THE COURT: Oh, okay. Fine.

13 ATTY. BERDICK: Your Honor, I'm ready to put my
14 witness on the stand, my client to testify basically
15 -- it's basically going to go to his perception of
16 the condescending and judicial contact on the 21st.

17 THE COURT: Wait a minute. Are you telling him
18 how to testify now?

19 Listen up there, Mr. Traylor. You're getting
20 instructions. Put him on the stand.

21 ATTY. BERDICK: I apologize, your Honor.

22 THE COURT: Ask him the question.

23 ATTY. LEONE: If your Honor, please. Before
24 the witness is called, is Exhibit 2 a full exhibit?
25 You asked the question of counsel. I don't know
26 that there was an answer.

27 THE COURT: Do you object?

1 ATTY. LEONE: I do object to it.

2 THE COURT: I'm going to overrule it. I just
3 want to remove issues.

4 ATTY. LEONE: That's fine, your Honor.

5 ATTY. BERDICK: Your Honor --

6 THE CLERK: (Marks exhibit.)

7 ATTY. BERDICK: Your Honor, if I may, my client
8 advised me because of the document dumped that he
9 would like to submit this whole package as final
10 exhibits. Is our -- I think we're up to Exhibit 5
11 or 6.

12 THE COURT: That isn't the procedure. Let's
13 go. You call him as a witness.

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1 (Whereupon, SYLVESTER TRAYLOR takes the witness
2 stand and is duly sworn by the clerk and testifies
3 under oath as follows):

4 THE CLERK: Please state your name and give
5 your address for the record.

6 THE WITNESS: Sylvester Traylor.

7 THE CLERK: And your address.

8 THE WITNESS: 881 Vauxhall Street Extension,
9 Quaker Hill, Connecticut.

10 THE CLERK: Thank you. Please be seated.

11 ***** DIRECT EXAMINATION BY ATTORNEY BERDICK *****

12 Q Would you state your full name for the record I guess
13 again.

14 A Sylvester Traylor.

15 Q Can you state your race.

16 A African-American. My father was half
17 African-American and Cherokee Indian. My mother is -- her
18 grandfather was a Cherokee Indian and her grandmother was an
19 African-American.

20 Q Okay. Did you file a complaint against Judge Parker?

21 A Yes, I did. I filed five complaints against Judge
22 Parker.

23 Q The complaint that we're talking about today, you
24 know, my understanding it's the June 15th, 2010 complaint;
25 is that your understanding?

26 A June 15th.

27 Q The date on the complaints, that refers to some

1 conduct that happened at an earlier time; is that correct?

2 A Yes, that's one of the complaints.

3 THE COURT: Let's not lead.

4 ATTY. BERDICK: Okay.

5 ATTORNEY BERDICK CONTINUING:

6 Q Can you answer the question?

7 ATTY. BERDICK: Go ahead, your Honor.

8 THE COURT: Mr. Traylor, I'm somehow remiss.

9 You say you filed five complaints with Judicial
10 Review against me?

11 THE WITNESS: That's correct, your Honor.

12 THE COURT: I only have four and I'd hate to be
13 falling down on the --

14 THE WITNESS: There's a fifth one that we've
15 given you in the package today.

16 THE COURT: Has it been filed?

17 THE WITNESS: Yes. It has been filed with the
18 Judicial Review.

19 ATTORNEY BERDICK CONTINUING:

20 Q Did you file one against Judge Parker, the judge
21 today, that you put in there regarding condescending
22 language?

23 ATTY. LEONE: I'm going to object to the
24 leading.

25 THE COURT: Sustained.

26 ATTORNEY BERDICK CONTINUING:

27 Q Okay. Did you file a complaint dated 2009 against

1 Judge Parker concerning the hearing or the case of the
2 Estate of Roberta Traylor?

3 THE COURT: Mr. Berdick, you've got things
4 screwed up. Stop and think. Take your time.

5 ATTY. BERDICK: Thank you, your Honor.

6 THE COURT: Start that question again if you
7 still want to ask it on that topic.

8 ATTORNEY BERDICK CONTINUING:

9 Q The complaint you filed against Judge Parker, could
10 you go into why you filed that complaint.

11 THE COURT: Excuse me.

12 A Yes. We're talking about June 15th --

13 THE COURT: Hold on a minute. We now have --
14 there are now five complaints so in your question if
15 you have a question about complaint number three or
16 complaint number four or such and such a date, put
17 that in your question, the date.

18 ATTORNEY BERDICK CONTINUING:

19 Q Could you explain your motivation for filing the
20 complaint against Judge Parker dated June 15th, 2010.

21 A Yes.

22 Q Please do.

23 A Yes.

24 THE COURT: There's no complaint dated June 10.

25 THE WITNESS: No, June 15th.

26 ATTY. BERDICK: June 15th. Excuse me, your
27 Honor, if I misspoke.

1 A (Continuing.) Yes, I filed a complaint dated June
2 15th, however, I made an error -- typographical error on
3 paragraph A of a page named 2.08 -- I mean, 2 of eight.

4 ATTORNEY BERDICK CONTINUING:

5 Q What was the error and what is the --

6 A I put in there, where did -- explain where this
7 judicial misconduct occurred; I put the date June 15th
8 because I notarized it on June 15th but in the body of the
9 complaint I clearly set out that, "I, Sylvester Traylor, an
10 African-American, do hereby reiterate," and the emphasis is
11 on reiterate, "that I am requesting that Judge Parker be
12 recused, but I don't say be recused, I say recuse -- Judge
13 Parker recuse himself from any of my proceedings because of
14 his condescending remarks in open court," and I quoted the
15 remark that he stated on --

16 ATTY. LEONE: I'm going to object that the
17 witness is reading from a document that is not in
18 evidence, your Honor.

19 THE WITNESS: It's -- Judge Parker made it
20 evidence.

21 THE COURT: I did not.

22 ATTY. BERDICK: No, he didn't yet.

23 THE WITNESS: His --

24 ATTY. BERDICK: Roger, I understand.

25 ATTORNEY BERDICK CONTINUING:

26 Q In your own words from your own memory, from your own
27 recollection, whatever, referring to the document before

1 you, what was condescending?

2 A He used the phrase, is there a word with the letter A
3 in my order, and then he enunciated the A. He said it
4 again, is there like an A.

5 Q Why did you find that condescending?

6 A I thought that as an African-American Judge Parker
7 was trying to question my literacy and, from my
8 understanding, the literacy (sic) for African-Americans to
9 vote was over.

10 THE COURT: Were you voting on December 21?

11 THE WITNESS: Should I --

12 ATTY. BERDICK: The judge has a right to ask
13 questions.

14 THE WITNESS: No, I wasn't.

15 THE COURT: There's nothing about voting on
16 December 21, 2009, was there?

17 THE WITNESS: No. It's your treatment. It's
18 your demeanor, the racist behavior that
19 African-Americans was treated during the time of
20 voting, your behavior carried forward from a past
21 era.

22 THE COURT: Okay. Go on.

23 ATTY. BERDICK: Your Honor, Plaintiff Exhibit
24 Number 1, I'd like to hand to the witness.

25 A Did you want to mark this as an exhibit?

26 ATTORNEY BERDICK CONTINUING:

27 Q No, not at this time, please.

1 A Okay.

2 Q Can you look at that and tell me what you think that
3 is that I've handed you.

4 A Yes. This is a transcript dated December 21, 2009,
5 before the Honorable Thomas F. Parker. Representing the
6 plaintiff, Mr. Sylvester Traylor. Representing the
7 defendant, Chinigo, Leone & Maruzo.

8 Q So the complaint -- the complaint that you filed that
9 you referred to earlier in your testimony, does it refer to
10 this hearing on December 21st, 2009?

11 THE COURT: Where does it say in your June 15th
12 complaint anything about December 29?

13 ATTY. BERDICK: December 21st.

14 THE COURT: You're quite right. I have a
15 problem with that.

16 THE WITNESS: You're asking me the question,
17 your Honor?

18 ATTY. BERDICK: Yes, he is.

19 THE WITNESS: I didn't know if you were asking
20 me or my attorney. I'm making sure.

21 ATTY. BERDICK: The judge was asking you.

22 THE WITNESS: The statement that I was
23 referring to in my June 15th -- the Honorable Judge
24 Thomas Parker stated, is there a letter A in my
25 order, that was on that day.

26 THE COURT: In your June 15 complaint?

27 THE WITNESS: Yes.

1 THE COURT: So the June 15, 2010 complaint, is
2 the date December 21, 2009, mentioned anywhere in
3 that complaint?

4 THE WITNESS: No, your Honor, but --

5 THE COURT: Thank you. That was a yes or no.

6 THE WITNESS: Go ahead.

7 ATTY. BERDICK: Your Honor, I'd like to -- if
8 there's no objection, I'd like to have this entered
9 into evidence, the transcript dated the 21st of
10 December.

11 THE WITNESS: You already marked it.

12 THE COURT: How many times do you want it in?

13 ATTY. BERDICK: I want to make sure for the
14 record that it is evidence.

15 THE COURT: Pay attention. I think it was 25
16 or 26.

17 ATTORNEY BERDICK CONTINUING:

18 Q Was there any other language that you found
19 condescending during that hearing on the 21st of December,
20 2009? I mean, is that the only -- what motivated -- let's
21 elaborate. Is there anything else --

22 A Yes.

23 Q -- that happened on the 21st in front of Judge Parker
24 during the hearing?

25 THE COURT: You've got about three questions
26 running. The witness -- witnesses can do better
27 with one question at a time rather than three.

1 ATTY. BERDICK: You can refer --

2 THE COURT: Withdraw your question and re-ask.

3 ATTY. BERDICK: I'll withdraw the question.

4 ATTORNEY BERDICK CONTINUING:

5 Q Was there other language articulated by Judge Parker
6 during the 21st of December 2009 that you found
7 condescending?

8 (Pause.)

9 A Can I go through all of them?

10 Q If you can do it, this is the gist of your complaint.

11 THE COURT: You've gone through this transcript
12 innumerable times. You ought to be familiar with it
13 by now because you've quoted it in various documents
14 you filed with the court.

15 A Okay. Starting on page 2, "Wow" -- this is Judge
16 Parker speaking: "Wow, we moved to big cases." And then on
17 --

18 THE COURT: Well, what happened just before
19 that? Somebody described you as Barack Obama; isn't
20 that the context? Does that offend you?

21 THE WITNESS: Can I read what happened before
22 you --

23 THE COURT: No, never mind. I'm familiar with
24 the transcript.

25 THE WITNESS: "So Sylvester Traylor on behalf
26 of -- on behalf of the petitioner for the -- against
27 the State of Connecticut as well as Sylvester

1 Traylor on behalf of the -- a case against," and
2 then I actually --

3 THE COURT: What did you say?

4 THE WITNESS: "Barack Obama," then I used the
5 word sorry, then, "The Court: Wow, we moved to big
6 cases."

7 ATTORNEY BERDICK CONTINUING: _

8 Q What was your impression of that response from the
9 judge?

10 A Again, I was nervous. I mean, I was trying to
11 articulate something. He knew what I was saying. I said
12 I'm sorry. Page 3, "The Court: Hold on a minute. Just --
13 I want to put on the record what I have done before you got
14 here. I informed that Attorney Kirsten Rigney, Assistant
15 Attorney General, who has entered an appearance is defending
16 in the second -- what I call the second case, the one
17 against the superior court or chief court administrator or
18 somebody." As if he didn't -- like I didn't know who I was
19 filing the case against and, once again, it's just
20 condescending.

21 Q Was the state's attorney there?

22 A No, she was not.

23 Q Well, what other language in the transcript during
24 the hearing --

25 THE COURT: Excuse me. The state's attorney
26 wasn't there. The State's Attorney is Michael
27 Regan.

1 ATTY. BERDICK: Sorry. I apologize.

2 ATTORNEY BERDICK CONTINUING:

3 Q Was the assistant attorney general there? The judge
4 is completely correct. I misstated.

5 A No, she was not.

6 Q Okay. Can you continue and, if there's any other
7 language that you found condescending, could you bring it to
8 the court's attention today, please.

9 A Yes.

10 Q The judge is correct. You should be somewhat
11 familiar with what happened on this because it was the gist
12 of your complaint so try to be somewhat expeditious.

13 ATTY. LEONE: I object to the attorney's
14 comments. If there's a question pending, the
15 witness can answer the question.

16 ATTY. BERDICK: I withdraw the comment.

17 THE COURT: Well, the comment --

18 A Okay. You want me to answer? Okay. Okay. "The
19 Court: So you deny the contents of paragraph seven? Mr.
20 Traylor: Yes. The Court: Because it's only made up of
21 words." Once again, he's trying to belittle me as if I
22 don't know what I'm saying or -- and condescending.

23 THE COURT: What page is that on?

24 THE WITNESS: That's page 5.

25 ATTY. LEONE: Thank you, your Honor.

26 ATTORNEY BERDICK CONTINUING:

27 Q Anything else?

1 A Yes. Okay.

2 THE COURT: Come on, let's go.

3 A (Continuing.) "The Court," on page 6: "Okay.
4 That's good. Paragraph 12? Mr. Traylor: I deny it. The
5 Court: All right. Okay. Now --"

6 THE COURT: What was it, "now?"

7 THE WITNESS: "Now --" And then -- that was
8 your words.

9 A (Continuing.) "Mr. Traylor: Can we go to 13, your
10 Honor? The Court: Excuse me. Mr. Traylor: Can we go to
11 13? The Court: No. Now, at this time, if you want to, you
12 may tell me why you, Sylvester Traylor as the Administrator
13 of the Estate of Roberta Traylor, should not be prohibited
14 from representing the estate in these cases."

15 THE COURT: That belittled you?

16 THE WITNESS: Well, your Honor, I think what
17 you did was you was listing off to me what you
18 wanted me to answer. There was paragraphs set out
19 in your -- that he was listing. I even go from the
20 top of the page, it says, "The Court: Okay. Wait a
21 minute. Paragraph ten? Mr. Traylor:" You asked me
22 if I admitted to this, your Honor. "The Court: You
23 admit or deny? Same thing I asked to any other.
24 Mr. Traylor: I deny it's applicable to my case.
25 The Court: No, I didn't ask you whether or not it
26 was applicable to your case. Do you admit paragraph
27 ten? Mr. Traylor: I deny it. The Court: Okay.

1 Paragraph 11? Mr. Traylor: I deny it, yeah."

2 ATTORNEY BERDICK CONTINUING:

3 Q You said yup?

4 A That's what's written here, "Yeah."

5 Q Anything else?

6 A The Court -- then it's getting down to right here, it
7 says, "Mr. Traylor: I deny it, yeah. The Court: Okay.

8 That's good. Paragraph 12? Mr. Traylor: I deny it. The
9 Court: All right. Okay. Now --" So I'm anticipating that
10 you're going to ask me 13. "Mr. Traylor: Can we go to 13?"

11 THE COURT: You're going way beyond Mr. --

12 THE WITNESS: There it is, right there. "Mr.
13 Traylor: Can we go to 13, your Honor? The Court:
14 Excuse me."

15 THE COURT: What was condescending about
16 "excuse me?"

17 THE WITNESS: Well, no. Where you started,
18 your Honor, and says, "All right. Okay. Now --"
19 And I was puzzled, where are you coming from? I
20 mean, what was the next question? I mean, you was
21 asking me detailed questions according to paragraphs
22 and you just started, "All right. Okay. Now --"
23 Well -- and before that you said, "Okay. That's
24 good. Paragraph 12." In the beginning of this page
25 you corrected me already and scold me, telling me,
26 "Okay. Wait a minute. Paragraph ten? Mr. Traylor:
27 You're asking me if I admit this, your Honor? The

1 Court: You admit or deny? Same thing I asked to
2 the other -- to any other." So I'm assuming when
3 you're talking to me that you're keeping a train of
4 thought but when you got down here, I don't know
5 where you was coming from. You said, "Okay. All
6 right. Now --" So I'm --

7 THE COURT: What page are you reading from
8 right now?

9 THE WITNESS: Page 6, your Honor.

10 THE COURT: Page 6?

11 THE WITNESS: Yes.

12 THE COURT: Okay.

13 ATTORNEY BERDICK CONTINUING:

14 Q You made that clear. Can you move on to anything
15 else, if there's anything else. Was there any further
16 condescending language?

17 A Okay. At the end if I have to go from the end of
18 page 6, Mr. Traylor: Okay -- I'm sorry, the court at the
19 end of page 6, "The Court: Excuse me. Mr. Traylor: How
20 long do you have -- how long do I have to explain this to
21 you?" Top of page 7, "The Court: Well, how long do you
22 need? What do you have to tell me?" Well, first of all, in
23 order to understand where he was coming from, you have to
24 keep in frame of thought where when he jumped from 13 and we
25 never talked about 13 and then, "The Court: No. Now, at
26 this time, if you want to, you may tell me why you,
27 Sylvester Traylor as the administrator of the Estate of

1 Roberta Traylor, should not be prohibited from representing
2 the estate in this case. Mr. Traylor: Okay. First of all,
3 your Honor, how long do I have? The Court: Excuse me. Mr.
4 Traylor: How long do I have to explain this to you?" Top
5 of page 7, "The Court: Well, how long do you need? What do
6 you have to tell me? Mr. Traylor: I was just wondering am
7 I going to be interrupted or is it open for me to discuss
8 this freely?" The Court: You may now tell me why you
9 should not be barred from representing the estate." Okay.
10 So here, once again, I was -- as I was on the issue
11 concerning, "All right. Okay. Now --" Still once again
12 this is an argumental confrontation with a judge that I
13 didn't -- to be honest, as you could see, I continue to try
14 and respect Judge Parker and call him your Honor but I
15 couldn't understand the confrontation that he continued to
16 put me under. Under little small questions that I ask him.
17 Q Maybe he was trying to get to the issue that he
18 thought was --

19 ATTY. LEONE: I'm going to object to the
20 editorializing by the attorney.

21 THE COURT: And you felt put upon, right, as
22 this was occurring?

23 THE WITNESS: Yeah, it was consistent.

24 THE COURT: Right there?

25 THE WITNESS: In your demeanor, your Honor.

26 THE COURT: No. See -- well, okay. While we
27 were in the conversation where the dialogue was

1 going on that's reported on page 6, you knew it
2 right then, shortly after 2 o'clock on December 21,
3 2009?

