

1 DOCKET NO. CV06-5001159-S : SUPERIOR COURT

2 SYLVESTER TRAYLOR, et al : NEW LONDON J.D.

3
4
5 vs. : AT NEW LONDON

6
7 BASSAM AWWA, et al : FEBRUARY 3, 2011

8
9
10
11 HEARD BEFORE:

12 The Honorable Thomas F. Parker, Judge Trial Referee

13
14
15
16 A P P E A R A N C E S:

17
18
19 For the Plaintiff: (Ordering Party on Appeal)

20
21 Attorney Edward C. Berdick
22 764 Voluntown Road
23 Griswold, Connecticut

24
25
26 For the Defendant;

27
28 Attorney Donald Leone
29 Chinigo, Leone & Maruzo
30 141 Broadway
31 Norwich, Connecticut

32
33
34
35
36
37
38
39
40 Cheryl C. Straub,
41 Certified Court Reporter

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

THE COURT: Counsel identify themselves for the record.

ATTY. LEONE: Attorney Leone, Donald Leone for the defendants, Dr. Awwa and Connecticut Behavioral Health Associates.

ATTY. BERDICK: Attorney Ed Berdick for plaintiff in both cases I guess, as himself and the Estate of Roberta Traylor, your Honor.

THE COURT: All right. We'll proceed.

MR. TRAYLOR: Sylvester Traylor is present also pro se acting in my own capacity. I filed an appearance.

THE COURT: Okay. I understand sort of what you've done.

MR. TRAYLOR: Okay. Thank you, your Honor. I want to make it for the record.

THE COURT: I'm just telling you we're going to proceed and you're not going to interfere. Your appearance is ineffective. This proceeding is not a game. This is not a game and you're having fun with this game, I know.

MR. TRAYLOR: I object to that statement, your Honor. It's not a game to me.

THE COURT: Spell it out to make sure the reporter has it.

MR. TRAYLOR: Is that an order?

1 THE COURT: Mr. Leone, did you get a batch of
2 papers purportedly prepared by and signed by or
3 whatever?

4 ATTY. LEONE: I have before me, your Honor,
5 several batches of papers appearing apparently filed
6 February 3, 2011. One's entitled an appearance,
7 another is entitled plaintiff's appeal to chief
8 administrative judge, The Honorable Judge Devine,
9 and the other is a lengthy document I guess entitled
10 on disqualification of the Honorable Judge Thomas
11 Parker, plaintiff's exhibits. I received those this
12 morning when I came to court.

13 THE COURT: Since ten o'clock or so?

14 ATTY. LEONE: When I walked in, your Honor,
15 they were on the counsel's table.

16 THE COURT: Okay. All right. Well, I have had
17 no order -- oh, well, let me ask you this, Mr. Leone
18 and Mr. Berdick: Do you know of any authority
19 whereupon litigants appeal to the chief
20 administrative judge or rather the administrative
21 judge that any proceedings are stayed?

22 ATTY. LEONE: No, your Honor.

23 THE COURT: Do you know of any, Mr. Berdick?

24 ATTY. BERDICK: Your Honor, I haven't
25 researched the issue that you've presented.

26 THE COURT: So you don't know?

27 ATTY. BERDICK: You're right, your Honor.

1 THE COURT: Okay. Well, Judge Devine not
2 having told me to stop these proceedings, I'm going
3 to proceed and, as far as I know, there's no such
4 authority. The chief administrative or the
5 administrative judge in the county does not have
6 appellate authority, does not have authority to stop
7 these proceedings and so if as of when you choose to
8 do it, that may be taken up in the appellate court.
9 I mean, you don't have enough issues for appeal
10 anyways so now you have one.

11 Yes, Mr. Leone.

12 ATTY. LEONE: I want to make it clear for the
13 court I have not had the opportunity to read these
14 documents and I'm not making any representations to
15 what they are but as I understand -- I agree with
16 your Honor's statement with respect to the
17 authority. I'm not aware of any authority whereby
18 the chief administrative judge has the ability --
19 authority to stay this proceeding which I understand
20 to be a proceeding pursuant to Practice Book Section
21 1-22, which is a hearing on a complaint or,
22 actually, in this case, two complaints filed against
23 your Honor. That's what we're here today for.

24 THE COURT: But they're in this.

25 ATTY. LEONE: That is correct, your Honor.

26 THE COURT: In Traylor vs. Awwa, 06-5001159.

27 ATTY. LEONE: That's correct, your Honor.

1 ATTY. BERDICK: Your Honor, if I may?

2 THE COURT: Yes.

3 ATTY. BERDICK: Opposing counsel has referred
4 to two complaints. Part of due process is we would
5 notify what those two complaints are. I was under
6 the impression there was one complaint that was the
7 subject of today's hearing.

8 THE COURT: Well --

9 ATTY. BERDICK: Also I'd like to address the
10 other -- in all fairness, part of procedural due
11 process is not only the opportunity to be heard but
12 reasonable notice so I can prepare to be heard about
13 the issues. The paper dumped today, you know,
14 affects me as well as it affects opposing counsel.
15 I'm in a tough spot. My perusal of them indicates
16 some of them are relevant to what I anticipate to be
17 the subject or the pertinent issues at the hearing
18 when --

19 THE COURT: Okay.

20 ATTY. BERDICK: Thank you, your Honor.

21 THE COURT: We'll proceed. Mark this as the
22 next exhibit.

23 THE COURT: The record will reflect that
24 Sylvester Traylor, the plaintiff in dual -- the
25 plaintiff here in his capacity as the plaintiff here
26 in his capacity as administrator of the estate of
27 Roberta Mae Traylor and he's also plaintiff in his

1 individual or personal capacity has just left the
2 courtroom and it's now approximately by the
3 courtroom clock 10:14. Is that accurate, Mr.
4 Berdick?

5 ATTY. BERDICK: Yes, your Honor.

6 THE COURT: Okay.

7 ATTY. BERDICK: It reflects the time and the
8 day.

9 THE COURT: And he left the courtroom?

10 ATTY. BERDICK: Yes, your Honor. He left this
11 courtroom, you know, my understanding is the 3rd of
12 February approximately 10:14.

