

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

6
7 HEARING

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

11
12
13 A P P E A R A N C E S :

14 Representing the Plaintiffs:

15 ATTORNEY JAMES HALL
 16 HALL, JOHNSON, LLC
 17 P O Box 1774
 Pawcatuck, CT 06379

18 SYLVESTER TRAYLOR, SELF-REPRESENTED PARTY
 19 881 Vauxhall Street Extension
 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
6
7
8

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

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

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

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

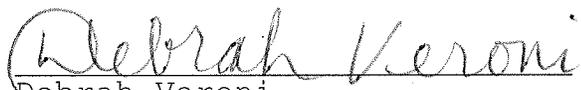
Debrah Veroni
Certified Court Reporter

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
6
7
8

9 C E R T I F I C A T I O N
10
11

12 I hereby certify the electronic version is 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.
18
19

20 Dated this 13th day of April, 2011, in New London,
21 Connecticut.
22
23

24 
25 Debrah Veroni
26 Certified Court Reporter
27

1/16/2015