4 THE WITNESS: You're asking me how long?

5 THE COURT: You knew it right then, hey, this
6 judge is putting me on or somehow denigrating me by
7 asking these questions? You felt put upon right
8 then? Two questions at once.

9 ATTY. BERDICK: He's asking you that question.

10 THE WITNESS: Are you asking me a question? I
11 thought --

12 THE COURT: The record should show I was
13 looking right at you.

14 THE WITNESS: I don't know if you are asking me
15 a question or making a statement.

16 THE COURT: I'm asking you a question. You
17 want it read back?

18 THE WITNESS: I want to make sure if I
19 understand it was a question or a statement.

20 THE COURT: Well, answer it then. You know
21 it's a question.

22 THE WITNESS: Your Honor, you know --

23 ATTY. BERDICK: The Honor is asking you if you
24 were put -- if I may, your Honor?

25 THE WITNESS: No.

26 ATTY. BERDICK: The Honor is asking you if you
27 were put out right then and there, not later. At

1 the hearing itself, did you take umbrage from his
2 comments?

3 THE WITNESS: Yes.

4 THE COURT: You did right then?

5 THE WITNESS: From the beginning, yes. You
6 start to continue your demeanor as if you was biased
7 or questioning whether or not I was --

8 THE COURT: And you recognized --

9 THE WITNESS: -- my presence.

10 THE COURT: Excuse me. Listen to my question
11 very carefully and I'm going to try to make it a yes
12 or no and until I recognize that it's not a yes or
13 no question. Yes or no; right from the git-go on
14 December 21, 2009, you had the sense and the feeling
15 right then that I was somehow biased against you?

16 THE WITNESS: You want me to go back to the
17 beginning?

18 ATTY. BERDICK: The judge is asking you -- if I
19 may, your Honor?

20 THE WITNESS: I'm looking at --

21 ATTY. BERDICK: -- to answer his question.

22 THE WITNESS: I started at page 2.

23 THE COURT: Never mind. Were you having these
24 bias thoughts right from the very beginning on page
25 2 when we're talking? What's recorded on page 2,
26 you thought I was biased right then and there?

27 THE WITNESS: Yes.

1 THE COURT: Okay. And when we got to whatever
2 happened on page 6, you realized I was being
3 condescending and showing a bias against you?

4 THE WITNESS: Yes, your Honor.

5 THE COURT: Okay. And that happened throughout
6 the hearing?

7 THE WITNESS: Can I finish? I mean, go through
8 it all?

9 THE COURT: How many weeks do you need because
10 you've been at this -- I mean, you've seen this, you
11 quoted this thing, this transcript so many times to
12 the appellate court, in your stuff on the motion for
13 articulation, all that good stuff. You know this
14 transcript.

15 THE WITNESS: Are you asking me do I know it?

16 THE COURT: No, I'm not. I made a statement;
17 you know this transcript. Now I'm going to ask you
18 a question: Don't you?

19 THE WITNESS: Yes, your Honor.

20 THE COURT: Okay.

21 ATTY. BERDICK: If I may, your Honor?

22 THE COURT: I'm taking a recess.

23 ATTY. BERDICK: Okay, your Honor.

24 THE COURT: And you may go through that and
25 then come back. I want you to move quickly. We're
26 going to finish this hearing today.

27 ATTY. BERDICK: Yes, your Honor.

1 (Whereupon, there is a recess in the
2 proceedings.)

3 THE COURT: Go ahead.

4 ATTORNEY BERDICK CONTINUING:

5 Q Mr. Traylor, can you resume where you left off and
6 point out if there's other language that you found
7 condescending during the 21st of December 2009 in front of
8 Judge Parker.

9 A Page 9, "The Court: Oh, certainly." Page number 13,
10 "The Court: Yeah."

11 THE COURT: And these were all parts of your
12 June 15 complaint to the -- June 15, 2010 complaint
13 to Judicial Review?

14 THE WITNESS: I was reiterating a previous
15 complaint.

16 THE COURT: Excuse me. That was a yes or no.
17 If you can't answer it then don't bother going
18 through this.

19 THE WITNESS: Yes.

20 THE COURT: These things that you're now
21 commenting on were listed or set forth as part of
22 your -- set forth in your June 15, 2010 complaint to
23 Judicial Review?

24 ATTY. BERDICK: Your Honor --

25 THE COURT: He can answer it yes or no.

26 ATTY. BERDICK: Yes, he can answer it.

27 THE COURT: Answer it yes or no.

1 THE WITNESS: The words that I'm listing now
2 was not in the June 15th complaint.

3 THE COURT: Next question. Let's stick to what
4 was in the complaint.

5 ATTY. BERDICK: We are, your Honor. His
6 allegation in the complaint is condescending
7 language.

8 THE COURT: Did you get the instruction?

9 ATTY. BERDICK: No, I didn't.

10 THE COURT: Come on.

11 ATTY. BERDICK: I apologize. Can you continue?

12 THE COURT: No, if it's in the complaint of
13 June 15, 2010, point it out.

14 ATTY. BERDICK: Your Honor, I object but I
15 understand what you're saying. I'm not trying to be
16 facetious with you either. I'm just saying it's my
17 position that the client in his complaint was
18 objecting to condescending language. Yes, he quoted
19 one particular statement from the hearing but we're
20 talking about -- we're not talking about any other
21 --

22 THE COURT: Are you familiar with the rule that
23 says when the court wants argument it will ask for
24 it?

25 ATTY. BERDICK: Yes, your Honor. I apologize.

26 THE COURT: And that was argument, I didn't ask
27 for it.

1 ATTY. BERDICK: Okay. I'm sorry.

2 THE WITNESS: June 15th complaint: "I,
3 Sylvester Traylor, an African-American, do hereby
4 reiterate --"

5 THE COURT: There's no question pending. Go
6 ahead.

7 THE WITNESS: I'm sorry. I thought you want me
8 to refer to the complaint.

9 ATTY. BERDICK: No. Your Honor his directing
10 his comments to me. I apologize for taking your
11 attention away from the transcript.

12 ATTORNEY BERDICK CONTINUING:

13 Q Given your complaint on the 15th of June 2010, could
14 you illustrate if there's anything in the transcript that
15 relates to your complaint that you filed against Judge
16 Parker --

17 A Yes.

18 Q -- that you haven't already pointed out earlier
19 today.

20 A Yes. There's a word in the very first sentence. It
21 states -- the word is reiterate. The reason why I put that
22 word is -- in there is because I had made previous
23 complaints about Judge Parker referring to December 21st.

24 Q I understand that but the purpose of today's hearing,
25 in all fairness to the people involved, the parties
26 involved, is the June 15th, 2010 complaint?

27 A Yes.

1 Q Let's focus on that alone --

2 A Yes.

3 Q -- for the purposes of your testimony right now.

4 A So the reason why I put the word reiterate in there
5 is I had -- this is June 15th, 2010, but I had made a
6 previous complaint against Judge Parker, that's why I used
7 the word reiterate and the pages in the previous complaint
8 was one to eight and if you --

9 THE COURT: You filed complaints against me on
10 -- two in February of 2010. All right. Let's go
11 along.

12 ATTORNEY BERDICK CONTINUING:

13 Q The judge is correct. We're focusing on the June
14 15th of 2010 complaint, that's the relevant testimony if any
15 we need today.

16 A Yes. So in my complaint dated June 15, 2008 (sic) if
17 you look at the --

18 ATTY. BERDICK: 2000-what?

19 A (Continuing.) 2010, I'm sorry. It says pages one --
20 the very first page is 1 of eight, the second page is 2 of
21 eight, and the third page is 3 of eight and it's only three
22 pages because what I had done is I had --

23 ATTORNEY BERDICK CONTINUING:

24 Q Roger. I mean, for purposes of today, let's agree to
25 that but the fact is they weren't part of the complaint.
26 Those pages were not part of the complaint?

27 A Not all eight pages.

1 Q Roger.

2 A That was a typo.

3 Q It was?

4 A Yes.

5 Q Okay. So given that I'm asking for you to focus on
6 whether the language on the 21st of December 2010 related to
7 the transcript, in the transcript that if you found
8 condescending and that you haven't already pointed out to
9 the court today.

10 ATTY. BERDICK: I apologize for the length of
11 the question, your Honor.

12 A Well, Judge Parker said on the 21st of December, "Is
13 there a word with the letter A in my order?"

14 THE COURT: Well, that was in your complaint.
15 That's all that I've seen.

16 ATTY. BERDICK: Yes, your Honor. That is in
17 the complaint. I'm asking him is there any other
18 language in the transcript that he hadn't covered
19 today.

20 THE COURT: He didn't tell the Judicial Review
21 other than about is there something about a letter
22 A, so the Judicial Review -- how are they supposed
23 to know that he's now claiming when he -- somebody
24 mentions Barack Obama, we're going on to big cases
25 now, that that was prejudicial? How are they going
26 to know that?

27 ATTY. BERDICK: I submit, your Honor, without

1 being too forward here -- forward leaning, that's
2 why they sent it down to have the hearing now, to
3 flesh it out to see if your position is correct,
4 that maybe there was some humor, maybe some
5 direction in the testimony and maybe it wasn't.

6 THE COURT: No --

7 ATTY. BERDICK: Go ahead, your Honor. Sorry.

8 THE COURT: -- they denied his complaint
9 and pursuant to 1-22 of the practice book this
10 hearing was scheduled.

11 ATTY. BERDICK: Okay.

12 THE COURT: Nothing --

13 ATTY. BERDICK: I apologize, your Honor.

14 THE COURT: Well, you know.

15 ATTY. BERDICK: I'm not saying I'm right. I
16 prefaced my comment with what I thought was a
17 possibility. I stand corrected.

18 ATTORNEY BERDICK CONTINUING:

19 Q Is there any other language, Mr. Traylor, further
20 along in the transcript, if any, that you took umbrage or
21 any other type of reaction to, good or bad?

22 A Yes, I also --

23 THE COURT: Hold on a minute. We're trying to
24 complete this hearing.

25 ATTY. BERDICK: That's my intent, your Honor.

26 THE COURT: And if it's not in the complaint to
27 Judicial Review, it's irrelevant. He walks around

1 --

2 ATTY. BERDICK: Okay, your Honor. I
3 understand. I understand your ruling. Okay. I'm
4 going to circle back, your Honor, if I may.

5 ATTORNEY BERDICK CONTINUING:

6 Q Mr. Traylor, when did you become aware that Attorney
7 Rigney I guess -- and I stand corrected at this time --
8 Assistant Attorney General was not at the hearing?

9 A When I appeared on December 21st, 2009.

10 THE COURT: That answers the question.

11 ATTORNEY BERDICK CONTINUING:

12 Q What was your response when she's not there? Do you
13 expect her to be there?

14 A Yes.

15 THE COURT: Did you say anything on the record?

16 (Pause.)

17 THE WITNESS: I didn't say anything because I
18 didn't see the letter.

19 THE COURT: Oh, all right. But is it part of
20 the complaint to the Judicial Review on June 15?

21 ATTY. BERDICK: Yes, it is, your Honor.

22 THE COURT: I just read it when we took a break
23 and, geez, one of the lenses on my glasses keeps on
24 falling out --

25 ATTY. BERDICK: I'm not trying to misstate the
26 record. I thought he made reference to an ex parte
27 communication.

1 THE COURT: Oh, he does not in the June 15,
2 2010 complaint to Judicial Review as I recall.

3 ATTY. BERDICK: Can we just stand -- I don't
4 want to get into an argument with your Honor here.

5 THE COURT: Well, look at the luncheon break
6 and you can come back to this and tell me if it is
7 in there but let's move along. This case has gone
8 on long enough.

9 ATTORNEY BERDICK CONTINUING:

10 Q Did you receive a copy of the Assistant Attorney
11 General Kirsten Rigney's letter that day?

12 A After the hearing was over.

13 Q And how did you get that letter? How was that --

14 A Steve gave me a copy.

15 Q So you did not have it during -- I know you testified
16 but, just to be clear, you did not have it during the actual
17 --

18 A No.

19 Q -- show cause hearing?

20 A No, I did not.

21 Q Did Judge Parker summarize the content of that letter
22 to you during the hearing?

23 A He didn't even read the letter. He just said --

24 Q No. The question was did he summarize the content,
25 which is hard enough for you to judge, but did he articulate
26 the content of her letter?

27 A Yes, but it wasn't an accurate assessment of the

1 letter.

2 Q When were you aware of that?

3 A Once I read the letter. I got it from Steve.

4 THE COURT: How was it inaccurate?

5 THE WITNESS: You left out the part that she
6 had talked to the clerk two or three days prior and
7 the clerk didn't state that she -- I mean, the clerk
8 stated that she -- it wasn't necessary for her to be
9 there. The only way she would have had that right
10 not to be there unless she had talked to you or
11 somebody talked to you.

12 THE COURT: Are you accusing me of talking to
13 her beforehand?

14 THE WITNESS: Yeah.

15 THE COURT: You are. Okay.

16 THE WITNESS: I think somebody talked to you.
17 That's the only way she -- I don't think the clerk
18 has the authority to tell her not to be there.

19 ATTORNEY BERDICK CONTINUING:

20 Q When you say clerk, who do you mean?

21 A Well, I assume.

22 Q I don't think it was the clerk here.

23 A I'm assuming since Judge Parker was presiding here
24 and, you know, I think she mentioned "she" in her letter.

25 Q Who do you think the "she" was referring to?

26 A I'm assuming it was Kim McGee because I think Jeff
27 Feldman was gone at that time.

1 Q So your understanding was the "she" could refer to
2 the Chief Clerk of New London, and the "she" was Kim?

3 A Yes. And she also is the same clerk that stood
4 shoulder to shoulder with Attorney Leone when Attorney Leone
5 tried to have a physical confrontation with me right there
6 in the clerk's office.

7 Q Is there anything else about that letter that after
8 you did get it and reviewed --

9 THE WITNESS: Was there something funny, your
10 Honor? You're looking at Attorney Leone --

11 THE COURT: I was looking at you and your
12 lawyer.

13 THE WITNESS: And now you're leaning towards
14 me.

15 THE COURT: Are you afraid? Are you afraid I'm
16 going to do a back flip and land in your lap?

17 THE WITNESS: I was wondering. I've got a case
18 here where the court -- someone pointed their finger
19 at the court and they sent it to the administrative
20 judge. I'm not being threatening to you, am I?

21 THE COURT: No, no.

22 ATTY. BERDICK: Did -- your Honor, did you have
23 a question to me or direction?

24 THE COURT: Yeah. Why is any of this relevant?
25 Now he's accusing me of having an ex parte letter
26 before or having the request -- the request of the
27 ex parte letter from Rigney, that I knew about it

1 before December 21, and talked to the clerk about
2 it.

3 ATTY. BERDICK: Your Honor --

4 THE COURT: Are you going to have evidence?

5 ATTY. BERDICK: No, your Honor. You asked him
6 that.

7 THE COURT: What are you doing this for then?

8 ATTY. BERDICK: I think the ex parte
9 communication that brings in the canon --

10 THE COURT: Bring cannons, machine guns,
11 rifles, anything. What difference does it make?

12 ATTY. BERDICK: Your Honor, I mean --

13 THE COURT: Forget it. Never mind. You don't
14 know.

15 THE WITNESS: Can I --

16 THE COURT: Never mind. Next topic, please.

17 ATTORNEY BERDICK CONTINUING:

18 Q Mr. Traylor, is there anything else when you got that
19 letter and reviewed it that stands out -- that stands out to
20 you?

21 A Yeah, it wasn't cc'd to all parties. I mean, if I
22 would try that as pro se litigant, oh, my God, that thing
23 would be handed back to me immediately.

24 Q Anything else besides that?

25 A It wasn't --

26 (Pause.)

27 I mean, other than, you know, the conversation that

1 she had with the clerk, that's the most important thing. I
2 mean, the fact that --

3 Q In your opinion, if I may, that everything else in
4 that letter that you read after when you got a copy of it
5 and looked it over, did it cause you any concern or not?

6 A Yes, yes, yes.

7 Q What is that?

8 A The way I've been treated in this court as a pro se
9 litigant. I mean, I was there on a hearing regarding
10 whether or not I should or can or cannot represent my wife's
11 estate. I mean, as administrator, what I was doing was
12 trying to represent as an administrator of the estate and
13 Judge Parker was correct in saying the estate is a legal
14 entity but I am not.

15 Q Okay. Let's focus on --

16 THE COURT: I didn't say that either you,
17 Sylvester Traylor, an individual person, is a legal
18 -- a separate legal entity from the estate or vice
19 versa.