13 THE COURT: Okay. What number exhibit is that?

14 THE CLERK: 25, the next one?

15 ATTY. LEONE: Yes, your Honor. Court exhibit?
16 If this is a court exhibit, it's Court Exhibit
17 Number 25.

18 ATTY. BERDICK: Your Honor, what is the subject
19 of the court exhibit?

20 THE COURT: I'm going to tell you in a minute.

21 ATTY. BERDICK: I apologize.

22 THE COURT: Court Exhibit 25 are two letters
23 from Martin R. Libbin, who is the Deputy Director of
24 Legal Services for the State of Connecticut Judicial
25 Branch. Attorney Libbin wrote a letter to Mr.
26 Traylor on October 16th, 2009, and he also wrote a
27 letter to Mr. Traylor on November 2, 2009. It may

1 be seen.

2 THE CLERK: (Handing.)

3 THE COURT: Have this marked as 27, whatever
4 the next number is.

5 THE CLERK: 26.

6 (Pause.)

7 THE COURT: Exhibit 26, let me describe it for
8 the record, is approximately three to four inch
9 papers -- of papers representing -- which are a
10 record of the complaints and grievances which Mr.
11 Traylor has filed or complained to the Judicial
12 Branch about judicial employees and the record, such
13 as it is, of what was done with those complaints or
14 other written and the like.

15 The court's going to take a very brief recess
16 at this time and should be back within five
17 minutes.

18 (Whereupon, there is a recess in the
19 proceedings.)

20 THE COURT: Would you mark this as --

21 THE CLERK: 27.

22 THE COURT: -- 27.

23 THE CLERK: (Marks exhibit.)

24 THE COURT: Exhibit 27 -- Court Exhibit 27 is a
25 record of the grievance panels or committees on
26 grievances filed by Sylvester Traylor in connection
27 with this case against Dr. Awwa.

1 (Pause.)

2 THE COURT: Is it more comfortable for you to
3 stand?

4 ATTY. LEONE: No, your Honor, but thank you.

5 ATTY. BERDICK: Your Honor, in your description
6 of Exhibit 27 are you purporting to say that it
7 encompasses the complaints that are subject today as
8 well, Exhibit 27?

9 THE COURT: I'm not saying anything. I'm just
10 saying that's the record of the grievances that Mr.
11 Traylor filed against various lawyers.

12 ATTY. BERDICK: I just want to peruse them and
13 kind of see if it includes --

14 THE COURT: Well, okay.

15 (Pause.)

16 ATTY. BERDICK: Apologize, your Honor, for the
17 time. I just want to review what's here as best I
18 can so I can make an informed decision on it.

19 (Pause.)

20 ATTY. BERDICK: Your Honor, regarding Exhibit
21 26, even though I've been reviewing 27 I haven't
22 gone through 26, there seems to be some duplication
23 of some of the paperwork within Exhibit 26 which in
24 general terms purports to be what I would call, for
25 lack of a better term, quite a few other documents,
26 you know, under that. I think you called Exhibit 26
27 -- I don't have it written down here but a file on

1 Sylvester Traylor of some sort.

2 THE COURT: Well, see, it's my understanding
3 that Mr. Traylor picked up the phone a lot and
4 called or filed papers, complaints, whenever he was
5 unhappy with judicial department employees and so
6 they've kept a record and tried to find out whether
7 the employee was misperforming or -- I don't know,
8 it's in there.

9 ATTY. BERDICK: What I'm just trying to say is
10 I went through a little bit less than an inch and
11 the previous exhibit with the two letters from,
12 what's his name, Martin --

13 THE COURT: Attorney Libbin, L-i-b-b-i-n.

14 ATTY. BERDICK: That October 16th letter shows
15 up in Exhibit 26 as well, you know, so what I'm
16 saying without the benefit --

17 THE COURT: There's a lot of duplication. All
18 right.

19 ATTY. BERDICK: I guess my point is for the
20 sake of posing for my client's interest in these
21 things, I think right now it might be prejudicial in
22 a sense that it might take your Honor's attention
23 away from what the issue is subject to the hearing.

24 THE COURT: Well, I'll try to be careful.

25 ATTY. BERDICK: I don't want to beat it any
26 further. I haven't gone through the whole thing yet
27 but it seems to be, yes, purports to be what you say

1 it is. That's what I wanted to put on the record.

2 Thank you.

3 THE COURT: All right. You may proceed -- oh,
4 let me put on the record by -- according to the
5 clock here in the courtroom, Mr. Traylor returned to
6 the courtroom at 10:35.

7 MR. TRAYLOR: Excuse me, your Honor. I didn't
8 know if it was mandatory to stay here. Did you
9 order me to stay here?

10 THE COURT: No. I don't care whether you're
11 here or not.

12 MR. TRAYLOR: Another thing, the reason why I
13 left is to --

14 THE COURT: Excuse me.

15 MR. TRAYLOR: -- regarding whether or not there
16 was --

17 THE COURT: Mr. Traylor --

18 MR. TRAYLOR: -- to confirm --

19 THE COURT: Mr. Traylor --

20 MR. TRAYLOR: -- whether or not you can or
21 cannot proceed in this case. It's Connecticut
22 General Statutes 42 -- 43-38, disqualification of
23 presiding judge.

24 THE COURT: Right.

25 MR. TRAYLOR: And I just handed you a copy of
26 that. That's the reason why I left, your Honor.

27 THE COURT: Okay. Don't take this because it

1 has nothing to do with this proceeding and you
2 described it, I believe, as part of the statute.

3 MR. TRAYLOR: The practice book, I'm sorry.

4 THE COURT: Well, it makes a difference.

5 MR. TRAYLOR: And I just want to ask if your
6 Honor may please -- I was wondering if this is
7 trying to implicate me as a criminal during this
8 hearing. Earlier on the 19th you told my attorney
9 --

10 THE COURT: Would you please speak through your
11 attorney.

12 MR. TRAYLOR: Okay. Can you ask him the
13 question, please.

14 THE COURT: The answer is no.

15 ATTY. BERDICK: Your Honor, the paper you're
16 referring to, section of the practice book which my
17 client provided me a copy of, I guess what I'd like
18 to do for the sake of my client's interest is, one,
19 find out if the court's motive today is to go into
20 the judicial complaint or to capture some other
21 things in addition to that. And two is --

22 THE COURT: Stay tuned.

23 ATTY. BERDICK: Okay. The other thing, your
24 Honor, is Section --

25 THE COURT: And, Mr. Berdick, you're a lawyer?

26 ATTY. BERDICK: Yes, your Honor.

27 THE COURT: Okay. Use your own thinking as a

1 lawyer.

