

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:

ATTORNEY JAMES A. HALL IV
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Pawcatuck, Connecticut 06379

Sylvester Traylor, Self-Represented Party
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Quaker Hill, Connecticut 06375

Representing the Defendant:

ATTORNEY DONALD LEONE
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Recorded By:
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Court Recording Monitor
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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10 THE COURT: Do you want it withdrawn?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