20 THE WITNESS: Yeah. I mean, well, my point was
21 that whole issue was centered around if a pro se
22 litigant can represent as administrator of his
23 wife's estate. Now, the sad side of all of it was
24 Attorney Rigney didn't show up and there was some
25 kind of ex parte communication with Judge Parker.

26 ATTORNEY BERDICK CONTINUING:

27 Q That's your assertion?

1 A Yes, it is.

2 THE COURT: You better get Rigney down here
3 because your client is making very serious charges
4 against people.

5 THE WITNESS: Yeah.

6 THE COURT: But I know the purpose of them.

7 ATTORNEY BERDICK CONTINUING:

8 Q Now, is there anything else besides that, regarding
9 to that letter that you finally saw, that stood out and
10 bothered you? If it did, I want to close off that topic.

11 A Well, I think that when I saw the fax page that Steve
12 gave me, it was page 2 of it and so I'm sure there was a
13 page before that.

14 Q Okay. Now --

15 A At the top of the page there's the original --

16 THE COURT: I haven't seen any fax cover sheet.

17 THE WITNESS: It was --

18 THE COURT: Where is it?

19 THE WITNESS: It was page 2 of the original.

20 THE COURT: Where is it?

21 THE WITNESS: The original fax?

22 ATTY. BERDICK: Your Honor, I don't have it
23 myself.

24 THE COURT: Do you have a copy of it?

25 THE WITNESS: Well, on the original --

26 THE COURT: Yes or no; do you have the fax
27 cover sheet which gives --

1 THE WITNESS: No, but I think --

2 THE COURT: You say you saw it?

3 THE WITNESS: I'm sure I have it somewhere in
4 my possession, not the cover sheet but the wording
5 at the top of that page saying page 2, I'm certain
6 of it. And the fax number is on that too.

7 THE COURT: Well, produce it.

8 THE WITNESS: I'm certain of it.

9 ATTORNEY BERDICK CONTINUING:

10 Q Now, isn't it true after the results of the hearing
11 you also asked -- one of the second things you asked of the
12 judge or what was important on the show cause hearing is how
13 much time you needed to get another attorney --

14 A Yes.

15 Q -- in order to maintain the cause of action in the
16 New London Superior Court? You're answering yes?

17 A Yes.

18 Q What was that? Can you go into that? What was that
19 time period that Judge Parker allowed you to have?

20 A Well, I think he gave me -- I only asked for six
21 weeks and Judge Parker went into saying, you know -- I think
22 he used the words, "I doubt you'll even get an attorney,"
23 but, for whatever reason, the "I doubt you can get an
24 attorney" didn't appear in the transcript when I got the
25 copy of it but I showed Judge Parker a letter of an attorney
26 that I was intending to have to represent me. And, by the
27 way, he used to work for -- with his dad at another law firm

1 and you stated on the record that you doubt that they would
2 even assist me.

3 THE COURT: That's all on the December 21
4 transcript and the law firm was the Law Offices of
5 Jon, J-o-n, J. Schoenhorn. I won't bother to try to
6 spell that.

7 THE WITNESS: And Michael --

8 THE COURT: And an associate in his office. I
9 may be wrong on this. I think it was Mathew was his
10 first name.

11 THE WITNESS: Mathew Sorokin, S-o-r-o-k-i-n.

12 THE COURT: There were Sorokins in a firm I was
13 with. I don't know that gentleman, I don't think I
14 ever knew him, and I just made clear that in that
15 letter that you presented from the Schoenhorn Law
16 Firm on --

17 ATTY. BERDICK: December 21st, your Honor.

18 THE COURT: -- I expressed less than full
19 optimism that they were going to take the case. The
20 best you had was a commitment from them to meet with
21 you on the following Wednesday, two days later, and
22 they made no commitment in that letter to take your
23 case and so I was skeptical. I think you'll find
24 that on the record.

25 ATTY. BERDICK: That's correct.

26 THE COURT: I'm going to ask you -- you've
27 been, in my view, spinning wheels here.

1 ATTY. BERDICK: Okay.

2 THE COURT: If Mr. Traylor had received a copy
3 of that letter from Kirsten Rigney on December 21
4 before the hearing, how would that have affected --

5 THE WITNESS: I would have filed the motion to
6 postpone until she was there to argue her side of
7 the story instead of you arguing on her behalf and,
8 not only that, the issue regarding you telling me
9 that I couldn't file the motion to reargue and I
10 attached the motion to her letter to that motion to
11 reargue saying that you can't argue on her behalf
12 but --

13 THE COURT: I never argued.

14 THE WITNESS: You never -- I sent it to the
15 appellate court.

16 THE COURT: You'll get your chance to go there.

17 THE WITNESS: I'll be there on Monday.

18 THE COURT: Regarding what?

19 THE WITNESS: Regarding the Writ of Mandamus.

20 THE COURT: Final arguments?

21 THE WITNESS: Yes.

22 ATTY. BERDICK: Your Honor, I thought the
23 question was directed to me.

24 THE COURT: Yeah. You're the attorney.

25 ATTY. BERDICK: What I'm saying, it would drop
26 one of the canons as being implicated as an issue.

27 In the canon it says if you have -- in the

1 commentary it goes into there's a nuance between
2 oral communications and ex parte and written ones.
3 The written ones, it spells out in the commentary,
4 should be given to the parties.

5 THE COURT: I'm not conceding how it --

6 ATTY. BERDICK: I'm answering your question. I
7 don't think -- it might not have mattered if he had
8 gotten it. You could have ruled the same way. I
9 see that. I'm not taking umbrage.

10 THE COURT: Why are we wasting two and a half
11 hours on it then?

12 ATTY. BERDICK: Because it goes to impartiality
13 issues, it also goes to process.

14 THE COURT: Okay.

15 ATTY. BERDICK: I want to get something on the
16 record because it's important.

17 ATTORNEY BERDICK CONTINUING:

18 Q Isn't it true that Judge Parker gave you more time
19 than you requested and even then opposing counsel asked to
20 be given for you to get another attorney to maintain the
21 cause of action?

22 A Yes.

23 Q Given the show cause order?

24 A Yes, he did.

25 Q Okay. Thank you.

26 A And that was helpful.

27 THE COURT: That was a yes or no.

1 A (Continuing.) Yes. I mean, I had medical issues too
2 during that course of time.

3 ATTORNEY BERDICK CONTINUING:

4 Q Just answer the question. So, you know, in all
5 fairness, you know, given what your other allegation is as
6 far as that second issue about getting -- you know,
7 maintaining the action, Judge Parker did not give you an
8 adverse ruling, he treated you better than you actually
9 prayed for during the oral hearing on that matter -- on that
10 sub-matter. I know there was another issue about the
11 maintaining as a pro se litigant but as far as getting
12 another attorney, didn't he give you way more time? I think
13 four months.

14 A Yes.

15 THE COURT: Ten questions.

16 Q (Continuing.) Didn't he give you four months to get
17 counsel to maintain --

18 A Yes, but --

19 Q -- the cause of action?

20 A -- after --

21 THE COURT: Yes is the answer.

22 A -- I found out that -- I found out also in that
23 Sophie vs. Ellis they gave him that same amount of time.
24 Judge Parker was doing the same as they did in that case.

25 THE COURT: I didn't even know that.

26 A (Continuing.) In my situation I did get an attorney.

27 THE COURT: And that attorney was the Hall

1 Johnson Law Firm?

2 THE WITNESS: Yes.

3 THE COURT: And they filed an appearance on the
4 deadline date?

5 THE WITNESS: Yes.

6 THE COURT: 39 minutes before five o'clock?

7 THE WITNESS: Yes. I was getting out of the
8 hospital.

9 THE COURT: But you didn't -- when had you gone
10 in the hospital?

11 THE WITNESS: I was in there maybe a couple
12 days.

13 THE COURT: Oh, so --

14 THE WITNESS: I was back and forth and not just
15 the four months. I was in and out the hospital at
16 least two or three times.

17 THE COURT: And that interfered with getting
18 your attorney?

19 THE WITNESS: Yeah. I mean, sometimes I
20 couldn't leave the house for two -- three weeks.

21 THE COURT: Is that right? How about filing
22 papers?

23 THE WITNESS: Sometimes people would bring them
24 in for me, I would try and send papers.

25 THE COURT: You asked for eight weeks?

26 THE WITNESS: I think six or eight weeks.

27 THE COURT: You asked for both?

1 THE WITNESS: During that time, Ann Hatfield,
2 who was your clerk at one time as you know, and I
3 think she was there --

4 THE COURT: Are you swearing under oath she was
5 my clerk?

6 THE WITNESS: I wasn't here presently.

7 THE COURT: But, see, you make those statements
8 under oath.

9 THE WITNESS: You know, that -- well, I don't
10 know personally. I know that she knows your son. I
11 can swear to that.

12 ATTORNEY BERDICK CONTINUING:

13 Q Yeah, but how is that relevant to the issue that the
14 judge is asking?

15 A The fact that Judge Parker's behavior and demeanor
16 towards me from the git-go, I mean, he's asking me earlier
17 in the transcript was I confrontational with you? From the
18 beginning of the transcript, Judge Parker, you've been
19 confrontational with me, from day one I met you. I've never
20 done anything to you. You've constantly -- and even in the
21 transcript speak louder than words, I don't know why you
22 constantly chastising me. I haven't did anything wrong
23 other than file the complaints, which is my right.

24 THE COURT: You got rights but no
25 responsibilities.

26 THE WITNESS: Responsibilities to tell the
27 truth.

1 ATTY. BERDICK: Your Honor, if I may, I'm
2 pretty much wrapping it up.

3 ATTORNEY BERDICK CONTINUING:

4 Q Isn't it true toward the end of the hearing in the
5 transcript you go on the record saying you actually have
6 some praise for Judge Parker, during the hearing?

7 A Yeah. I mean, I complimented him even on December
8 21st. I said, "I don't have any beef with you, I don't have
9 a problem with you." I only said that because I couldn't
10 understand why you constantly tried to chastise me. I mean,
11 why are you doing this?

12 ATTY. BERDICK: That's all.

13 THE COURT: You wrapping up?

14 ATTY. BERDICK: Yes.

15 THE WITNESS: Well, this -- submit this package
16 as my final exhibit. I think you've got the one --

17 ATTY. BERDICK: I'll ask the judge what he's
18 going to do with it. I think I already did.

19 THE WITNESS: Also the case where the judge
20 recused himself.

21 THE COURT: Have you previously cited that case
22 in papers filed with this court?

23 THE WITNESS: Say that again. I'm sorry, your
24 Honor. I didn't hear you.

25 THE COURT: You're telling your lawyer how you
26 want the case conducted in conclusion of your direct
27 testimony. You refer to a case that you just handed

1 him?

2 THE WITNESS: Yes, your Honor.

3 THE COURT: What's the case?

4 THE WITNESS: Can you read the case -- two
5 cases that I just handed. You can read it to him.

6 THE COURT: You're going to make it an exhibit?
7 Let's go.

8 ATTY. BERDICK: P&J, Inc. vs. Denardis, 2007
9 case Connecticut and then Silverberg vs.
10 Malachowski. Excuse me. I apologize
11 Silverberg, Marvin & Swaim, P.C. vs. Henry
12 Palikowski, 1990 Connecticut Sub. 3022.

13 ATTY. LEONE: 1990 case?

14 ATTY. BERDICK: These are the two exhibits to
15 be marked Plaintiff 7 and 8.

16 THE CLERK: 5 and 6.

17 THE WITNESS: And the package, Attorney
18 Berdick.

19 ATTY. BERDICK: I think I have to bring the
20 judge -- he didn't want this before.

21 Judge, this is the package I referred to
22 before, bringing in as an exhibit in evidence you
23 kind of foreclosed that option before. I don't want
24 to mislead you on that.

25 THE COURT: Is this one of the filings you made
26 this morning?

27 THE WITNESS: Yes, your Honor.

1 THE COURT: And that's, by your direction, gone
2 to the administrative judge?

3 THE WITNESS: Yes, your Honor.

4 THE COURT: Well, shouldn't we wait to see what
5 he's going to do?

6 THE WITNESS: I'd like you to read it too. I
7 made you a copy.

8 THE COURT: I don't want to read it right now.

9 THE WITNESS: Your Honor --

10 THE COURT: Why is it relevant?

11 THE WITNESS: I think there's some things in
12 there that ties you and Attorney Leone, donating
13 money to the same organization over at Lawrence &
14 Memorial Hospital where Dr. Awwa was also an
15 employee at one time but his employment got
16 terminated because --

17 THE COURT: Wait a minute. I've been a
18 patient, my wife's been a patient at Lawrence
19 & Memorial. Does that somehow taint me?

20 THE WITNESS: Well I'm saying, your Honor, you
21 have associations with certain people that may
22 trigger the reason why you're confrontational with
23 me and, like I told you, about the sons -- Matthew
24 Sorokin, a lot of people around Hartford, they all
25 know you, you know. You used to live in West
26 Hartford so, I mean, I know you're -- all the
27 attorneys when I looked and sought to get an

1 attorney, they declined not because -- some of them,
2 your Honor, they said no, they don't want to come
3 into the courtroom because of your demeanor, not
4 just --

5 THE COURT: Who said that?

6 THE WITNESS: Several. Several.

7 THE COURT: Ms. Several? Give me a name.

8 THE WITNESS: I'll give you one.

9 THE COURT: No. Give me all of them that said
10 that.

11 THE WITNESS: I'll get them to you.

12 THE COURT: Give them on the record right now.

13 THE WITNESS: I know one by heart. Brown.

14 Attorney Brown.

15 THE COURT: What's his first name?

16 THE WITNESS: I can't think of it off the back,
17 his name. He's from Hartford. Sorokin, the one
18 that I just mentioned that you used to work --

19 THE COURT: I used to -- he was with the
20 Schoenhorn Law Firm?

21 THE WITNESS: Yeah.

22 THE COURT: Yeah. Who else?

23 THE WITNESS: Several. I mean, I can --

24 THE COURT: No, please --

25 THE WITNESS: I've got all the names. I've got
26 every attorney.

27 THE COURT: We're going to be back here two

1 o'clock and you do a little thought.

2 THE WITNESS: Yup.

3 THE COURT: You know, you can throw harpoons
4 all you want.

5 THE WITNESS: Judge Parker, I just want to say,
6 this is my final thing about everything that took
7 place regarding that complaint on June 15th. As you
8 know, my ancestral background where I'm from --

9 THE COURT: No

10 ATTY. LEONE: I'm going to object.

11 THE WITNESS: This whether or not June 15th --

12 THE COURT: Please, quiet.

13 ATTY. LEONE: I'm objecting. If I may, your
14 Honor, I'm objecting that there's no question
15 pending.

16 THE COURT: Right.

17 THE WITNESS: Can we --

18 THE COURT: Have you finished direct?

19 ATTY. BERDICK: Yes, I have, your Honor.

20 THE COURT: You may step down.

21 THE WITNESS: Thank you.

22 (Witness complies.)

23 THE COURT: We'll resume at two o'clock.

24 MR. TRAYLOR: Is that also an order for me to
25 go get those names?

26 THE COURT: Go get what things?

27 MR. TRAYLOR: The names that said --

1 THE COURT: Well, I'm going to ask you about
2 them at two o'clock.

3 MR. TRAYLOR: I want to make sure.

4 THE COURT: You better have them.

5 MR. TRAYLOR: I want to make sure. I'll bring
6 them. Like I said, I'm looking at the truth, your
7 Honor. I'm not out to --

8 THE COURT: Well, all right. Two o'clock. You
9 have the right to cross-examine.

10 ATTY. LEONE: Yes, your Honor. If your Honor
11 please, I'm looking for the Court Exhibit Number 27.

12 ATTY. BERDICK: I have it (handing).

13 ATTY. LEONE: Thank you, your Honor.

14 (Whereupon, there is a recess in the
15 proceedings.)

16 THE COURT: I believe Mr. Traylor was on the
17 stand. Mr. Traylor would you --

18 (Witness complies.)

19 THE COURT: You may be seated. You're still
20 under oath.

21 Just before we broke you were going to look up
22 and find out what lawyers you had been mentioning
23 but were hesitant to tell me. One of them was
24 Brown. What's his first name?

25 THE WITNESS: His first name is John Brown.

26 THE COURT: Where does he practice?

27 THE WITNESS: Hartford.

1 THE COURT: John Brown in Hartford and what did
2 he say?

3 THE WITNESS: Well, he said that -- basically
4 I'm paraphrasing -- that in his own words that Judge
5 Parker is a cranky old man.

6 THE COURT: That's a compliment, isn't it?

7 THE WITNESS: And he don't want to take my case
8 and he says there's some -- he just felt that there
9 were some concerns about how you treat people in
10 court.

11 THE COURT: Did he ever have a case with me?

12 THE WITNESS: I think he have.

13 THE COURT: Huh?

14 THE WITNESS: I think he have, once.

15 THE COURT: Maybe. I don't think I know John
16 Brown. I don't think I even know one. Who's the
17 next one?

18 THE WITNESS: Well, my first attorney, Attorney
19 Pianka, I asked him after he left because Judge
20 Abrams had reopened the default judgment that he
21 felt -- I asked him to come back, he said, no, you
22 need a civil rights attorney. He said Judge Parker
23 -- is allocated to Judge Parker. He said, no, this
24 case has gone too far off track. It has nothing to
25 do with medical malpractice anymore. I said I had a
26 Writ of Mandamus. He said, no, they're not going to
27 listen to you. And then attorney James Hall, same

1 thing. When there was accusations made saying
2 about, you know, Judge Parker is abusing his
3 discretion by making them come back every two days.
4 Even Attorney Leone even made comments on the record
5 regarding how you was treating us. There's another
6 attorney firm, I'm not sure the pronunciation.