2 ATTY. BERDICK: I am, your Honor.

3 THE COURT: Oh, okay.

4 ATTY. BERDICK: Okay. All right. I'm in a
5 bind today. I understand the court's, you know,
6 position as well.

7 THE COURT: You may proceed then. It's my
8 ruling right now 43--

9 ATTY. BERDICK: 38.

10 THE COURT: -- -38 of the practice book is not
11 germane to this proceeding. Go ahead with your --
12 in this proceeding.

13 ATTY. BERDICK: Okay. Your Honor, today I'd
14 like to focus on what my understanding the reason
15 for the hearing today was that a complaint on the
16 15th of 2010 that was filed. Is that -- your Honor,
17 is that your understanding of the genesis of this
18 hearing originally slated for? Because earlier
19 testimony --

20 THE COURT: Look it, I'm not here to answer
21 questions --

22 ATTY. BERDICK: Okay.

23 THE COURT: -- notices --

24 ATTY. BERDICK: Roger.

25 THE COURT: -- whatever.

26 ATTY. BERDICK: Okay. Your Honor, I'd like to
27 -- earlier in the hearing, I think it was the 19th,

1 maybe the 20th of this month, the clerk at the time
2 mentioned that the transcripts would be available
3 for this hearing and I'd like the December 21st
4 transcript of 2009 to be marked in an exhibit for
5 us.

6 THE COURT: Go ahead.

7 THE CLERK: (Marks exhibit.)

8 THE COURT: What is this?

9 ATTY. BERDICK: It's my understanding that
10 that's the transcript from the December 21st, 2009
11 show cause hearing.

12 THE COURT: In what case?

13 ATTY. BERDICK: Two cases I think, your Honor.
14 From reading the transcript, it involved I guess
15 there was a case against the State of Connecticut
16 through the superior court system as well as the
17 Traylor vs. Dr. Awwa, the Estate of Roberta Traylor.

18 THE COURT: Okay.

19 ATTY. LEONE: If your Honor please, the only
20 thing I would like to add is on the back of I guess
21 what is being marked as Plaintiff's Exhibit 1 --

22 ATTY. BERDICK: One.

23 ATTY. LEONE: -- is handwriting on the back of
24 a blue sheet of paper. I don't know the extent to
25 which that's being offered as evidence in this --

26 ATTY. BERDICK: Good point.

27 ATTY. LEONE: -- in this matter but to the

1 extent it is anything outside of the official
2 transcript, I'm going to object to it.

3 THE COURT: Sustained. May I see it?

4 ATTY. BERDICK: For the court's attention,
5 there are marks on the transcript, it's not a clean
6 transcript.

7 THE COURT: Why don't you just remove the last
8 page.

9 ATTY. BERDICK: Yes, your Honor. I will do
10 that.

11 THE COURT: Excuse me, a blue cardboard or
12 almost cardboard piece of paper.

13 ATTY. BERDICK: Plaintiff's Exhibit 2 I'd like
14 to have --

15 THE CLERK: Is this an exhibit here?

16 ATTY. BERDICK: I wasn't at this hearing, I'm
17 not knowledgeable about it.

18 THE COURT: You weren't at the hearing?

19 ATTY. BERDICK: Not the one I'm referring to
20 right now, your Honor.

21 THE COURT: Oh, all right.

22 ATTY. BERDICK: But it's an order to show
23 cause, it's dated October 6th, 2010.

24 THE COURT: Can you tell me how that's relevant
25 to --

26 ATTY. BERDICK: Yes, your Honor.

27 THE COURT: -- this proceeding?

1 ATTY. BERDICK: Part of the argument I'm going
2 to make in the canons for -- one of the canons for
3 my client is that hearing on the 21st of December
4 2009 raised a couple of issues that our argument is
5 that the judge might have been biased, you know, and
6 the way we need to get there is Sophie vs. Ellis
7 (sic), which was decided December 1st.

8 THE COURT: December 1 --

9 ATTY. BERDICK: Okay. December 1 --

10 THE COURT: -- '09.

11 ATTY. BERDICK: -- '09, and that order of show
12 cause was issued the same day.

13 THE COURT: Mmm-Hmm.

14 ATTY. BERDICK: So what I'm trying to get on
15 the record as far as exhibits and eventually
16 evidence is, you know, the perception to a
17 reasonable person could be that that's kind of
18 quick, you know, that the decision comes down one
19 day, show cause order comes down the same day.
20 December 1st was a Tuesday, you know, I'd have to go
21 back to the calendar.

22 THE COURT: Well, wait a minute. When did it
23 become effective?

24 ATTY. LEONE: That's a good question because it
25 should be effective that same day but without --

26 THE COURT: Okay. So did I --

27 ATTY. BERDICK: It could be, your Honor, if

1 further testimony reveals that, you know, the thing
2 was -- depends on what time it's published, what
3 time of the day on the 1st, it's that theoretically
4 possible that the order had gone out before? I'm
5 not saying it is, we're just trying to raise that
6 someone to draw an inference if we can.

7 THE COURT: Are you going to have evidence that
8 I issued the order before Tuesday or whatever
9 December 1 was?

10 ATTY. BERDICK: No, I'm not.

11 THE COURT: Are you going to have evidence of
12 that?

13 ATTY. BERDICK: Unless it's by testimony, your
14 Honor. I don't see us getting there.

15 THE COURT: Well, wait a minute. You're the
16 one putting it in.

17 ATTY. BERDICK: Roger. I'm answering.

18 THE COURT: Okay. Now, you're a lawyer.
19 You're a lawyer licensed to practice book law.

20 ATTY. BERDICK: I'm trying to be careful, your
21 Honor.

22 THE COURT: Okay. Very careful. Are you going
23 to proffer evidence to the effect that the court
24 issued its order to show cause dated December 1,
25 2009, before December 1, 2009?

