

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