7 THE COURT: Mary Puhlick.

8 THE WITNESS: Puhlick and, your Honor, they
9 wouldn't take it. On the account of how I was
10 treated and regarding the Writ of Mandamus and how
11 you treated me, they said, no, this thing has
12 nothing to do with medical malpractice anymore.

13 This one you already know about.

14 THE COURT: Oh, Schoenhorn in Hartford.

15 THE WITNESS: They said no, this thing is off
16 track, they won't take it because of the way you
17 treated that Writ of Mandamus. It's the worst
18 enforcement of Judge Hurley's order. Miller,
19 Russick, D'Amico, August & Butler.

20 THE COURT: Where are they from?

21 THE WITNESS: Norwich, Connecticut.

22 THE COURT: Read the names so Mr. --
23 particularly Mr. Leone because he's familiar with --
24 more familiar than I with law firms in and around
25 the Norwich area.

26 THE WITNESS: Did I pronounce that right?

27 THE COURT: Mary Puhlick. She used to work

1 here as a clerk many years ago. What's the other?

2 THE WITNESS: Oh, the Miller one -- oh, I'm
3 sorry. I said that was from Norwich. I'm sorry.

4 THE COURT: Who?

5 THE WITNESS: I'm sorry, Puhlick is from
6 Norwich.

7 THE COURT: I don't think so.

8 THE WITNESS: Miller is from Bridgeport.

9 THE COURT: Bridgeport?

10 THE WITNESS: Yes.

11 THE COURT: What's the name of the --

12 THE WITNESS: Miller, R-o-s-n-i (sic).

13 THE COURT: Just fold the paper so I can read
14 the letterhead. If you don't want me to read the
15 letter, that's fine.

16 THE COURT: Miller, Russick, D'Amico, August &
17 Butler.

18 THE COURT: Who'd you speak to there?

19 THE WITNESS: Well, during the break I called a
20 couple of them. I'm going to use the same respect
21 that they told me. They says, look, they don't want
22 to be retaliated against in this court if they have
23 to show up before you or any other judge. They says
24 that's attorney-client privilege but they says if
25 you want to tell him the law firm, no problem. They
26 will confirm that I was there.

27 THE COURT: Yeah. I don't recall anything to

1 do with them.

2 THE WITNESS: All right. And then Schoenhorn
3 you know. Walsh, Moukawsher.

4 THE COURT: Moukawsher & Walsh?

5 THE WITNESS: Moukawsher & Walsh. And you know
6 who this is, right?

7 THE COURT: Sabilia._

8 THE WITNESS: Sabilia & DeSantis, you know who
9 that is.

10 THE COURT: Well, they're across the street.

11 THE WITNESS: And you know who this is.

12 THE COURT: Chester Fairley.

13 THE WITNESS: Yup.

14 THE COURT: What was his problem?

15 THE WITNESS: Same thing. He says this thing
16 with the Writ of Mandamus and not enforcing Judge
17 Hurley's order, the way they's (sic) treating this
18 case, no way I'm taking this case.

19 THE COURT: Judge Parker have anything to do
20 with --

21 THE WITNESS: Oh, yeah.

22 THE COURT: It did?

23 THE WITNESS: I've got to tell you they know me
24 of some years of being around the court so they
25 said, look, you told me to go get an attorney and
26 they says you've got a Writ of Mandamus. They even
27 asked me to copy the Writ of Mandamus I had made.

1 He said you know how many attorneys make Writ of
2 Mandamus? None. But, in this case, we agree. Why
3 are they not enforcing Hurley's order? What's wrong
4 with them over there? I says I don't know. I
5 showed them the transcript.

6 THE COURT: Did you ever tell them about that
7 -- I'm hesitating because I don't mean any prejudice
8 at all -- but Huggins vs. Mulvey?

9 THE WITNESS: Yup.

10 THE COURT: Did you tell them about that?

11 THE WITNESS: They didn't see how it applied.
12 Okay.

13 THE COURT: You'll learn next week.

14 THE WITNESS: They didn't see how it applied
15 because also the connotation how it came across,
16 there's some Writ of Mandamus, there are sections
17 under what type of Writ of Mandamus you can file.
18 In this situation it was proper. There's also --
19 you know Schoenhorn, you know Walsh -- this law firm
20 here --

21 THE COURT: Is that E-l-s-t-i- Elstein and
22 Elstein. Where are they, in Bridgeport?

23 THE WITNESS: Bridgeport.

24 THE COURT: Well, you were all ready to go to
25 Bridgeport when Judge Handy sent it there.

26 THE WITNESS: One of the attorneys because of
27 the way I was -- I've been treated in this court

1 said to get this case out of this court. This court
2 is better for a med-mal but the way I've been
3 treated, this is discrimination clearly, and they
4 don't want to take a case that they have to come in
5 and fight with the court. Did we read this one?
6 Orodie?

7 THE COURT: O-r-o-d-i-e & Connolly. Where are
8 they from?

9 THE WITNESS: Milford, Connecticut.

10 THE COURT: All of these people had bad things
11 to say because Parker is the judge, you better not,
12 we won't take the case?

13 THE WITNESS: Well, they couldn't understand
14 the way you had the case and then I had filed the
15 Writ of Mandamus and they looked at it and says wait
16 a minute, there's something more to this because
17 they never seen anything like this.

18 THE COURT: All right.

19 THE WITNESS: Now, this law firm is out of
20 state, so I reached out of state to Law Office of
21 Wade & Burke because they had one major lawsuit down
22 in --

23 THE COURT: Oh, never mind.

24 THE WITNESS: The point is this: They're in
25 Fayetteville, North Carolina, they had me contact
26 another law firm here in Connecticut because they
27 had a similar case and, come to find out, Judge

1 Hurley used to work at that law firm up in Hartford
2 and I didn't know that Judge Hurley had worked at
3 that law firm. In fact, that law firm was the very
4 first law firm I ever went to regarding my wife
5 medical malpractice case. The first law firm I went
6 to was now they're the defendant's counsel up in the
7 appellate court, Halloran & Sage. Halloran & Sage
8 referred me to --

9 THE COURT: Riscassi & Davis.

10 THE WITNESS: Riscassi & Davis so then the law
11 firm in North Carolina referred me to them, they
12 said no because they remembered me from the
13 beginning and they the one that introduced me to my
14 very first attorney, Attorney Pianka. Now, when I
15 went back to Riscassi & Davis they said no, they
16 says, Judge Hurley would be really sad to see how
17 this thing turned out and this is as far as we --
18 they're concerned they -- they says, no, this is not
19 right but you need to find another attorney out
20 there, so that's why I had to tell you about that
21 law firm. Then the last two is Gordon, Muir
22 & Foley.

23 THE COURT: Gordon, Muir, M-u-i-r,
24 & Foley?

25 THE WITNESS: M-u-i-r, yeah, and you know where
26 they are.

27 THE COURT: Right in Hartford.

1 THE WITNESS: They also know you.

2 THE COURT: Yeah.

3 THE WITNESS: Same thing. Very good law firm.

4 I mean, very professional people.

5 THE COURT: That's what they said about me?

6 THE WITNESS: They took almost a month and -- I
7 think a couple months. I think you told me to be
8 here on May 1st with an attorney of 2010. As you
9 can see the date, this date is May 13th. They knew
10 it was but they even still they still wrote to me to
11 give me the assurance why they didn't feel that they
12 didn't want to take this case and, again, it goes
13 back to they couldn't understand what's going on in
14 this case.

15 THE COURT: So they knew just what you told
16 them about the case?

17 THE WITNESS: I showed them the transcript and
18 at that time I had the Writ of Mandamus, so what I
19 did, as you know, that Writ of Mandamus consisted of
20 all of the transcripts. They didn't just see what
21 took place on account of what I said, they read the
22 transcripts.

23 THE COURT: Okay.

24 THE WITNESS: And the last one you know, Hall &
25 Johnson, and so --

26 THE COURT: Have you sued them yet?

27 THE WITNESS: No. I mean --

1 THE COURT: Why not?

2 THE WITNESS: Judge Parker, it wasn't my intent
3 to sue them.

4 THE COURT: I asked a question, did you sue
5 them yet, you said no. Thank you.

6 THE WITNESS: Because that was --

7 THE COURT: Mr. Leone, do you have any
8 questions?

9 ATTY. LEONE: I don't have any questions of Mr.
10 Traylor with respect to his judicial complaint of
11 June 15th, 2010.

12 THE COURT: Well, anything he said this
13 morning?

14 ATTY. LEONE: No, your Honor.

15 THE COURT: All right.

16 THE WITNESS: And, your Honor, you also asked
17 about that letter and said that that was there. You
18 questioned me to bring something back regarding the
19 top of that letter.

20 THE COURT: Oh, something about the cover page
21 for a fax?

22 THE WITNESS: There was some writing at the top
23 of it.

24 THE COURT: That Kirsten Rigney, Assistant
25 Attorney General, sent to the court on December 21?

26 THE WITNESS: Did you want -- there was some
27 writing at the top of it, your Honor.

1 THE COURT: What?

2 THE WITNESS: There was like a fax
3 correspondence.

4 THE COURT: Well, do you have it?

5 THE WITNESS: Well, that's what I was asking
6 Steve when I came back in, did he have the original.

7 THE COURT: Well, if you think it's really
8 relevant, find it and have it made an exhibit, okay?

9 THE WITNESS: All right.

10 THE COURT: Then we'll proceed further.

11 (Pause.)

12 THE COURT: Mr. Traylor, how old are you?

13 THE WITNESS: I'm 49, your Honor.

14 THE COURT: Okay. What's your educational
15 background?

16 THE WITNESS: I have a B.A. degree from Pacific
17 Christian College in Fullerton, California.

18 THE COURT: What year did you get that?

19 THE WITNESS: I got it in 1989.

20 THE COURT: And what did you major in?

21 THE WITNESS: Cross-culture communication and
22 philosophy.

23 THE COURT: Any education beyond that, formal?

24 THE WITNESS: Yes, sir. I went to, briefly,
25 Harvard Law School at the -- it's called the -- I
26 was going out after school -- I mean after work,
27 it's called extended education so I was studying

1 international law at that time and then Nelson
2 Mandella got released, that's during the first
3 Persian war. They -- all of the kids in the front
4 of the class was sons and daughters of politicians
5 and ex-presidents, and I wasn't getting anything out
6 of school so I decided to go over to South Africa
7 since that was my emphasis in my undergrad.

8 THE COURT: What year or years or part of years
9 were you at Harvard Law School?

10 THE WITNESS: I was there I think the ending of
11 19 -- 1992.

12 THE COURT: How long were you there?

13 THE WITNESS: I was only there one semester.

14 THE COURT: When did the semester begin?

15 THE WITNESS: I can't really remember right off
16 the back.

17 THE COURT: Around Labor Day?

18 THE WITNESS: I know it ended in winter, the
19 beginning, the first part of the year.

20 THE COURT: What year?

21 THE WITNESS: I think it was '92.

22 THE COURT: So you were there first semester
23 courses in the first part of 1992?

24 THE WITNESS: Yeah. It could be '92 or '91.
25 Definitely is one of those years.

26 THE COURT: One or the other?

27 THE WITNESS: Yes, sir.

1 THE COURT: Any education -- formal education
2 beyond -- since then?

3 THE WITNESS: No, your Honor. I mean, other
4 than going over to South Africa and working with --
5 as a liaison.

6 THE COURT: So your total law oriented
7 education was a few months at Harvard?

8 THE WITNESS: Yes, but --

9 THE COURT: Is this the Harvard in Cambridge,
10 Massachusetts?

11 THE WITNESS: Yes, your Honor.

12 THE COURT: All right.

13 THE WITNESS: And other than that, after that,
14 I came back to the United States in 1996 and I think
15 about 1998 I met my wife.

16 THE COURT: Mmm-Hmm.

17 THE WITNESS: We got married in 2000.

18 THE COURT: Okay. And what's been your
19 employment in the last 15 years?

20 THE WITNESS: Well --

21 THE COURT: Well, ten years.

22 THE WITNESS: Well, in the last ten years,
23 after I came back from South Africa, like I said,
24 that was in '96. So we're looking a little bit more
25 than 15 years. This is 2012 (sic), so in the last
26 -- well, let's count back. It's almost been five --
27 six years since my wife passed and, prior to that, I

1 worked my first job. I came back from South Africa
2 and I worked as a constructionist over at Foxwoods
3 Casino. And the way I got that job --

4 THE COURT: No.

5 THE WITNESS: -- because of my --

6 THE COURT: I really don't want to know.

7 THE WITNESS: Yup.

8 THE COURT: You worked on construction at
9 Foxwoods for whom?

10 THE WITNESS: C.R. Klewin Construction Company.

11 THE COURT: All right. For how long did you
12 have that job?

13 THE WITNESS: A year.

14 THE COURT: What were you doing for C.R.
15 Klewin?

16 THE WITNESS: I was a mediator between the
17 tribe and the construction workers when they would
18 come inside the casino. I would just basically
19 monitor them, tell them you guys can't be dragging
20 dirt and debris back into the casino.

21 THE COURT: What year were you working for C.R.
22 Klewin?

23 THE WITNESS: I think '96 to '97.

24 THE COURT: When to when, your best estimate.
25 For two years you were there?

26 THE WITNESS: '96 to '97.

27 THE COURT: That's two years.

1 THE WITNESS: No, that's one.

2 THE COURT: When did you start work for C.R.
3 Klewin in 1996?

4 THE WITNESS: Around -- I know it was winter,
5 maybe December or January.

6 THE COURT: And when did you cease working for
7 C.R. Klewin in '97?

8 THE WITNESS: Around the same time, December.

9 THE COURT: Okay. All right. So your best
10 recollection --

11 THE WITNESS: I know the exact date too.

12 THE COURT: Give me the exact date.

13 THE WITNESS: December 24th, 1997.

14 THE COURT: What's the exact date of your
15 termination?

16 THE WITNESS: That's the date.

17 THE COURT: In '98 what's the date?

18 THE WITNESS: No, in '97. I didn't work for
19 them in '98. I said '97. That's why you said two
20 years, I'm telling you one year.

21 THE COURT: You began work in 1996 on Christmas
22 Eve?

23 THE WITNESS: Around that, yup.

24 THE COURT: Well --

25 ATTY. BERDICK: Your Honor, if I may, he's
26 saying his termination date was December 24,
27 Christmas Eve, '97, and he started about a year

1 before that. That's kind of what his testimony is
2 as I understand it.

3 THE WITNESS: Yup.

4 THE COURT: Okay. All right. Why did you
5 leave C.R. Klewin?

6 THE WITNESS: I was set up. One of the
7 managers at C.R. Klewin tried to pay a girl
8 \$20,000 to set me up for sexual harassment. She, in
9 turn, gave me the money and a letter saying she
10 won't be part of anything like that.

11 THE COURT: So C.R. Klewin discriminated
12 against you?

13 THE WITNESS: Yes, yes, because of my Indian
14 preference. That's how I got the job working for
15 them. The tribe told them to hire me as an
16 employee.

17 THE COURT: Now, what was your next employment
18 after New Year's Eve of '97?

19 THE WITNESS: I briefly worked for the casino
20 working in the arcades and all that stuff.

21 THE COURT: How long was that?

22 THE WITNESS: It was briefly.

23 THE COURT: How long?

24 THE WITNESS: Maybe a couple months or
25 whatever. It was during that time I was still
26 working for C.R. Klewin. I was working and after
27 work I would go work to the casino.

1 THE COURT: When did you stop working for the
2 casino?

3 THE WITNESS: I'd say around the same time,
4 December '06.

5 THE COURT: December '06?

6 THE WITNESS: '06? I mean 1996 -- I mean 1997.
7 I'm sorry.

8 THE COURT: I told you, you heard me say it
9 several times today, my density level is up
10 particularly high today. Now, I believe your
11 testimony was you left C.R. Klewin on Christmas Eve
12 1997?

13 THE WITNESS: Yes.

14 THE COURT: When did you start working for the
15 casino?

16 THE WITNESS: I'd say about the middle of 1997.
17 I was working two jobs.

18 THE COURT: Okay. And then you continued on,
19 that sort of second job became your total job after
20 Christmas Eve '97?

21 THE WITNESS: I was in that facility all day.

22 THE COURT: When did you leave the casino in
23 '97?

24 THE WITNESS: December 24, 1997.

25 THE COURT: Excuse me. So you left the casino
26 and C.R. Klewin on Christmas Eve '97?

27 THE WITNESS: Yes, yes.

1 THE COURT: Okay. What did you do for
2 employment on Christmas Day '97 and thereafter?

3 THE WITNESS: Okay.

4 THE COURT: Your next job.

5 THE WITNESS: For a little while -- I mean, the
6 way the situation happened to me, it kind of --

7 THE COURT: Just tell me the job. I don't care
8 how you got the job or anything. You may want to
9 later. Tell me what was the job or jobs.

10 THE WITNESS: After C.R. Klewin I went to
11 Alaska for about -- because I had settled out of
12 court with the tribe and C.R. Klewin.