26 ATTY. BERDICK: No, your Honor, I am not.

27 THE COURT: Okay. What's the relevance of this

1 order to show -- I have no objection -- not
2 objection but --

3 ATTY. BERDICK: Relevance. I'm trying through
4 circumstantial evidence and other pieces of evidence
5 to say, hey, this is not, you know, like two weeks
6 later, a day later. This is like the same day. And
7 with the letter that I'm going to submit, I guess
8 it's Kirsten Rigney, her involvement in this might
9 show that maybe there was some type of collusion or
10 opportunity for collusion to know what the damn
11 appellate decision was ahead of time. It was issued
12 after the thing. It's say, hey, this is quick.

13 ATTY. LEONE: If your Honor, please, has
14 Exhibit 2 been offered as an exhibit?

15 ATTY. BERDICK: Yes.

16 ATTY. LEONE: Thank you. And just -- I'm
17 sorry, your Honor, for the record, that is the
18 court's order to show cause dated December 1, 2009?

19 ATTY. BERDICK: No. That's not my
20 understanding. It's just the paperwork.

21 ATTY. LEONE: Then could the clerk of the court
22 identify what Exhibit 2 is.

23 THE CLERK: I think we have -- I know we have
24 previous exhibits that are not here. We might be
25 looking at three and four.

26 ATTY. LEONE: All I want to know is what Mr.
27 Berdick has just offered as Plaintiff's Exhibit 2

1 for purposes of this hearing, that's all.

2 THE CLERK: All right. This is 2, this would
3 be 1.

4 THE COURT: What is Court Exhibit for
5 identification 2?

6 ATTY. LEONE: Thank you.

7 THE COURT: Make it for ID, please.

8 THE CLERK: We may have to adjust.

9 ATTY. LEONE: With the court's permission, may
10 I ask the court to read whatever the exhibit is so I
11 can identify it?

12 THE CLERK: Order to show cause.

13 THE COURT: What's the date on it?

14 THE CLERK: October 6th, 2010.

15 THE COURT: Why is that relevant, Mr. Berdick?

16 ATTY. BERDICK: Well, your Honor, the time line
17 for the motion to show cause, the decision on
18 Sophie vs. Ellis, the assistant attorney general's
19 role on the 21st, which he (sic) was not there, the
20 ex parte communication you didn't put on the record
21 --

22 THE COURT: Do you know what an ex parte
23 communication is?

24 ATTY. BERDICK: Yes. It was a fax, it was a
25 written document that could have been handed to my
26 client and opposing counsel instead of after the
27 hearing during the hearing. You did summarize the

1 content of that letter but we know it was a fax and
2 the fax has a cover sheet. That's standard
3 operating procedure for most state communications.
4 That cover sheet is a communication, your Honor, and
5 it wasn't provided to the counsel even after the
6 hearing. Procedural due process is my argument,
7 hey, when you have opportunity to be heard, you have
8 to serve notice or some notice of the document as
9 well as your summary of it. If it was an oral
10 communication, you wouldn't have to provide a
11 written document; it doesn't exist, your Honor. So
12 that's my relevancy. I'm trying to get that the
13 written communication just isn't your summary,
14 sometimes it's the envelope, the cover sheet, the
15 letter. You had an opportunity to -- go ahead.

16 ATTY. LEONE: I'm going to object to Exhibit 2,
17 your Honor. The purpose for this hearing is a
18 judicial complaint dated or filed June 16th and it
19 supposedly deals with alleged judicial misconduct of
20 June 15th, 2010. To the extent this is being
21 offered --

22 THE COURT: Wait a minute. May I see that?

23 ATTY. LEONE: The exhibit, your Honor?

24 THE COURT: The one that's presently under
25 discussion.

26 ATTY. LEONE: Yes, your Honor.

27 (Pause.)

1 THE COURT: All right. Plaintiff's Exhibit 2
2 for identification is a copy of the order to show
3 cause issued by this court on October 6th, 2010, and
4 it happens to be already a part of the record in
5 this case. It's file entry 436.

6 Now, my density level is up today. Can you try
7 to tell -- explain to me why an order to show cause
8 which I issued on October 6th, 2010, having nothing
9 to do with anything that occurred on December 9,
10 2009, has anything to do with this proceeding today.

11 Is there a particular part of the order to show
12 cause?

13 ATTY. BERDICK: Yes, your Honor --

14 THE COURT: What --

15 ATTY. BERDICK: -- because --

16 THE COURT: No, excuse me. Is there a
17 paragraph or two or three in this order to show
18 cause dated October 6th, 2010, that I should be
19 particularly concerned with?

20 ATTY. BERDICK: All of them, your Honor,
21 because my argument -- my theory and my argument is
22 the Sophie vs. Ellis argument is not implicated in
23 that exhibit, it's in the -- my point is December
24 1st, boom, the appellate decision comes down, the
25 same day your show causing -- order comes down
26 December 1st. I mean, December 1st --

27 THE COURT: Okay.

1 ATTY. BERDICK: -- I'm saying that was quick.
2 Our argument is the appearance or maybe there was,
3 if we get the other piece of evidence we see it in
4 through a mosaic, maybe it was kind of like the
5 state through the assistant attorney general, she
6 doesn't show up the 21st but everything was taken
7 care of, you know what I mean? If my client wasn't
8 there, it would be unusual. He's supposed to be
9 there, you know. She's not there, she's one of the
10 parties, your Honor. The state is one of the
11 parties, she's an attorney for the state. Her --
12 she doesn't even sign the letter. The signature is
13 signed by someone else at her office. If she was
14 sick that day, the 21st, she might have called in or
15 something else happened. Her signature is not
16 there. It's something if someone else signs, it's
17 common protocol you put your initials by it. That's
18 what's on that letter.

19 THE COURT: Are you going to have some
20 witnesses on that?

21 ATTY. BERDICK: You know I'm not going to be
22 able to get her on the stand, your Honor.

23 THE COURT: Why not?

24 ATTY. BERDICK: I'd like to get the clerk
25 because the clerk can testify that letter itself
26 raises issues. There's no name in that letter. Is
27 she talking about Barbara Quinn or a clerk down here

1 in the bottom of the letter?

2 THE COURT: I don't know and what difference
3 does it make?

4 ATTY. BERDICK: That's my argument, your Honor.

5 THE COURT: What difference does it make?

6 ATTY. BERDICK: No. My argument is, hey, does
7 someone in -- to an objective, reasonable person it
8 looks like a little inside baseball here today at
9 this hearing and you terminated his pro se rights at
10 that hearing, you held him -- you cannot do any --
11 you took away an interest, a political -- I'm not
12 saying you did it wrongfully. We're going into the
13 process.

14 THE COURT: What's the accusation, that I had
15 inside information from the appellate court before
16 December 1 --

17 ATTY. BERDICK: No, your Honor.

18 THE COURT: -- or --

19 ATTY. BERDICK: No, your Honor. If something
20 happened to me today favorably and I wasn't even
21 here and you ruled in my favor and this guy, what's
22 the impression he has? The guy didn't even show up
23 and the state prevails. There's a show cause order
24 rendered, a pro se litigant, black American, the
25 assistant attorney general didn't even show up, your
26 Honor. What I mean, ex parte communication of facts
27 --

1 THE COURT: Did you ever read her so-called ex
2 parte letter?

3 ATTY. BERDICK: Yes, your Honor. Last time at
4 the hearing I did.

5 THE COURT: Yeah, didn't she --

6 ATTY. BERDICK: Knows nothing really -- go
7 ahead.

8 THE COURT: Let me use perhaps a crude -- well,
9 not crude. Didn't she in effect say, hey, I'm sick,
10 I don't have a dog in this fight, the issue/fight on
11 December 21, and she doesn't care?

12 ATTY. BERDICK: She said in that letter
13 hopefully it would be resolved that day in the same
14 letter and, your Honor, the issue is --

15 THE COURT: What be resolved?

16 ATTY. BERDICK: The issue you're hearing on the
17 21st.

18 THE COURT: Which was --

19 ATTY. BERDICK: Does he have a right, he cannot
20 represent the estate; that's my understanding that
21 you tried to focus on at that hearing, you know.
22 You told him --

23 THE COURT: What did she say about that?
24 Didn't she say, in effect, I hope that's resolved?
25 She didn't push either way.

26 ATTY. BERDICK: No, you're right but I'm
27 saying, your Honor, what --

1 THE COURT: Look it, look it, please --

2 ATTY. BERDICK: Okay, your Honor. Go ahead.

3 THE COURT: -- please. The implication I think
4 from what you're saying is that somehow Attorney
5 Kirsten Rigney, who is the assistant attorney
6 general --

7 ATTY. BERDICK: It's a high decision.

8 THE COURT: -- and this court both had inside
9 knowledge of --

10 ATTY. BERDICK: No, that's not it. Under your
11 canons, your Honor, under canon 3a-4, if you get an
12 ex parte communication, there's things you've got to
13 do. You did under A-4-1, that's all right; two --
14 but you didn't promptly notify and give them an
15 opportunity to respond. That thing was given to the
16 clerk, they disseminated that letter after the
17 hearing, after the hearing. But you did summarize
18 it on the record.

19 THE COURT: Okay.

20 ATTY. BERDICK: During the hearing they should
21 have had a copy of that.

22 THE COURT: Before the hearing?

23 ATTY. BERDICK: At the hearing. At the
24 hearing, your Honor. At the hearing.

25 THE COURT: I believe --

26 ATTY. BERDICK: You verbally summarized it but
27 you did not give him a copy of that.

1 THE COURT: All right. Your argument to me I'm
2 not following but tell me how you were prejudiced.

3 ATTY. BERDICK: Because -- not me. I was not
4 the attorney on record but my client would make the
5 argument, hey, he would say that Rigney didn't sign
6 that letter.

7 THE COURT: So what?

8 ATTY. BERDICK: That's important, your Honor.

9 THE COURT: If she signed it or didn't sign it,
10 how is it going to affect the overall outcome of
11 this case or the issue present before the court on
12 December 21, 2009? Just tell me because you're the
13 lawyer, you've been in his case --

14 ATTY. BERDICK: On December 21st maybe not,
15 your Honor, but you're right. The motion today is
16 we're talking about your behavior, your demeanor,
17 what happened on the 21st. That's part of my
18 understanding of the complaint from the 15th of
19 June. It was saying, hey, the judge was
20 condescending to my client. That's his allegation,
21 one of them; two, he raises the ex parte
22 communication in that complaint. That's why I'm
23 trying to focus it on those two issues and, your
24 Honor, the issue did you meet your standards under
25 judicial canon three. It's not, you know, this
26 other thing, whether he's going to prevail on the
27 21st on the underlying issue on the hearing, it's,

1 hey, did you breach your canons, your observations
2 under the canons. That's what the subject of the
3 hearing should be, not, hey, are you right or wrong
4 in your judicial thinking or the holding from Sophie
5 vs. Ellis that applies to the case, you know.
6 That's not the issue I'm arguing about. I'm talking
7 about would a reasonable person looking at the
8 evidence what happened that day or are subject to
9 the complaint come away with the -- hey, maybe there
10 was some partiality at that hearing. The attorney
11 didn't even show up for the state. That's
12 important, your Honor. She could have sent someone
13 else.

14 THE COURT: What for?

15 ATTY. BERDICK: Honor, she was the
16 representative, she was the attorney for the other
17 party. There's two cases involved that day, she was
18 the damn legal representative for the State of
19 Connecticut and you know that. You can't -- your
20 Honor, if I wasn't here today, it would be noted in
21 the file --

22 THE COURT: Sure.

23 ATTY. BERDICK: -- and rightly so but what
24 happens if I wasn't here today and there was an
25 issue that some termination or political rights,
26 liberty or interest or property and I won and I
27 didn't have to show up? I sent you a memo I can't

1 make it today, I hope you resolve. It's not right
2 or wrong, it's the impression, integrity, the
3 rectitude of the court. Someone sitting here would
4 be, hey, nice, you don't even --

5 THE COURT: I'm going to make it a full
6 exhibit. You develop evidence. You have subpoena
7 power. Get Kirsten Rigney here or someone but
8 you're spinning wheels, man.