13 THE COURT: Okay.

14 THE WITNESS: And, I mean -- well, with
15 C.R. Klewin at first and then I settled with the
16 tribe later. After it went through the federal
17 court to the appellate court, they sent back half of
18 it and they settled with me.

19 THE COURT: Okay. Now --

20 THE WITNESS: I went to Alaska.

21 THE COURT: When?

22 THE WITNESS: In '98 around. It was going into
23 '97 so maybe '98 -- for like two or three months
24 into '98 I think I decided --

25 THE COURT: When did you go to Alaska?

26 THE WITNESS: I think in --

27 THE COURT: Sometime in '98?

1 THE WITNESS: Like the beginning of '98.

2 THE COURT: January?

3 THE WITNESS: No, it wasn't that close. It was
4 maybe March or May.

5 THE COURT: March or May?

6 THE WITNESS: Yes.

7 THE COURT: And what did you do in Alaska?

8 THE WITNESS: I went to fish in Bristol Bay.

9 THE COURT: How long were you there?

10 THE WITNESS: I was there three -- four months.

11 THE COURT: So you were there part of '98
12 working as a fisherman?

13 THE WITNESS: Yes.

14 THE COURT: Same boat all the time?

15 THE WITNESS: No, different boat. I mean, for
16 me, your Honor, Alaska -- I like Alaska. I mean,
17 even during after my wife death I went there to
18 soul, to heal, and that was the right place for me
19 to go just work hard and, you know, try and forget
20 about my worries, to go to Alaska for work.

21 THE COURT: So several months in '98 you worked
22 as a fisherman on several boats?

23 THE WITNESS: Yes --

24 THE COURT: All right. Did you come back from
25 Alaska in '98?

26 THE WITNESS: -- only one. Yes, yes. I came
27 back to Connecticut.

1 THE COURT: All right. Then what'd you do for
2 a living?

3 THE WITNESS: And then -- this is '98 -- I went
4 to work for Filene's Department Store and that's
5 when I met my wife. She also was working there and,
6 you know, she would --

7 THE COURT: What'd you do for Filene's?

8 THE WITNESS: I sold suits and ties. I was the
9 top salesman.

10 THE COURT: In the men's department?

11 THE WITNESS: Yes, your Honor.

12 THE COURT: For how long were you at Filene's?

13 THE WITNESS: I was there approximately maybe
14 five -- six months and then one of C.R. Klewin's
15 ex-employees was friends of --

16 THE COURT: What?

17 THE WITNESS: C.R. Klewin's employee's wife was
18 working for Filene's and I didn't know this. They
19 tried to set me up again.

20 THE COURT: Gosh, you are a magnet.

21 THE WITNESS: Yeah, yeah. I didn't know it, so
22 they gave me this book, this Sports Illustrated
23 book, says you can have it and I said, okay, fine.
24 So I walk out, they said, what are you doing with
25 the Sports Illustrated book? The manager told me I
26 can have it. She said let me have it, I gave it to
27 her.

1 THE COURT: Who was this person who was asking
2 you about --

3 THE WITNESS: Security at Filene's and I said
4 -- so the next day the manager didn't know what they
5 had did to try and set me up, so I told the manager
6 write right here what you told me to do with that
7 Sports Illustrated magazine so she did, I took it in
8 to the director manager and they said, hey, you
9 still fired. I said for what? What did I do? And
10 then the person I didn't know that C.R. Klewin ex--
11 C.R. Klewin's employee's wife is working there.
12 Next day Lou is sitting out -- a friend of mine
13 surveilling the place, trying to figure out
14 something not right here. So I -- we see C.R.
15 Klewin employees, we walk behind them and they
16 didn't know. They said, we got him. They didn't
17 know my relationship to the corporate office up in
18 the Boston Filene's, the head office up there, so I
19 go up there and I complained. I said here's the
20 letter from my manager. He said don't sue, we'll
21 settle and they settled.

22 THE COURT: How much did you get for that?

23 THE WITNESS: I can't disclose it.

24 THE COURT: Huh?

25 THE WITNESS: I can't disclose it, your Honor.

26 THE COURT: I'll give you a clue: You can.

27 I'm not trying to do anything wrong to you but you

1 can disclose it and you must disclose it. Tell me
2 and I'll tell everyone here not to -- how much did
3 you get for that?

4 THE WITNESS: I could write it down, your
5 Honor.

6 THE COURT: No, you can put it on the record.
7 There's nobody here.

8 THE WITNESS: The only problem is, your Honor,
9 I know that these people after my wife death they've
10 been really vindictiveness (sic) with me. It could
11 even cause hostility in you. I never did anything
12 in these --

13 THE COURT: I've never owned any Filene's
14 stock.

15 THE WITNESS: Why have people been vindictive
16 against me? I have no clue. I never did anything
17 wrong to them.

18 THE COURT: Okay. How much did you get for
19 that?

20 THE WITNESS: Can I ask my counsel can answer
21 that? Can I answer that, counsel?

22 THE COURT: You have to.

23 ATTY. BERDICK: Your Honor, if you're directing
24 him to answer it, that's fine, as long as you're
25 demanding that he give you that information.

26 THE COURT: He's the one that brought up the
27 settlement, I didn't.

1 ATTY. BERDICK: Roger. I want it clear on the
2 record.

3 THE WITNESS: You didn't ask about Klewin but
4 you're asking for Filene's?

5 THE COURT: Did you get paid by Klewin too?

6 THE WITNESS: Yes, your Honor.

7 THE COURT: Well, how much did you get from
8 Klewin?

9 THE WITNESS: Counsel, should I?

10 ATTY. BERDICK: You know, your Honor, if you're
11 forcing him to disclose his confidentiality
12 agreement/settlement.

13 THE COURT: He never mentioned a
14 confidentiality agreement.

15 THE WITNESS: Yes, I have one.

16 THE COURT: Well, tell me how much you got from
17 Klewin, how much you got from Filene's.

18 ATTY. BERDICK: You can disclose it as long as
19 the judge is excepting for the fact that he knows
20 you have a settlement agreement on those.

21 THE COURT: How much did you get from Klewin?

22 THE WITNESS: Your Honor, I have to take the
23 fifth on that. It implicates me to criminal
24 prosecution.

25 THE COURT: That's all right.

26 THE WITNESS: I'm sorry.

27 THE COURT: Well --

1 THE WITNESS: Because --

2 THE COURT: -- how much did you get from
3 Klewin?

4 ATTY. BERDICK: If there's no fifth amendment
5 concerns in your judgment you can disclose it, you
6 know, but if there is, that's your choice. I'm not
7 aware of any criminality, your Honor, regarding
8 settlement.

9 THE WITNESS: It's all civil.

10 THE COURT: How much did you get from Klewin?

11 THE WITNESS: I got \$50,000.

12 THE COURT: How much did you get from Filene's?

13 (Pause.)

14 THE WITNESS: I think -- I'm not sure, your
15 Honor. I think it was around --

16 (Pause.)

17 THE WITNESS: I'm not sure of the exact amount.

18 THE COURT: What's your best estimate, your
19 best recollection?

20 THE WITNESS: I think it's around -- I'm not
21 sure if it was my yearly salary that I should have
22 earned the rest of that year or it was around -- if
23 I say the wrong amount, I don't want you to hold it
24 against me, you know?

25 THE COURT: All right. If you're telling the
26 truth --

27 THE WITNESS: So can I not answer that one?

1 THE COURT: No, you're going to answer it.

2 THE WITNESS: I don't know the correct answer.

3 ATTY. BERDICK: To the best of your ability. I
4 mean, unless there was like, you know, there might
5 have been a lawyer involved. Was there a lawyer
6 involved? I mean, I don't know.

7 THE WITNESS: No, no, because I know the owners
8 of Filene's and they didn't know that down here in
9 Connecticut.

10 ATTY. BERDICK: Just give your best estimate of
11 what the amount was. You don't have to be to the
12 dollar amount.

13 THE COURT: Yes, he does.

14 ATTY. BERDICK: If he knows it.

15 THE COURT: You know -- was it 40 cents?

16 THE WITNESS: No.

17 THE COURT: Was it \$3 million?

18 THE WITNESS: No, your Honor.

19 THE COURT: You don't know?

20 THE WITNESS: I know it wasn't three million.

21 THE COURT: Somewhere between 40 cents and
22 \$3 million. Was it 50 cents?

23 THE WITNESS: Your Honor, this -- the person
24 who settled this case with me was someone that I
25 knew personally also from when I was in school up in
26 Boston and they didn't know that I knew him. When I
27 went to him and showed him what happened to me down

1 here in Connecticut, he says, look, we're going to
2 settle this thing, don't worry about suing the
3 company.

4 THE COURT: Look it, all of that is very
5 interesting. My question is very simple. Did you
6 get a check for the settlement or did they send a
7 Briggs truck with cash?

8 THE WITNESS: No, he sent me down to -- I think
9 he sent me down to the -- they have a union and told
10 them to pay me off -- out.

11 THE COURT: How much did they pay you?

12 THE WITNESS: I don't know. I think if I say
13 the wrong amount, that's it.

14 THE COURT: Well, let me tell you -- how many
15 settlements have you had as a result of your
16 mistreatment or perceived mistreatment?

17 THE WITNESS: Okay. All right. You know about
18 Klewin.

19 THE COURT: What?

20 THE WITNESS: You know about Klewin.

21 THE COURT: You said \$50,000.

22 THE WITNESS: Yup. And then I went all the way
23 to the federal court and that's when I was suing the
24 tribe. They sent half of it back and then --

25 THE COURT: What do you mean; half of what
26 back?

27 THE WITNESS: Judge Dorsey down in New Haven,

1 he dismissed the complaint, the appellate second
2 circuit court says no, you have your state remedies
3 still, so one of the tribal elders of the Pequot
4 tribe says no, we settle this thing with you, and
5 they gave me another \$50,000.

6 THE COURT: And what was -- another
7 \$50,000?

8 THE WITNESS: Yes, on top but --

9 THE COURT: What had they originally paid you?

10 THE WITNESS: C.R. Klewin paid me the first 25
11 and they told Klewin that he had to pay another
12 additional 25 and they would come up with the other
13 25 and so the elder told me come to my house on such
14 and such date and he gave me the \$50,000 and he
15 says, look, we're straight and even. So what was
16 going on was -- and that case actually came here and
17 it went to the appellate court. C.R. Klewin was
18 doing some things like light fixtures and stuff like
19 that, you know, like the light fixtures up in the
20 Norwich court, they were stolen from the tribe, so I
21 -- part of my job was not only as a liaison between
22 the job and C.R. Klewin, they told me you've got
23 this much cherry wood, in the morning it was half
24 the size, so I had to report who was stealing it.

25 THE COURT: Excuse me. This is all very
26 interesting but I'm not interested in cherry wood,
27 I'm interested in how much you were paid by C.R.

1 Klewin.

2 THE WITNESS: First time it was 50 but now
3 Klewin didn't tell me that they gave me their second
4 25 but the lawyer, one of the people who had gave me
5 the second 50, he says that Klewin gave us a second
6 25, we added another 25 to that, and here you are.

7 THE COURT: So between Klewin and the tribe you
8 got a hundred grand?

9 THE WITNESS: Yes, your Honor.

10 THE COURT: Now we're going to dance back
11 towards how much did you get from Filene's?

12 THE WITNESS: I'd say four or 5,000.

13 THE COURT: What?

14 THE WITNESS: Four or 5,000.

15 THE COURT: Who else paid you money because of
16 getting caught or compromising on your claims that
17 you were mistreated by them?

18 THE WITNESS: That's it to my knowledge.
19 Unless I'm forgetting somebody, that's it to my
20 knowledge.

21 THE COURT: You were doing such a good job.

22 THE WITNESS: I don't know why as you can see
23 -- why at Filene's and the tribe they both tried to
24 set me up and it backfired on them.

25 THE COURT: That's wonderful. Let me ask you,
26 you brought a lawsuit in late 2004 against Waterford
27 and the Waterford Police Department?

1 THE WITNESS: It settled. That's right, that
2 settled too.

3 THE COURT: That was brought in this court and
4 then it was transferred on up to Tolland County and
5 during the summer of 2005 that case was settled?

6 THE WITNESS: It was settled.

7 THE COURT: How much?

8 THE WITNESS: I don't know. Like they paid for
9 the funeral expenses and I think about five or
10 \$7,000 but the law firm that was representing the
11 Waterford Police, he's the one that initially opened
12 my eyes to Dr. Awwa because after he received the
13 medical records from Dr. Awwa, he says there's stuff
14 missing here so he introduced me to Halloran & Sage.

15 THE COURT: When was this?

16 THE WITNESS: This was right around '05. '05.
17 Around November/December of '05.

18 THE COURT: So November or December of 2005 you
19 were aware that you had a spoliation claim?

20 THE WITNESS: I was aware but, you see, I
21 didn't know what spoliation at the time was.

22 THE COURT: Well, I mean, you were a college --
23 B.A. graduate of a college and had schooled at
24 Harvard Law so when they say hey, there's stuff
25 missing, maybe you didn't know the term spoliation
26 but you knew that --

27 THE WITNESS: Your Honor, when I took the file

1 to Halloran & Sage, I have about that thick
2 (indicating) of analyses on how to proceed with this
3 case and so the attorney there was Dan Scapellati.
4 Dan. At first he looked at the insurance aspect of
5 all of this because my wife -- we had a life
6 insurance policy but the life insurance policy
7 wouldn't pay out --

8 THE COURT: I'm aware of all this.

9 THE WITNESS: -- because of the suicide clause.

10 THE COURT: This has been thrashed out in the
11 appellate court.

12 THE WITNESS: I'm trying to answer your
13 question. You were asking me about the spoliation.
14 He didn't -- he said no, let me send you to Riscassi
15 & Davis to decide on how to proceed on this matter.
16 Then I go to Riscassi & Davis and Riscassi & Davis
17 introduced me to my first attorney, Andrew Pianka.
18 Andrew Pianka -- and this is the way Attorney
19 Berdick looks at it also -- he likes to be in
20 command and control.

21 THE COURT: Who, Berdick?

22 THE WITNESS: He likes to be in control of the
23 plaintiff. He wants to direct and help the
24 plaintiff as his best interests so that's what
25 Attorney Pianka did. So he says, look, let me do
26 this. Let me file the complaint.

27 THE COURT: When did you go to Attorney Pianka?

1 THE WITNESS: I think around December -- no, it
2 was around January of '06 and then he initially
3 filed the extension, the 90 day extension for me.

4 THE COURT: The 90 day extension part of the
5 statute, that's so you can get another psychiatrist
6 or a similar healthcare provider's letter?

7 THE WITNESS: Yes. So what I was doing,
8 running around Connecticut, you know, people is
9 trying to charge me X number of fees for expert
10 opinion, I was telling them, look, I don't have no
11 money. I mean, this is really stressful time for me
12 and so I went back to Harvard, I talked to a couple
13 people that knew me from back several years ago,
14 told them the situation what I was going through
15 down here in Connecticut, and they said we got the
16 right man, he's waiting for you. It was nine
17 o'clock in Cambridge. I think it took me maybe
18 three or four hours to go back to Yale University,
19 Dr. Senunu (phonetic) was waiting for me with about
20 six other psychiatrists in a conference room.

21 THE COURT: And when was that?

22 THE WITNESS: Had to be August of '06, I'm
23 assuming. I'm assuming.

24 THE COURT: So first you contacted Dr. Senunu
25 or whatever, the guy that wrote the letter dated
26 October 18th, 2006?

27 THE WITNESS: Yes.

1 THE COURT: Your first contact with him, as
2 best of your recollection, August 2006?

3 THE WITNESS: That's the first time I talked to
4 Dr. Senunu but the very first time I got an opinion
5 regarding Dr. Awwa was way before that. I think it
6 was in January or February of '06, that's when the
7 person that lives around the corner from me, he's a
8 chemist, and you may know him. I don't know if I
9 should tell you his name.

10 THE COURT: I don't care. He's not a
11 psychiatrist, is he?

12 THE WITNESS: Well --

13 THE COURT: Yes or no?

14 THE WITNESS: No, he's not, your Honor, but he
15 told me call Wyatt --

16 THE COURT: Never mind what he told you.

17 THE WITNESS: Wyeth Pharmaceutical that does
18 have psychiatrists on duty.

19 THE COURT: Do you need me here? I just told
20 you I don't want to hear this stuff.

21 THE WITNESS: I thought you was -- you was
22 asking me.

23 THE COURT: I never asked you about -- listen
24 to my questions, please. Cooperate with me even if
25 I am the most evil judge that you've ever seen,
26 please. Until I'm bounced out of this case, I'm
27 going to run this courtroom. This case has been

1 pending in this court since July 3, 2006, and you
2 and Mr. Pianka were at -- you and/or Mr. Pianka have
3 been at the helm of this case and it's made no
4 progress until roughly July 2010 when you finally
5 through Hall Johnson got a complaint, in other
6 words, the complaint which is no further along than
7 you were on July 3rd, 2006, there were different
8 complaints but status-wise no progress in the case.

9 All right. What's your testimony as to how
10 much you got from the settlement with the Waterford
11 Police Department in the first lawsuit you brought
12 that Mr. Williams initiated for you?

13 THE WITNESS: Five to 7,000. I'm not sure of
14 the exact amount. It was just for the funeral
15 expenses and they assured me -- I mean, gave me all
16 the directions what my focus should be on, the
17 medical malpractice, because my wife showed signs of
18 suicidal tendencies for a year prior to her death.