9 ATTY. BERDICK: I might be, your Honor. I
10 might be. That's your determination. I'm making
11 the argument as the facts appear to me. It doesn't
12 mean I'm right, it doesn't mean my client's right.
13 He filed the judicial complaint that's the subject
14 of the hearing today, that's my understanding and,
15 if I'm way off, please enlighten me. I'm not trying
16 to go outside of that complaint. My understanding
17 of that complaint, and I know counsel mentioned
18 another complaint, you know, I'm not trying to take
19 away from what he stated on the record earlier
20 today, I'm focusing on that June 15th complaint
21 where my client said condescending treatment from
22 Judge Parker and reference to an ex parte
23 communication on the 21st of December, 2009.

24 Now, your Honor, that's why I've got to focus
25 on the canons. I mean, I've got to focus on the ex
26 parte communication as an advocate. I'm not saying
27 I'll prevail, I'm telling you this is what my

1 argument is. The ex parte communication part of it
2 was summarized but under the canons you should have
3 provided a copy of that not after the hearing, it
4 should have been provided during the hearing so they
5 have opportunity to respond to that communication.

6 THE COURT: Hope you're getting paid by the
7 hour because you're wasting time.

8 ATTY. BERDICK: I don't think so, your Honor,
9 but I appreciate your comment.

10 THE COURT: Okay.

11 ATTY. BERDICK: Your Honor, if it's already
12 part -- one of the exhibits, I'd like to mark
13 Plaintiff's Exhibit 3 is that letter that I've
14 referred to earlier, Assistant Attorney General
15 Kirsten Rigney I think is the way I'm pronouncing
16 her last name that was referenced in the December
17 21st, 2009 --

18 THE COURT: Okay. Put it in, mark it.

19 (Pause.)

20 THE CLERK: You saw it or no?

21 ATTY. LEONE: I did.

22 THE CLERK: (Marks exhibit.)

23 THE COURT: Let me see it.

24 THE CLERK: (Handing.)

25 (Pause.)

26 THE COURT: Is there objection, Mr. --

27 ATTY. LEONE: No, your Honor.

1 THE COURT: Well, you know, I'm letting it in
2 because it doesn't mean two hoots but, Mr. Berdick,
3 let me ask you is there a part of this letter --

4 ATTY. BERDICK: Yes, your Honor.

5 THE COURT: Is there part of this letter where
6 I should discern that Attorney General Rigney takes
7 sides on the issue before the court on December 21,
8 '09?

9 ATTY. BERDICK: Well, I think she's aligned
10 with one -- she's aligned with the state, your
11 Honor, so if you're asking should you assume
12 something, yes, you should.

13 THE COURT: Well, tell me. Read the part that
14 tells me bar him or not bar him. Where does it say
15 that?

16 (Pause.)

17 ATTY. BERDICK: "I spoke with the court clerk a
18 few days ago and she informed me that it was not
19 necessary that I attend," the meeting -- the
20 hearing, excuse me, "the hearing." Now, if you
21 think you're going to be adverse, do you think you
22 would skip a hearing?

23 THE COURT: Oh, she had insights of what I was
24 going to do?

25 ATTY. BERDICK: No, I'm not saying that. I'm
26 saying, "I spoke with the court clerk a few days ago
27 and she informed me it was not necessary that I

1 attend the hearing." A common person -- a common,
2 objective person would think there's no penalty if I
3 don't show up or attend the hearing. I'm not saying
4 that that's the only inference you can draw.

5 THE COURT: Full exhibit. Forget it.

6 ATTY. BERDICK: Thank you, your Honor.

7 THE CLERK: (Marks exhibit.)

8 THE COURT: One of the reasons it's being
9 admitted as a full exhibit --

10 ATTY. BERDICK: I understand, your Honor.

11 THE COURT: -- is to give you more stuff
12 because your brief is going to be more than 35
13 pages.

14 ATTY. BERDICK: Yes, your Honor.

15 Your Honor, I'd like to request the court for
16 Plaintiff's Exhibit 4, the court take judicial
17 notice of Sophie vs. Ellis, the decision itself, as
18 part of the record.

19 THE COURT: I'm quite aware of Sophie Ellis.
20 I'm even aware of some court contorted readings of
21 it by a party to this case.

22 ATTY. BERDICK: And the purpose --

23 THE COURT: All right.

24 ATTY. BERDICK: And the purpose of that is just
25 the date of the decision pretty much for my
26 argument, you know, I'm not going to argue the
27 underlying judicial rational or holdings or stuff

1 for the case. It's relevant to my argument as, you
2 know, you might not say it's a strong argument, I
3 understand that. My argument is premised on the
4 fact that if a reasonable person would say, hey,
5 maybe there's not some impartiality here, maybe some
6 partiality. I need to reference that case and when
7 it came down from the appellate court --

8 THE COURT: Okay. It's dated December 1 and so
9 the implication that the court or somebody else had
10 knowledge of it before December 1. Do you know that
11 such opinions --

12 ATTY. BERDICK: I'm not even saying they had to
13 have knowledge of it before. I mean, that would be
14 from my side of the argument, from my rational
15 thinking that would be helpful if I'm trying to
16 posit evidence that, hey, maybe somebody knew or was
17 writing the orders and stuff for the court to be
18 signed and delivered but that's not my argument. My
19 argument is it was the same day, your Honor. The
20 same day that decision came down, that show cause,
21 you know, motion, you know, the hearing was sent --
22 sent out the same day. That's very unusual. Very
23 unusual, your Honor. I'm not saying it's not
24 impossible, your Honor. It's possible that that
25 letter you got that we got a copy of from Rigney
26 there was no cover sheet, common knowledge usually
27 when you fax something there's a tally across the

1 top with the time it was faxed, boom, boom, boom,
2 the number. We have to assume a reasonable
3 inference could be there was a cover sheet to it.

4 THE COURT: Do you have a copy of Rigney's
5 letter?

6 THE CLERK: Three. Do you want this to be full
7 or ID, number 2?

8 (Pause.)

9 THE COURT: Because these arguments are so
10 subtle and my density level is up there, why does
11 the October 6th, 2010 order to show cause fit into
12 this rationale of yours?