19 THE COURT: Okay. Thank you.

20 THE WITNESS: And so then the medicine -- I
21 didn't know about that medicine and then they
22 informed me that -- that did you know about the
23 medicine that your wife was on. I said no.

24 THE COURT: Do you remember the last question I
25 asked you? You didn't know about the medicine and
26 all that was nowhere near an answer to my question.
27 All right. Now, you come back from Alaska?

1 THE WITNESS: The first time or the second
2 time?

3 THE COURT: Well, I only heard about the first
4 time.

5 THE WITNESS: Okay.

6 THE COURT: When did you come back from Alaska?

7 THE WITNESS: The last time?

8 THE COURT: No, the first time.

9 THE WITNESS: '98.

10 THE COURT: Okay. And what did you do with
11 employment after that?

12 THE WITNESS: I told you, I worked at Filene's.

13 THE COURT: And you were only at Filene's a few
14 weeks?

15 THE WITNESS: Months. Four or six months.

16 THE COURT: Then what did you do?

17 THE WITNESS: I worked over at Fisher's Island.
18 I did landscaping and I worked for a lot of
19 landscaping companies.

20 THE COURT: How long were you working for
21 various landscaping companies on Fisher's Island?

22 THE WITNESS: Not just on Fisher's Island but
23 even here.

24 THE COURT: Okay. How long?

25 THE WITNESS: A couple years.

26 THE COURT: What years?

27 THE WITNESS: '98 to 2000.

1 THE COURT: Were you still working as a
2 landscaper when you got married?

3 THE WITNESS: Yeah.

4 THE COURT: And how long into your marriage
5 were you still working as a landscaper?

6 THE WITNESS: Also I was working over at the
7 sub base. I was working --

8 THE COURT: Not as a landscaper?

9 THE WITNESS: No, I was doing work.

10 THE COURT: Landscaping. You got married in
11 2000. Did you finish landscaping employment in
12 2000?

13 THE WITNESS: I continued.

14 THE COURT: Huh?

15 THE WITNESS: I continued and still today a
16 friend of mine, they call me up, say they need some
17 extra help.

18 THE COURT: Okay. And what was your next
19 job?

20 THE WITNESS: Up until I think my wife death in
21 2004, from 2000 to 2004, I was doing pretty much
22 working for --

23 THE COURT: What?

24 THE WITNESS: You know, landscaping.

25 THE COURT: Well, how much were you making?

26 THE WITNESS: I was working two jobs -- two --
27 three jobs, so I would say I was making around -- I

1 was bringing 50 -- \$70,000.

2 THE COURT: A year landscaping, working several
3 jobs?

4 THE WITNESS: Other jobs.

5 THE COURT: What were the other jobs?

6 THE WITNESS: I would do janitor work at some
7 places. I would do all kinds of work, sometimes two
8 jobs in one day and I was making so much money that,
9 you know, my wife quit her second job.

10 THE COURT: What was her second job?

11 THE WITNESS: She was working in Swansea,
12 Massachusetts for a traveling agent and it was very
13 far and she says, oh, this is --

14 THE COURT: Okay. After you were -- so how
15 long were you working in landscaping, janitorial,
16 and that type of work making 50 to \$70,000 a year?

17 THE WITNESS: Yeah.

18 THE COURT: How long? Until when?

19 THE WITNESS: Probably up until like 2004. My
20 wife died in March of '04.

21 THE COURT: March 1st of 2004.

22 THE WITNESS: And then so --

23 THE COURT: What were you working at?

24 THE WITNESS: So I was doing, you know, those
25 greeting cards, American greeting cards, like
26 Hallmark and all that, I was their rep for this
27 whole area so I was doing that on the side, setting

1 up their displays.

2 THE COURT: How much were you making a year at
3 that?

4 THE WITNESS: I think 15 -- 20,000, that's the
5 lump of what I'm trying to say how I got the
6 settlement.

7 THE COURT: And what next did you do?

8 THE WITNESS: Then I went into the photography
9 business.

10 THE COURT: When did you go into the
11 photography business?

12 THE WITNESS: The end of -- I was starting to
13 get into it the end of '03 going through '04.

14 THE COURT: And when you were getting into the
15 photography business, had you stopped being the
16 Hallmark rep for this area?

17 THE WITNESS: My stepson, one of my wife's son
18 -- children, him and my wife would try to keep that
19 part of my business going because the income was
20 good coming in so I didn't want to get rid of it.

21 THE COURT: Okay. And how long were you in the
22 photography business?

23 THE WITNESS: Say between -- very short time
24 because it was brutal the way the people would --
25 one couple got a divorce and they end up in here,
26 they divorced three weeks after their wedding and
27 they wanted their money back, and it took two years

1 of this court's time and they got before Judge
2 Gordon and she says, are you an attorney? She
3 looked at the attorneys, the couple's divorced, why
4 you have this case here? It was ridiculous and it
5 wasted everyone's time for two years. She dismissed
6 it in 15 minutes, case closed.

7 THE COURT: Your case?

8 THE WITNESS: Their case.

9 THE COURT: What were they suing you for?

10 THE WITNESS: They were suing me for their
11 money back.

12 THE COURT: Oh, lousy pictures?

13 THE WITNESS: No, they didn't want the pictures
14 because they had divorced three weeks --

15 THE COURT: Didn't you take the pictures with a
16 guarantee?

17 THE WITNESS: Yeah, I gave them -- they didn't
18 want the pictures and so Judge Gordon says just give
19 them the CD, this case is finished.

20 THE COURT: When did you stop the photography
21 business?

22 THE WITNESS: I just couldn't take it, '06 --
23 '07 but, you know, keep in mind now, your Honor, I
24 still do it. I don't even charge. I'll help
25 somebody else out as a friend. Somebody will call
26 me as a friend, they will ask me to do their
27 wedding, and I'll do their wedding no charge because

1 they're my friends but it just -- it was emotional
2 too after losing my wife to go, to be there at these
3 weddings. That was one of the reason I went to
4 Alaska, to get away from the photography business.
5 That's the second time I went to Alaska.

6 THE COURT: How long were you in Alaska the
7 second time?

8 THE WITNESS: A year.

9 THE COURT: When to when?

10 THE WITNESS: I'd say I came back in March of
11 '08. I left here in March of '07 -- February/March
12 of '07 I think. My attorney at the time, he was
13 going over to Iraq, he's a JAG officer, and he put
14 me on the plane, you know, wished me well in Alaska.
15 He was going off to Iraq or Iran.

16 THE COURT: Now, wait a minute. You're saying
17 when in 2007 --

18 THE WITNESS: Seven.

19 THE COURT: -- did you go to Alaska?

20 THE WITNESS: Yeah.

21 THE COURT: When?

22 THE WITNESS: Maybe February/March.

23 THE COURT: Okay.

24 THE WITNESS: That's when my case was still
25 pending.

26 THE COURT: Oh, yeah.

27 THE WITNESS: I trusted him. I said, look, I

1 gotta get away from here. He said don't worry.

2 With email, keep corresponding.

3 THE COURT: When did you come back from Alaska?

4 THE WITNESS: March. After Judge Hurley died.

5 I think Judge Hurley died -- I'm not sure of the

6 exact date but when I heard that Judge Hurley had

7 died and that my attorney was having problems

8 getting the courts to enforce Judge Hurley's order,

9 that's when he called me and says I've got problems,

10 there's problems here at this court. He's been an

11 attorney 30 -- 40 years, he's never seen anything

12 like this, so he said you need to come back.

13 THE COURT: When did you come back?

14 THE WITNESS: March. I told you, March of '08.

15 THE COURT: So you were gone from roughly March

16 2007 to March of '08 and it wasn't very much long

17 after that that he moved to withdraw?

18 THE WITNESS: Exactly. He moved -- right after

19 Judge Abrams reopened the default judgment he turned

20 around to me, he said I'm done, you needs a civil

21 rights attorney, not a medical malpractice.

22 THE COURT: Have you been in touch with Mr.

23 Pianka?

24 THE WITNESS: I got his phone number on my ID.

25 I call him all the time, I tell him everything

26 that's going on in this case exactly what he tell --

27 THE COURT: You're doing what he says to do?

1 THE WITNESS: No, I'm listening to what
2 Attorney Berdick tell me to do.

3 THE COURT: Are you going to read the
4 Connecticut Law Journal next Tuesday?

5 THE WITNESS: Concerning what?

6 THE COURT: Oh, a case that you're familiar
7 with.

8 THE WITNESS: Oh, next Tuesday?

9 THE COURT: Yeah, Tuesday. You know the
10 appellate court and supreme court cases come out in
11 the Connecticut Law Journal on a Tuesday. Well, the
12 contentions you and Mr. Berdick have been making
13 about issues raised in the motion to dismiss where I
14 dismissed counts one through six, all the things
15 you've recently said are going to come down from the
16 supreme court in a case called Bennett vs. New
17 Milford Hospital.

18 THE WITNESS: I know that case. Attorney
19 Pianka --

20 THE COURT: He's the attorney.

21 THE WITNESS: That issue has gone before the
22 legislators right now to repeal that. It's a
23 constitutional violation.

24 THE COURT: Well, okay, but --

25 THE WITNESS: The list --

26 THE COURT: The supreme court shot him down on
27 that.

1 THE WITNESS: The Connecticut Supreme Court,
2 not the United States.

3 THE COURT: Oh, okay. All right. What's your
4 next employment?

5 THE WITNESS: I came back from Alaska, and this
6 is in '98 --

7 THE COURT: No.

8 THE WITNESS: I mean 2008. So I get back and
9 -- oh, you're from Niantic, you know the police
10 there, right? So a friend of mine tells me, hey,
11 can you help -- Flanders Donut & Bagel, you may know
12 them, Tarciano Family tells me he have some
13 apartments there in Niantic.

14 THE COURT: Oh, is this when you were working
15 as a bill collector for the property owner?

16 THE WITNESS: You heard about it.

17 THE COURT: It's one of the Commission on
18 Human Rights cases you had, isn't it?

19 THE WITNESS: It's against the Town of Niantic,
20 right, or the Niantic Police -- East Lyme Police.

21 THE COURT: Well, I know it's difficult to
22 remember all the cases you had but --

23 THE WITNESS: My attorney, Pianka, had asked me
24 to come back and do a deposition that never took
25 place and then attorney -- my friend, who's like 70
26 -- 80 years old asked me to accompany him to --

27 THE COURT: Did you get paid for doing this

1 work?

2 THE WITNESS: No, it was a friendship.

3 THE COURT: All right.

4 THE WITNESS: So my point is this -- but you
5 want to hear about --

6 THE COURT: No.

7 THE WITNESS: -- the settlement with East Lyme?

8 THE COURT: Oh, how much did you get from
9 there?

10 THE WITNESS: You want to hear what happened?

11 THE COURT: I want to know how much in dollars.

12 THE WITNESS: Oh, okay. All right. So I was
13 supposed to have been returning back to Alaska --

14 THE COURT: No. How much did the Town of East
15 Lyme or their treasurer pay you?

16 THE WITNESS: They paid me for the return trip
17 to Alaska ticket that I had lost, 17 -- 1800.

18 THE COURT: How much did the Town of East Lyme
19 pay you?

20 THE WITNESS: That's all I was asking was for.
21 A refund of my lost ticket was between 1700 and
22 1800.

23 THE COURT: So East Lyme paid you two grand or
24 less?

25 THE WITNESS: Yeah, just refund of the ticket
26 that I had lost.

27 THE COURT: Okay. I'm not asking for the --

1 THE WITNESS: The purpose also was --

2 THE COURT: I'm not interested in that. Okay.
3 What other employment have you had?

4 THE WITNESS: Okay. So now I lost my
5 employment in Alaska. I'm late and I can't get on
6 the ship so I lost --

7 THE COURT: Excuse me. Then that isn't
8 employment. I want to know what employment have you
9 had other than what you've told us.

10 THE WITNESS: After 2008 until -- I got white
11 pigeons too. Sometimes people will call me and ask
12 me to fly my pigeons at their funerals and weddings
13 or stuff like that so I will charge them. Some
14 people I'll charge them \$350 if they can afford it.
15 If they can't, sometimes I do it for free.

16 THE COURT: How much did you make during 2008
17 with your pigeons?

18 THE WITNESS: Probably -- 2008 I think I flew
19 them maybe two or three times and they was for
20 friends/family members who had lost someone and
21 whatever they gave me, maybe they gave me 50 bucks
22 or whatever.

23 THE COURT: What's your best estimate of how
24 much you made in 2008 off the pigeons?

25 THE WITNESS: Probably a couple hundred
26 dollars.

27 THE COURT: Okay. How about 2009?

1 THE WITNESS: 2009 is when I started having
2 medical issues.

3 THE COURT: Yeah, okay. Well, the pigeons were
4 healthy, weren't they?

5 THE WITNESS: Yup, but --

6 THE COURT: How much did you get from the
7 pigeons?

8 THE WITNESS: I don't think I made anything.

9 THE COURT: Huh?

10 THE WITNESS: I don't think I made anything.

11 THE COURT: How about 2010?

12 THE WITNESS: I don't think I made anything. I
13 haven't been flying them. Like I said, if someone
14 would really ask me that knew that I had them and I
15 would say okay, I'll do that for you.

16 THE COURT: How much does it cost you to feed
17 and --

18 THE WITNESS: \$20 a bag, lasts three months.

19 THE COURT: Okay. And so you've had enough
20 money that would cost you \$80 a year for feed?

21 THE WITNESS: That's about right.

22 THE COURT: What other expenses are there for
23 the birds?

24 THE WITNESS: That's it.

25 THE COURT: All right. Any other sources of
26 income?

27 THE WITNESS: Since 2008?

1 THE COURT: Well, I assume you've told me
2 everything about 2008 and before.

3 THE WITNESS: After that I started to -- having
4 medical issues and I think I've documented some of
5 it.

6 THE COURT: All right. Have you ever worked in
7 a law firm?

8 THE WITNESS: Let me think. No, not that I
9 know of.

10 THE COURT: Have you ever worked in a court
11 facility?

12 THE WITNESS: No.

13 THE COURT: Now, you've filed several
14 complaints about judges with the Judicial Review
15 Council because of events having to do with this
16 case; is that correct?

17 THE WITNESS: Yes, your Honor.

18 THE COURT: How many complaints have you filed
19 with the Judicial Review Council about --

20 THE WITNESS: All the judges?

21 THE COURT: -- this case, yeah.

22 THE WITNESS: Let me think. Let me start from
23 the beginning. Judge Abrams, Judge Peck, Judge
24 Leuba, Judge Handy, Judge Martin. And Judge Handy
25 and Judge Martin is married from my --

26 THE COURT: But they're two separate people or
27 did you give them a package deal?

1 THE WITNESS: They gave me a package deal
2 because she filed the application to transfer to
3 litigation after I filed the complaint against her
4 husband, so that's five. And then they sent that
5 thing down there ex parte, communicating to Judge
6 Hiller that, you know, Judge Hiller assumed that we
7 had all received that complaint, that application,
8 and he come to find out that we didn't and then he
9 revoked his granting that application and asked us
10 to show up before him but during that time, prior to
11 -- before I showed up before him, I had filed a
12 complaint against him because he had granted it, you
13 know, this communication between him and Judge Handy
14 so -- but once I got before Judge Hiller, he was
15 pretty fair, you know. He was like, no, go back.
16 Go back to New London and, if they don't enforce
17 this order in a year, you know, come back. Come
18 back down here to complex litigation.

19 THE COURT: Now, that's very interesting
20 because that's kind of -- what was the precise, as
21 best you can say it, that Judge Hiller said?

22 THE WITNESS: I got it right here.

23 (Pause.)

24 THE WITNESS: Okay. Okay. July 21st, 2009,
25 Attorney Leone, page 11.

26 THE COURT: No. What did Judge Hiller order?

27 THE WITNESS: Okay. Page 27, second paragraph

1 that's line six. "The Court" -- this is talking
2 Judge Hiller -- "let me ask you this, Mr. Traylor,
3 how about if I leave the case in New London for now
4 and schedule a hearing in six months to see how
5 you're doing, to see if the case is progressing, to
6 see if you have an attorney, to see if it's likely
7 to resolve and get yourself finished in New London."
8 And that was his question on page 27 and then on
9 page 33 he says, "Here's what I'm going to do: I'm
10 going to leave this case in New London for now, I
11 want to schedule -- and will you please let case
12 flow in Milford know because next time you see me it
13 will be in Milford that I want to schedule a hearing
14 on the application and objection to transfer to
15 complex, let's see, August so December is 12th" --

16 THE COURT: So on July 31st he's booting it out
17 to the next February.

18 THE WITNESS: He says, "February, okay.
19 Sometime in February." So he was telling me that he
20 wanted to see how this thing -- if you read the
21 sentence, the statements before --

22 THE COURT: I've read all this.

23 THE WITNESS: He was giving this court an
24 opportunity and I was afraid that I was going to be
25 retaliated against and because of making these
26 complaints but I said no. I think that I even
27 mentioned your name in this.

1 THE COURT: Yeah.

2 THE WITNESS: I said no, I think there may be
3 some fair judges there. I'd like to give them a
4 fair chance. Because of my financial situation at
5 the time I didn't have any money to drive to
6 Bridgeport and back. Now I have an attorney, he's
7 willing to go there and back and take me, so I don't
8 have that financial burden any more. You know,
9 Attorney Leone at the time was saying this thing
10 cries complex litigation. Now he's saying on the
11 things transferred, no, he don't want to go, he
12 don't want to transfer at all, he want to stay right
13 here.