13 ATTY. BERDICK: Your Honor, it's an argument by
14 implication that I'm trying to say the Sophie Ellis
15 thing, when that came down, boom, boom, boom. It's
16 not manifested in October 6th so implication is,
17 hey, if you had that knowledge on October 6th of the
18 court date or the advocate did, it doesn't mean it
19 had to be but it could have been served earlier in
20 the case. No. As soon as that decision came down
21 in Sophie vs. Ellis, which is a reasonable
22 consequence of what happened, I see it as a
23 rational, hey, you've got an appellate court
24 decision, it's on point to what's going on. I'm
25 talking about the alacrity of what happened, not
26 that it happened. I mean, boom, the same day, your
27 Honor. Come on. So if I could get -- and in the

1 letter that she faxed to you on the 21st --

2 THE COURT: How many hours do you think it took
3 me to read Sophie vs. Cohen?

4 ATTY. BERDICK: I would say less than an hour.

5 THE COURT: How long do you think it took me to
6 put together the order to show cause?

7 ATTY. BERDICK: Probably an hour, your Honor,
8 but I would ask you when did you find out? If I had
9 the opportunity, I would ask you if I'm given that,
10 Honor.

11 THE COURT: Okay, big boy. Ask me.

12 ATTY. BERDICK: When did you become aware of
13 Sophie vs. Ellis, the appellate court holding and
14 decision? When did you read that case?

15 THE COURT: Not later than December 1, 2009.

16 ATTY. BERDICK: Not later than --

17 THE COURT: It may have been earlier because --

18 ATTY. BERDICK: I understand.

19 THE COURT: -- these opinions --

20 ATTY. BERDICK: Get circulated.

21 THE COURT: -- are circulated. There's some
22 circulation. Now, what you should do if you want to
23 learn about this at state's expense, you subpoena
24 the Reporter of Judicial Decisions and he'll give
25 you the whole time frame.

26 ATTY. BERDICK: I'm somewhat aware, your Honor,
27 of the understanding that's involved with that, not

1 completely but that's not my point. My point is I'm
2 arguing that December 1st, boom. Now I'm arguing
3 21st we got a letter purported from the lawyer for
4 the State of Connecticut for the court
5 administrator.

6 THE COURT: Wait a minute. She had my order to
7 show cause shortly after October -- December 1, the
8 --

9 ATTY. BERDICK: The argument --

10 THE COURT: -- decided between then, whenever
11 she got it in early December.

12 ATTY. BERDICK: You're right. You're right,
13 your Honor, but I had the order to show up today,
14 I'm here. I had the order. What happens if I just
15 faxed you something I hope it gets resolved
16 favorably and then it does? I'd be jumping for joy
17 not showing up, not doing anything, just sending a
18 faxed cover sheet shown to the parties after the
19 hearing, summarized by the judge. Come on, your
20 Honor. That's where I'm going. Laser-like focus.
21 I'm talking about procedural due process. You put
22 it on the record, that was fine.

23 THE COURT: Fine.

24 ATTY. BERDICK: You should have distributed
25 that page to my clients during the hearing.

26 THE COURT: And you are saying grievously what
27 happened here --

1 ATTY. BERDICK: I'm asserting on the 21st
2 everything didn't go 100 percent right according to
3 my client's point of view. I'm not saying it was a
4 travesty, far from it.

5 THE COURT: Okay.

6 ATTY. BERDICK: Your Honor, I would like to
7 have the court take judicial cognizant or judicial
8 notice that the 21st of December was a Monday.

9 THE COURT: You mean a Monday that comes right
10 after the Sunday and before a Tuesday?

11 ATTY. BERDICK: Yes, your Honor.

12 THE COURT: Oh, okay. Fine.

13 ATTY. BERDICK: Your Honor, I'm ready to put my
14 witness on the stand, my client to testify basically
15 -- it's basically going to go to his perception of
16 the condescending and judicial contact on the 21st.

17 THE COURT: Wait a minute. Are you telling him
18 how to testify now?

19 Listen up there, Mr. Traylor. You're getting
20 instructions. Put him on the stand.

21 ATTY. BERDICK: I apologize, your Honor.

22 THE COURT: Ask him the question.

23 ATTY. LEONE: If your Honor, please. Before
24 the witness is called, is Exhibit 2 a full exhibit?
25 You asked the question of counsel. I don't know
26 that there was an answer.

27 THE COURT: Do you object?

1 ATTY. LEONE: I do object to it.

2 THE COURT: I'm going to overrule it. I just
3 want to remove issues.

4 ATTY. LEONE: That's fine, your Honor.

5 ATTY. BERDICK: Your Honor --

6 THE CLERK: (Marks exhibit.)

7 ATTY. BERDICK: Your Honor, if I may, my client
8 advised me because of the document dumped that he
9 would like to submit this whole package as final
10 exhibits. Is our -- I think we're up to Exhibit 5
11 or 6.

12 THE COURT: That isn't the procedure. Let's
13 go. You call him as a witness.

14

15

16

17

18

19

20

21

22

23

24

25

26

27

1 (Whereupon, SYLVESTER TRAYLOR takes the witness
2 stand and is duly sworn by the clerk and testifies
3 under oath as follows):

4 THE CLERK: Please state your name and give
5 your address for the record.

6 THE WITNESS: Sylvester Traylor.

7 THE CLERK: And your address.

8 THE WITNESS: 881 Vauxhall Street Extension,
9 Quaker Hill, Connecticut.

10 THE CLERK: Thank you. Please be seated.

11 ***** DIRECT EXAMINATION BY ATTORNEY BERDICK *****

12 Q Would you state your full name for the record I guess
13 again.

14 A Sylvester Traylor.

15 Q Can you state your race.

16 A African-American. My father was half
17 African-American and Cherokee Indian. My mother is -- her
18 grandfather was a Cherokee Indian and her grandmother was an
19 African-American.

20 Q Okay. Did you file a complaint against Judge Parker?

21 A Yes, I did. I filed five complaints against Judge
22 Parker.

23 Q The complaint that we're talking about today, you
24 know, my understanding it's the June 15th, 2010 complaint;
25 is that your understanding?

26 A June 15th.

27 Q The date on the complaints, that refers to some

1 conduct that happened at an earlier time; is that correct?