14 THE COURT: Yup.

15 THE WITNESS: He's bouncing back and forth.
16 He's saying that I'm judge shopping but I tried to
17 stay here.

18 THE COURT: No. My last question was what did
19 Judge Hiller order and you've gone way beyond that.

20 THE WITNESS: No, that's what he ordered.

21 THE COURT: That ain't an order but he's
22 suggesting that he's going to continue it until
23 February and come back to him, he'd see what was
24 being done in New London.

25 THE WITNESS: Yup.

26 THE COURT: Now, this is a very simple question
27 -- these are simple: As of July 31, 2009, you know

1 what you were doing on that date?

2 THE WITNESS: Yes. I was before Judge Hiller.
3 That's the same day that --

4 THE COURT: As of that date, what involvement
5 had Parker, J. of New London -- then of New London
6 had with your cases?

7 THE WITNESS: I think you had ruled maybe one
8 or two times at that time in my case.

9 THE COURT: Nothing about enforcing Judge
10 Hurley's orders?

11 THE WITNESS: Nothing.

12 THE COURT: Right. And it's true that I
13 haven't had any of those motions, whatever they are,
14 to enforce Judge Hurley's orders, that hasn't come
15 before me yet?

16 THE WITNESS: You got the Writ of Mandamus,
17 your Honor. That's the big one.

18 THE COURT: It's a huge one but I didn't decide
19 anything about enforcing the orders, I just decided
20 whether or not mandamus was -- an Action for a Writ
21 of Mandamus was properly before the court, right,
22 and that's what you're going to argue Monday?

23 THE WITNESS: I got my argument ready. I'm
24 ready.

25 THE COURT: Didn't you earlier today say that
26 you're appearing before the appellate court next
27 week?

1 THE WITNESS: That's correct, two o'clock.

2 THE COURT: And what's the issue?

3 THE WITNESS: The mandamus, whether or not you
4 wrongfully dismissed it or not.

5 THE COURT: Okay. So we'll know in a few
6 months. Okay.

7 THE WITNESS: Bottom line, your Honor, is --

8 THE COURT: There's no question pending.

9 THE WITNESS: But --

10 THE COURT: There's no question pending.
11 You've never had any experience working in a law
12 office?

13 THE WITNESS: No, your Honor, not that I can
14 recall.

15 THE COURT: Working in a court?

16 THE WITNESS: Not that I can recall.

17 THE COURT: And have you ever had the
18 services for yourself of a mental health
19 professional?

20 THE WITNESS: No, your Honor, just Dr. Awwa and
21 --

22 THE COURT: Was he a mental health
23 professional, no matter what you think --

24 THE WITNESS: Yes.

25 THE COURT: And you went to him?

26 THE WITNESS: It's like three days after my
27 wife death, I couldn't sleep, and I think --

1 THE COURT: Well, never mind. Anybody else?

2 THE WITNESS: No, no, that was it. Not that I
3 can recall.

4 THE COURT: How about Wiegel-Spear (phonetic)?

5 THE WITNESS: No

6 THE COURT: Dr. --

7 THE WITNESS: I went there, I was a joint
8 couple with my wife initially; same thing with Dr.
9 Awwa. I went there initially with my wife.

10 THE COURT: All right. But you've never had
11 any help, incurred any expenses for a mental health
12 professional for yourself?

13 THE WITNESS: No, not that I can recall.

14 THE COURT: Do you recall your complaint that
15 you just filed against a slew of people?

16 THE WITNESS: Yes, your Honor.

17 THE COURT: And among that -- I think it's in
18 count seven but don't hold me to that -- you allege
19 that you've suffered/incurred expenses because of
20 your mental health problems?

21 THE WITNESS: Yeah.

22 THE COURT: But you just told me you didn't
23 have them.

24 THE WITNESS: I have priests that I go to.

25 THE COURT: Huh?

26 THE WITNESS: Father Castaldi of Saint Jo's. I
27 mean, I have a lot of people that I can go to and

1 talk.

2 THE COURT: And Father Castaldi, how much is he
3 getting for being a mental health professional now?

4 THE WITNESS: I go to other places too, Suicide
5 Survivor's Group.

6 THE COURT: Okay.

7 THE WITNESS: I mean, you can't walk to all
8 these places. There's places that you go to. I
9 mean, Catholic Charities have a group of people
10 that, you know, if you're feeling down after you
11 lost a loved one the way I have, I tried to, you
12 know, they have people, a group that you go talk.

13 THE COURT: And these people with whom you've
14 consulted ever given you a diagnosis of what they
15 think is bothering you or put a name on it?

16 THE WITNESS: Yeah. I think I got Dr. Awwa's
17 note somewhere. He said that, oh, it's normal that
18 a person suffer like this after you lost a loved
19 one, I don't need medication, just time to heal.
20 That's the end of the story.

21 THE COURT: But had he ever described your
22 situation, your situation, what it is, just a name?

23 THE WITNESS: I'll give you another thing.
24 When I saw Dr. Wiegel-Spears with my wife, she did a
25 thorough analysis of my wife and myself --

26 THE COURT: Yeah.

27 THE WITNESS: -- and what she concluded: Your

1 wife need help. Same thing with Dr. Awwa. Dr. Awwa
2 saw myself and my wife initially and that's what is
3 missing. Part of the records are missing where he
4 did an analysis of the background of me and that is
5 missing and also my existence on my wife's first day
6 of seeing Dr. Awwa, that entire conversation is
7 missing but when I saw Dr. Awwa when my wife passed,
8 the analysis were real clear and he said, hey, this
9 is simple grieving for the loss of your spouse and
10 he said that was it. It wasn't like I had
11 schizophrenia or any other, you know, diagnosis that
12 you may be fishing for but other than that --

13 THE COURT: I'm not fishing for anything. I'm
14 just -- something is wrong, I just want to know if
15 any mental health professional put a label --

16 THE WITNESS: No, you think I'm mentally
17 unstable? Are you alleging that? Is that what this
18 is, a competence hearing? I'm asking. I mean,
19 you're asking me a conversation (sic).

20 THE COURT: It doesn't work that way. This is
21 court.

22 THE WITNESS: Sorry, your Honor. I don't know
23 where you're going with the question. I'm telling
24 you the answers to your question, that's all I got.

25 THE COURT: Okay. That's the honest answer.
26 That's the honest answer.

27 THE WITNESS: It's documented. That's all he

1 wrote.

2 THE COURT: I'm asking you has any person that
3 you have talked to since your wife passed away ever
4 put a label on what --

5 THE WITNESS: Grief.

6 THE COURT: -- your mental capacity is other
7 than things like grief?

8 THE WITNESS: No, that was it.

9 THE COURT: Okay.

10 THE WITNESS: Nope.

11 THE COURT: All right.

12 THE WITNESS: I come from a stable background
13 family of six boys and six girls, one mom, one dad.

14 THE COURT: All right. Now, on December 21,
15 2009, you were before the court and I was the judge
16 and what were you there for?

17 THE WITNESS: Your order to show cause.

18 THE COURT: Right. And in what case or cases
19 was that order to show cause pending?

20 THE WITNESS: In the Traylor vs. The State of
21 Connecticut and Traylor vs. Bassam Awwa.

22 THE COURT: And for shorthand, can you and I
23 agree that we're talking about the mandamus case and
24 the malpractice case?

25 THE WITNESS: Yes, your Honor.

26 THE COURT: All right. Now, on December 21,
27 2009, who did you understand the parties to the

1 mandamus action were?

2 THE WITNESS: Well, initially it was Sylvester
3 Traylor vs. The State of Connecticut Superior Court
4 then you asked me to amend the case.

5 THE COURT: Go ahead.

6 THE WITNESS: And then I amended the case to
7 include Dr. Awwa and Connecticut Behavioral Health.

8 THE COURT: All right. So in the mandamus case
9 you knew that the parties were Sylvester Traylor
10 wearing both your hats, administrator of the estate
11 and your own capacity, and Dr. Awwa and Connecticut
12 Behavioral?

13 THE WITNESS: Yes, your Honor.

14 THE COURT: Those were the only parties to the
15 mandamus action?

16 THE WITNESS: (Nodding in the affirmative.)

17 THE COURT: Now, on December 21, 2009, who did
18 you understand to be the parties in the malpractice
19 case?

20 THE WITNESS: Sylvester Traylor individually
21 and Sylvester Traylor, the administrator --

22 THE COURT: Okay.

23 THE WITNESS: -- and Bassam Awwa and
24 Connecticut Behavioral Health.

25 THE COURT: So on December 21, you knew those
26 were the only parties to the lawsuit --

27 THE WITNESS: Yes.

1 THE COURT: -- suits, plural.

2 THE WITNESS: Excuse me, your Honor. Can I
3 just -- you asked me a question earlier, I just
4 remembered the judges that I listed I didn't list
5 all of them. You stopped me.

6 THE COURT: Well, we can pick up. Who else?

7 THE WITNESS: I don't know if I listed Judge
8 Leuba. And all of those judges that I had listed
9 had to do with the failure to enforce Judge Hurley's
10 order. And yourself and that was it. I mean, keep
11 in mind, your Honor, you've got Judge Devine, you've
12 got several other judges in this court that have
13 made decisions and a couple of them I know
14 personally and they all look at this whole thing as,
15 you know, just hang in there but I had to file suit
16 against him.

17 THE COURT: Who?

18 THE WITNESS: Judge Devine. I filed a
19 complaint against a couple other of the judges in
20 this court and they, you know, that one when you
21 held my attorney in contempt of court, one of your
22 own judges gave me that statute and said you stand
23 your grounds. They should have enforced Hurley's
24 order.

25 THE COURT: And what judge was that?

26 THE WITNESS: What was his name? I'll get it
27 to you before the end of the day, I'll promise you.

1 THE COURT: We'll wait right now. Just get
2 that thinker going.

3 THE WITNESS: He gave me that statute, 52-119,
4 and that says -- you want me to quote it?

5 THE COURT: No, no, you know --

6 THE WITNESS: It's not revoked. Unless it's
7 revoked, it stands. There's no reason why they
8 cannot enforce Hurley's order. He recused himself
9 every time something came across his desk with my
10 name on it.

11 THE COURT: You can blame this all on Pianka
12 until you fired him.

13 THE WITNESS: I didn't fire him.

14 THE COURT: No?

15 THE WITNESS: No.

16 THE COURT: Well, you did one of your better --
17 you filed an in lieu of appearance?

18 THE WITNESS: It was a friendship agreement.
19 We agreed to go our separate ways. I had no problem
20 with that. His boss had a problem with it though
21 because Andrew -- I call him Andrew --

22 THE COURT: Well, that's his name, isn't it?

23 THE WITNESS: -- Pianka had told Mr. Grady that
24 he couldn't find me for three months while I was in
25 Alaska so I showed him all the correspondence and
26 email. He asked Andrew what's going on and then he
27 says -- but I didn't know the whole story with

1 Attorney Pianka and Grady and Reilly that he was
2 going to go separate from Grady and Reilly. Once he
3 left Grady and Reilly he explained to me why he
4 couldn't keep my case. They didn't want them to
5 continue the case, that was an agreement they had,
6 so I knew that there was something else behind why
7 he wanted out and I said, hey, you've been a good
8 friend, you've been there for me when I was in
9 Alaska, one of the tough times, you took care of my
10 case. I appreciate everything you've done, you want
11 to go, go. I'll file an in lieu of.

12 THE COURT: While you were in Alaska the second
13 time, you left the case in the hands of Mr. Pianka?

14 THE WITNESS: Yes.

15 THE COURT: And Mr. Pianka brought several
16 motions trying to get --

17 THE WITNESS: He got it.

18 THE COURT: -- one or more of the New London
19 judges --

20 THE WITNESS: He got it. He got a default
21 judgment. Judge Abrams reopened it with Attorney
22 Leone sticking something behind the motion to set
23 aside as proof that he answered Judge Hurley's
24 order. That's what pissed my attorney off. He said
25 where is the proof. He answered these questions.

26 THE COURT: So one default was set aside by
27 Judge Abrams?

1 THE WITNESS: Was set aside, the default
2 judgment.

3 THE COURT: Well, whatever. Okay. Any other
4 defaults or defaulted judgments?

5 THE WITNESS: A lot. For example --

6 THE COURT: On discovery issues?

7 THE WITNESS: Just one on discovery issues.

8 THE COURT: The one Abrams set aside?

9 THE WITNESS: Yes, your Honor.

10 THE COURT: All right.

11 THE WITNESS: Judge Hurley, before he died --
12 and this is something I keep trying to figure out,
13 maybe you can help me with this day. When did Judge
14 Hurley die?

15 THE COURT: I don't know.

16 THE WITNESS: All I know, once Judge Hurley
17 died, Attorney Pianka, and you could see his track
18 record, so many times Attorney Leone defaulted in
19 not providing those missing medical records way
20 before Judge Abrams, even when Judge Hurley was
21 alive he kept defaulting, and Judge Hurley kept
22 saying, okay, fine, I'll reopen it again but file
23 the answer. Attorney Pianka said motion to compel
24 them to answer these interrogatories, Judge Hurley
25 grants it. You can see the chain. It was --

26 THE COURT: I'll be very honest with you, my
27 density level must have been even higher than it is

1 today because I've looked through the record just,
2 you know, and I can't find all the things you elude
3 to.

4 THE WITNESS: I can show it to you.

5 THE COURT: No, I have a record, I can read.

6 THE WITNESS: If you're saying that I'm lying
7 to you --

8 THE COURT: I'm not saying anything like that
9 but --

10 THE WITNESS: There was at least like four or
11 five times.

12 THE COURT: -- could it be --

13 THE WITNESS: -- that it was defaulted.

14 THE COURT: -- motions on this topic, the
15 Pianka file, when he was attempting to have these
16 other judges enforce Judge Hurley's orders --

17 THE WITNESS: He had left.

18 THE COURT: -- could it be that he ineptly
19 handled it?

20 THE WITNESS: He had left. Once Abrams
21 reopened it, he left. He was done. He didn't wanna
22 deal with any other judge, only Judge Abrams. He
23 dealt with Judge Hurley and then he dealt with Judge
24 Abrams and then he said that's it, I'm done.

25 THE COURT: Then you got adverse rulings from
26 Martin, Peck, Leuba, I forget, and you would admit
27 that you would -- you filed complaints against

1 judges from whom you've gotten an adverse ruling?

2 THE WITNESS: Only over the enforcement of
3 Judge Hurley's order. That's the whole surrounding
4 issue, whether they -- like, for example, Attorney
5 Leone didn't show up for the hearing. I mean, if I
6 don't show up for a hearing and they will issue a
7 default for failure to appear against me. Well, in
8 this situation, they wasn't doing that or if they
9 would reopen a default after the third time he
10 didn't show up for a hearing, you know, and then
11 they say this is the third time, you know. For
12 example, like on December 21st when I came before
13 you, I was maybe five minutes late. You was already
14 sitting on the bench.

15 THE COURT: You know, people file grievances
16 against judges for not coming right out on the bench
17 at two o'clock or ten o'clock. So was I wrong to do
18 that?

19 THE WITNESS: Judge Martin sat in his chambers
20 for an hour waiting on Attorney Leone; didn't ever
21 show up, didn't call. They was trying to hunt him
22 down. Then eventually Judge Martin comes out and
23 says okay, fine, I'm issuing the default. That's
24 not the first time he had done that. Give me an
25 hour? You won't wait here an hour for me; not even
26 five minutes.

27 THE COURT: How do you know that?

1 THE WITNESS: That's when I told you -- when I
2 came in on the 21st, I was like --

3 THE COURT: Are you prejudiced by that?

4 THE WITNESS: Well, I was, over, your Honor,
5 what had happened in the past, you know, and seeing
6 how fast -- I mean, how respectful and patient the
7 other judges was on Attorney Leone, I felt, yeah,
8 I'm pro se, they would never waited on me like that,
9 they would never give me five -- six opportunities
10 to show up or not show up.

11 THE COURT: Would you mark that as the next
12 exhibit.

13 THE CLERK: Full exhibit?

14 THE COURT: No.

15 THE CLERK: Court Exhibit?

16 THE COURT: I don't know whether it's 28 or
17 29.

18 THE CLERK: 28.

19 THE COURT: Is that your signature, sir?

20 THE WITNESS: Yes, your Honor.

21 THE COURT: That's a letter you wrote to the
22 court on February -- in early February?

23 THE WITNESS: 2010 administrative error.

24 (Pause.)

25 THE WITNESS: Reading to myself.

26 THE COURT: You have a copy of that.

27 THE WITNESS: I'm refreshing my memory what I

1 wrote here.

2 (Pause.)

3 THE WITNESS: Okay. Yes. I read it. This is
4 my signature, your Honor.

5 THE COURT: You wrote that letter to the
6 court?

7 THE WITNESS: Yes, your Honor.

8 THE COURT: Full exhibit. Well, show it to
9 counsel.

10 (Pause.)

11 THE COURT: Full exhibit.

12 THE CLERK: (Complying.)

13 THE COURT: Now, Mr. Traylor, on December 21,
14 2009, you understood that I issued several orders?

15 THE WITNESS: That's correct, yeah.

16 THE COURT: Was there anything confusing about
17 them?

18 THE WITNESS: Yes, one of them.

19 THE COURT: Which one?

20 THE WITNESS: When you said that I couldn't
21 file anything but you -- I think your order was
22 saying -- but, you know, if I have an attorney that
23 can file something for then file -- file something
24 for then but I think on December 21st you was
25 eluding to I have until I think you -- the date you
26 put on the letter.

27 THE COURT: The day you got out of the

1 hospital. The order was you get a lawyer to appear
2 for the estate by April 21, 2010 --

3 THE WITNESS: 21, okay.

4 THE COURT: -- or risk dismissal of the
5 estate's cause of action.

6 THE WITNESS: Right, but this is --

7 THE COURT: Was anything confusing about that?
8 You understood that on the 21st? That's two
9 questions. Yes and yes?

10 THE WITNESS: Okay. I was trying to answer it
11 the first time; you cut me off.

12 THE COURT: I did?

13 THE WITNESS: So what I was trying to say
14 earlier is when you issued the order on the 21st of
15 December 2009, I understood it as if nothing,
16 nothing, not even an order or anything, would be
17 filed until I get an attorney to file something
18 before -- on or before April of --

19 THE COURT: April 21, 2009. I didn't say that
20 that's --

21 THE WITNESS: That's the way I understood it.

22 THE COURT: Well, okay.

23 THE WITNESS: Then in February I think -- was
24 it February? I think you filed an order.

25 THE COURT: Well, on February 3, 2010, I
26 decided the mandamus case adversely to you?

27 THE WITNESS: Can I see the letter you just

1 marked as an exhibit, your Honor?

2 THE COURT: What for?

3 THE WITNESS: Because I want to refer to it.
4 There's some information in there that you're
5 referring to. I don't have that letter in front of
6 me.

7 THE COURT: Sure (handing).

8 THE WITNESS: Thank you. And that's why I
9 wrote this letter. This is where the confusion came
10 in is in your memorandum dated February 3rd, you
11 know, granting the respondent's motion to dismiss,
12 this is where I was confused, where you in your
13 December 21st order, and I think I attached it, I
14 think you're missing the attachment to this. I know
15 I did.

16 THE COURT: Well, show it to me.

17 THE WITNESS: Well, like I said, I know I did
18 and I said --

19 THE COURT: Well, I don't --

20 THE WITNESS: -- see the last page of Judge
21 Parker's transcript hereto attached. It's missing.

22 THE COURT: Okay. And what's Judge Parker's
23 transcript?

24 THE WITNESS: The last page.

25 THE COURT: The December 21 --

26 THE WITNESS: Yeah.

27 THE COURT: Okay.

1 THE WITNESS: Do you have a copy?

2 THE COURT: Never mind.

3 ATTY. BERDICK: I think it's a court exhibit.

4 THE WITNESS: Judge Parker's transcript of
5 December 21st, 2009?

6 ATTY. BERDICK: I think it's Plaintiff's
7 Exhibit 1.

8 THE CLERK: I believe it's over in your
9 direction. No, I have it here.

10 ATTY. BERDICK: Okay.

11 (Pause.)

12 THE COURT: Tell me what page you want.

13 THE WITNESS: Thank you.

14 (Pause.)

15 THE COURT: Well --

16 THE WITNESS: Okay. Right here, Attorney Leone
17 is asking the court, "Your ruling applies equally
18 into the mandamus case insofar as nobody filing
19 anything, nobody doing anything until April 21st,
20 and you change the orders or there is appearance
21 filed on behalf of the state? The Court: The order
22 doesn't apply to me." I don't know what that meant
23 but at the bottom here though --

24 THE COURT: Do you remember what I said about
25 no filing by the parties? Do you remember what you
26 told me 15 minutes ago who the parties were? And
27 you at no time mention Judge Parker as being a party

1 and you were correct.

2 No, this is Attorney Leone speaking, not me, so
3 then at the bottom even the clerk asks you, the same
4 clerk. The Clerk, that was Steve at the time:
5 "Just in regards, your Honor, to Mr. Traylor vs.
6 Awwa, Traylor vs. State. The Court: Let me get
7 your question again. Are you asking whether the
8 orders I entered to both cases? The Clerk:
9 Correct. The Court: They do. The Clerk: Very
10 good."

11 THE COURT: What's confusing? Did you walk
12 away confused after that exchange?

13 THE WITNESS: Well, let's look --

14 THE COURT: Did you walk away confused? Did
15 you know which --

16 THE WITNESS: The order was right here.

17 THE COURT: You're doing a pretty good job of
18 not answering my questions.

19 THE WITNESS: The answer to your question, your
20 Honor, was I confused, that's what this letter was
21 about, that I misunderstood your order. I mean,
22 from my understanding even in this transcript, even
23 that Attorney Leone understood. Right here he says
24 your ruling applies equally into the mandamus case
25 as far as nobody filing anything, nobody doing
26 anything until April 21st.

27 THE COURT: And that means the court was

1 precluding itself from filing a decision?

2 THE WITNESS: Well, we didn't know you mean --

3 THE COURT: Never mind we.

4 THE WITNESS: From my understanding you said
5 right here on page 43, "The Court: In the meantime,
6 I'm going to give you until August -- excuse me,"
7 you say, "April 21st, four months from today, to get
8 an attorney to represent the estate. You asked for
9 six or eight weeks. Get it in in six or eight weeks
10 and this case will start to move." So, I mean, even
11 -- you're implying to me go get an attorney and that
12 was the end of it. You didn't ever say that to me,
13 okay, in X number of days I'm going to still file a
14 response to --

15 THE COURT: So you thought that on December 21
16 when you went home from court on December 21 I was
17 issuing an order against myself not to file
18 anything? That's all right. You can answer that
19 yes.

20 THE WITNESS: Can I hold onto it for a minute?
21 I can give it back to you. I may need it again.

22 THE COURT: I'll hand it to you again.

23 THE WITNESS: All right (handing).

24 ATTY. BERDICK: Your Honor, do you want a
25 response to your question because I don't think that
26 my client answered the question.

27 THE COURT: That's nothing new.

1 THE WITNESS: Yeah. I thought maybe you wanted
2 things stayed until I get an attorney. That's my
3 impression; everything was to stay until I get an
4 attorney. That's why I think I attached that page
5 where you said --

6 THE COURT: You didn't attach the other pages
7 where I said it doesn't apply to the court and
8 you've read this transcript a zillion times. That's
9 a slight exaggeration. Forgive me, please.

10 THE WITNESS: Your Honor, your sarcasm
11 throughout this -- and that's what a lot of people
12 -- attorneys complaining about, why they don't want
13 to take -- didn't want to take my case. Some
14 attorneys say, you know, they can't figure out --
15 when you're on the bench they can't figure out if
16 you're going for the plaintiff or the defendant,
17 they can't figure out your line of questioning and
18 sometimes your sarcasm may come off as if -- I don't
19 know. When you said that, are you talking to me?

20 THE COURT: We're not going to finish today but
21 you go back and find out from each of these
22 attorneys who are worried about my courtroom
23 demeanor and see if they've ever tried a case before
24 me, okay? Does it make any difference if a lawyer
25 who's never appeared before me has these opinions?

26 THE WITNESS: That's why I wanted to keep the
27 transcript. For example, like my attorney said, you

1 never let me answer the question, you cut me off,
2 and I was trying to show you exactly what -- the way
3 you responded. It wasn't an answer. Attorney Leone
4 asked you the question, not me. You wasn't clear,
5 nobody could conclude on what you were saying there.
6 You didn't say the court will still file its such
7 and such response by such and such day. You didn't
8 say that.

9 THE COURT: The court doesn't file responses.

10 THE WITNESS: Or memorandum. Expect my
11 memorandum. You said it doesn't -- it doesn't
12 include me. If can I see the transcript.

13 THE COURT: No, I don't need --

14 THE WITNESS: Remember what you said? It
15 wasn't a clear understanding of what you were
16 saying.

17 THE COURT: Well --

18 THE WITNESS: That's why I wrote that letter
19 because -- and I cc'd it to all parties and --

20 ATTY. BERDICK: Your Honor, if I may? Excuse
21 me. Your Honor, you made reference to my client had
22 read the transcript many times. He probably has but
23 the transcript wasn't prepared right after the
24 December 21st, 2009 hearing and probably wasn't
25 available. It wasn't available to him --

26 THE COURT: The transcript -- may I see the
27 transcript.

1 THE CLERK: (Handing.)

2 ATTY. BERDICK: -- many times before February.

3 I wanted to say there's a gap between the hearing
4 and the availability of the transcript.

5 THE COURT: He could have gotten the
6 transcript.

7 ATTY. BERDICK: That's correct, your Honor. I
8 wanted to point out maybe he didn't have it
9 subsequent to the hearing to refresh your (sic)
10 articulation that it didn't apply to the court.

11 THE COURT: And the court did in fact -- in
12 response to your letter asking for the orders did
13 issue a memorandum setting forth the orders on
14 February 5th, 2010?

15 THE WITNESS: Can you repeat the question, your
16 Honor. I'm sorry.

17 THE COURT: I'll ask the court reporter. She's
18 been goofing off all day.

19 (Whereupon, the requested question is read back
20 by the court reporter.)

21 THE WITNESS: I don't understand the question.

22 THE COURT: Okay. Well, that's something --

23 THE WITNESS: Can you repeat your question,
24 your Honor?

25 THE COURT: No, I speak English.

26 Put this in as an exhibit.

27 THE CLERK: Is this the same?

1 THE COURT: Is it the same one?

2 THE CLERK: This is January 18th. This could
3 be an original also.

4 THE COURT: Is that your signature?
5 (pause.)

6 THE WITNESS: Yes, your Honor, it's my
7 signature.

8 THE COURT: Now I'm going to ask you show it to
9 counsel.

10 (Pause.)

11 THE COURT: Full exhibit.

12 THE CLERK: Court?

13 THE COURT: Court Exhibit --

14 THE CLERK: 29.

15 THE COURT: You've just read Court Exhibit 29?

16 THE WITNESS: Can I see it again, your Honor?
17 I thought you were just verifying my signature.

18 THE COURT: Here's Court Exhibit 29 (handing).

19 THE WITNESS: Okay, your Honor. This is a
20 letter from me.

21 THE COURT: I know what it is. Look at it.

22 THE WITNESS: What do you want me to look for?

23 THE COURT: Well, you're questioning the
24 signature?

25 THE WITNESS: No. No, I'm not questioning it.
26 You questioned it.

27 THE COURT: Put that down just for a minute,

1 okay?

2 THE WITNESS: I'm listening.

3 THE COURT: Now, listen very carefully.

4 There's no slagger here or curve ball. Did the
5 court on or about February 5 issue a memorandum of
6 orders setting forth the orders that you requested
7 in Exhibit 29?

8 THE WITNESS: My letter dated January 14th,
9 2009?

10 THE COURT: What is Exhibit 29? What is Court
11 Exhibit --

12 THE WITNESS: It's a letter dated January 14th.
13 I'm asking for an order regarding December 21, not
14 February. It's before the date.

15 THE COURT: Read the letter for me.

16 THE WITNESS: The letter. "I, Sylvester
17 Traylor, in my personal capacity pursuant to CGS
18 Section 51-88(d)(2) and CGS Section 52-599 in case
19 number CV09-4009523 and CV06-5001159, does hereby
20 request a copy of your order dated December 21st to
21 be put in writing. Yours truly, Sylvester Traylor,"
22 cc'd Attorney General's Office and Chinigo & Leone.
23 The purpose of me writing this letter --

24 THE COURT: Never mind. I didn't ask for the
25 purpose. Did the court do what you requested?

26 THE WITNESS: No.

27 THE COURT: Didn't? Okay.

1 THE WITNESS: No. I'm asking for the order
2 dated December 21st. I never got that. I was
3 wondering what your order is.

4 THE COURT: Mmm-Hmm. Okay. So you walked out
5 on --

6 THE WITNESS: They weren't clear. You gave me
7 a memorandum dated February 3rd; is that right.

8 THE COURT: I don't know. You didn't get it,
9 so I must not have done it.

10 THE WITNESS: You gave me a memorandum
11 regarding February 3rd.

12 THE COURT: February 3rd memorandum of
13 decision on the motion to dismiss the mandamus
14 action.

15 THE WITNESS: In the body of the transcript on
16 December 21st you made some specific orders. Those
17 specific orders are not even recorded in your
18 February 3rd -- some of them.

19 THE COURT: So the court never complied with
20 what you asked?

21 THE WITNESS: For example, like you said no one
22 -- I mean, for example, I'm asking you --

23 THE COURT: Never mind example.

24 THE WITNESS: -- the motion to reconsider --

25 THE COURT: The motion is I didn't comply with
26 your request made in the December 29 letter -- Court
27 Exhibit 29?

1 THE WITNESS: According, I think --

2 THE COURT: Yes or no? Are you claiming I
3 didn't comply with your request?

4 THE WITNESS: This is Exhibit 29, right?
5 According to Exhibit -- Court Exhibit 28 and 29, no,
6 you did not.

7 THE COURT: Okay.

8 THE WITNESS: They were written together. No,
9 you did not because you knew, from my understanding
10 -- I was trying to refer to my understanding of the
11 transcript and the orders that you had written that
12 day whether or not I was trying to figure out should
13 I file a motion to reargue.

14 THE COURT: I don't care what you're figuring
15 out. It's your claim that in Court Exhibit 29 I did
16 not comply with the request?

17 THE WITNESS: No.

18 THE COURT: Okay. Well, wait a minute. Yes or
19 no? Did I comply or didn't I?

20 THE WITNESS: No. I'll say it again, no.
21 That's the third time, no.

22 THE COURT: We're going to try number four
23 because it's an even number. You're claiming that
24 although you requested I memorialize in writing the
25 orders entered on December 21, '09, I never complied
26 with your request dated January 14th, 2010?

27 THE WITNESS: No. If you read your Court

1 Exhibit 28 and 29, no, because I was being very
2 specific about whether or not I can or cannot file a
3 motion to reargue and I wasn't given that
4 opportunity.

5 THE COURT: Well, now you're arguing something
6 else. Where does it say in January 14, 2009 --
7 well, it's mislabeled. It's actually 2010 but Court
8 Exhibit 29, where does it mention a motion to
9 reargue?

10 THE WITNESS: In Exhibit 29, that's what I'm
11 telling you. What's the date. Can I see 28? Court
12 exhibit 28, your Honor.

13 THE COURT: No. I want to know and you've not
14 answered it three times and avoided answering it.
15 The fourth time: Did I comply --

16 THE WITNESS: I said no.

17 THE COURT: -- with your -- okay. All right.

18 THE WITNESS: This is the fifth time.

19 THE COURT: You want to try for an even dozen?

20 THE WITNESS: Can I see Exhibit 28?

21 THE COURT: What do you need it for?

22 THE WITNESS: I want to see what you're
23 avoiding to acknowledge what I was referring to. I
24 was referring to give me my opportunity to have a
25 motion to reargue. I have 20 days according to the
26 statute for that motion to reargue.

27 THE COURT: You know what, Mr. Traylor, I think

1 you don't like how I'm running this case.

2 THE WITNESS: You're picking the rules, your
3 Honor, how you want the rules applied. For example,
4 you locked up my attorney and applied a rule that
5 you didn't enforce with Attorney Leone, the same
6 order.

7 THE COURT: You think I should have sent them
8 both down the other day and hold hands?

9 THE WITNESS: I think somebody, the right
10 person if you're a judge, you're going to do the
11 right thing and not be judgmental, not showing
12 favoritism. Where is the order to show cause for
13 the missing medical records?

14 THE COURT: That issue has never been presented
15 to me.

16 THE WITNESS: That was in the mandamus before
17 you. You chose how you wanted to answer that
18 mandamus.

19 ATTY. BERDICK: Your Honor, if I may, I know
20 it's a long day.

21 You should be responsive to the judge's
22 specific questions. That's part of the proceeding.
23 There might be a time, if it comes, you can get into
24 an argument --

25 THE WITNESS: I answered.

26 ATTY. BERDICK: You've got to answer his
27 questions, not your own.

1 THE WITNESS: You asked me five times, I said
2 no, no, no, no.

3 ATTY. BERDICK: Thank you, your Honor.

4 (Pause.)

5 THE COURT: Counsel, have we had enough fun
6 today? We'll resume Monday at two o'clock, we'll
7 finish on that day.

8 THE WITNESS: I'll be in the appellate court at
9 two o'clock on that day, your Honor.

10 THE COURT: Well, we don't need you.

11 ATTY. BERDICK: If I may, my client, from my
12 understanding -- I'm not the attorney of record but
13 I am aware, I am cognizant of the fact that he has
14 oral argument.

15 THE COURT: I know. Ten o'clock Tuesday.

16 ATTY. BERDICK: Thank you, your Honor.

17 THE WITNESS: I can step down, your Honor?

18 THE COURT: Yeah.

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CERTIFICATION

I, Cheryl C. Straub, Certified Court Reporter, do hereby certify that the within and foregoing is an accurate transcription and the electronic version required by statute to the best of my ability of my stenographic notes taken in the matter of Sylvester Traylor, et al vs. Bassam Awwa, et al, heard on the 3rd day of February, 2011, before the Honorable Thomas F. Parker, a Judge Trial Referee in the Judicial District of New London at New London, Connecticut.

Certified this 25th day of April, 2011.

Cheryl C. Straub,
Certified Court Reporter

*** Photocopied Transcripts Are Not Certified ***

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