2 A Yes, that's one of the complaints.

3 THE COURT: Let's not lead.

4 ATTY. BERDICK: Okay.

5 ATTORNEY BERDICK CONTINUING:

6 Q Can you answer the question?

7 ATTY. BERDICK: Go ahead, your Honor.

8 THE COURT: Mr. Traylor, I'm somehow remiss.

9 You say you filed five complaints with Judicial
10 Review against me?

11 THE WITNESS: That's correct, your Honor.

12 THE COURT: I only have four and I'd hate to be
13 falling down on the --

14 THE WITNESS: There's a fifth one that we've
15 given you in the package today.

16 THE COURT: Has it been filed?

17 THE WITNESS: Yes. It has been filed with the
18 Judicial Review.

19 ATTORNEY BERDICK CONTINUING:

20 Q Did you file one against Judge Parker, the judge
21 today, that you put in there regarding condescending
22 language?

23 ATTY. LEONE: I'm going to object to the
24 leading.

25 THE COURT: Sustained.

26 ATTORNEY BERDICK CONTINUING:

27 Q Okay. Did you file a complaint dated 2009 against

1 Judge Parker concerning the hearing or the case of the
2 Estate of Roberta Traylor?

3 THE COURT: Mr. Berdick, you've got things
4 screwed up. Stop and think. Take your time.

5 ATTY. BERDICK: Thank you, your Honor.

6 THE COURT: Start that question again if you
7 still want to ask it on that topic.

8 ATTORNEY BERDICK CONTINUING:

9 Q The complaint you filed against Judge Parker, could
10 you go into why you filed that complaint.

11 THE COURT: Excuse me.

12 A Yes. We're talking about June 15th --

13 THE COURT: Hold on a minute. We now have --
14 there are now five complaints so in your question if
15 you have a question about complaint number three or
16 complaint number four or such and such a date, put
17 that in your question, the date.

18 ATTORNEY BERDICK CONTINUING:

19 Q Could you explain your motivation for filing the
20 complaint against Judge Parker dated June 15th, 2010.

21 A Yes.

22 Q Please do.

23 A Yes.

24 THE COURT: There's no complaint dated June 10.

25 THE WITNESS: No, June 15th.

26 ATTY. BERDICK: June 15th. Excuse me, your
27 Honor, if I misspoke.

1 A (Continuing.) Yes, I filed a complaint dated June
2 15th, however, I made an error -- typographical error on
3 paragraph A of a page named 2.08 -- I mean, 2 of eight.

4 ATTORNEY BERDICK CONTINUING:

5 Q What was the error and what is the --

6 A I put in there, where did -- explain where this
7 judicial misconduct occurred; I put the date June 15th
8 because I notarized it on June 15th but in the body of the
9 complaint I clearly set out that, "I, Sylvester Traylor, an
10 African-American, do hereby reiterate," and the emphasis is
11 on reiterate, "that I am requesting that Judge Parker be
12 recused, but I don't say be recused, I say recuse -- Judge
13 Parker recuse himself from any of my proceedings because of
14 his condescending remarks in open court," and I quoted the
15 remark that he stated on --

16 ATTY. LEONE: I'm going to object that the
17 witness is reading from a document that is not in
18 evidence, your Honor.

19 THE WITNESS: It's -- Judge Parker made it
20 evidence.

21 THE COURT: I did not.

22 ATTY. BERDICK: No, he didn't yet.

23 THE WITNESS: His --

24 ATTY. BERDICK: Roger, I understand.

25 ATTORNEY BERDICK CONTINUING:

26 Q In your own words from your own memory, from your own
27 recollection, whatever, referring to the document before

1 you, what was condescending?

2 A He used the phrase, is there a word with the letter A
3 in my order, and then he enunciated the A. He said it
4 again, is there like an A.

5 Q Why did you find that condescending?

6 A I thought that as an African-American Judge Parker
7 was trying to question my literacy and, from my
8 understanding, the literacy (sic) for African-Americans to
9 vote was over.

10 THE COURT: Were you voting on December 21?

11 THE WITNESS: Should I --

12 ATTY. BERDICK: The judge has a right to ask
13 questions.

14 THE WITNESS: No, I wasn't.

15 THE COURT: There's nothing about voting on
16 December 21, 2009, was there?

17 THE WITNESS: No. It's your treatment. It's
18 your demeanor, the racist behavior that
19 African-Americans was treated during the time of
20 voting, your behavior carried forward from a past
21 era.

22 THE COURT: Okay. Go on.

23 ATTY. BERDICK: Your Honor, Plaintiff Exhibit
24 Number 1, I'd like to hand to the witness.

25 A Did you want to mark this as an exhibit?

26 ATTORNEY BERDICK CONTINUING:

27 Q No, not at this time, please.

1 A Okay.

2 Q Can you look at that and tell me what you think that
3 is that I've handed you.

4 A Yes. This is a transcript dated December 21, 2009,
5 before the Honorable Thomas F. Parker. Representing the
6 plaintiff, Mr. Sylvester Traylor. Representing the
7 defendant, Chinigo, Leone & Maruzo.

8 Q So the complaint -- the complaint that you filed that
9 you referred to earlier in your testimony, does it refer to
10 this hearing on December 21st, 2009?

11 THE COURT: Where does it say in your June 15th
12 complaint anything about December 29?

13 ATTY. BERDICK: December 21st.

14 THE COURT: You're quite right. I have a
15 problem with that.

16 THE WITNESS: You're asking me the question,
17 your Honor?

18 ATTY. BERDICK: Yes, he is.

19 THE WITNESS: I didn't know if you were asking
20 me or my attorney. I'm making sure.

21 ATTY. BERDICK: The judge was asking you.

22 THE WITNESS: The statement that I was
23 referring to in my June 15th -- the Honorable Judge
24 Thomas Parker stated, is there a letter A in my
25 order, that was on that day.

26 THE COURT: In your June 15 complaint?

27 THE WITNESS: Yes.

1 THE COURT: So the June 15, 2010 complaint, is
2 the date December 21, 2009, mentioned anywhere in
3 that complaint?

4 THE WITNESS: No, your Honor, but --

5 THE COURT: Thank you. That was a yes or no.

6 THE WITNESS: Go ahead.

7 ATTY. BERDICK: Your Honor, I'd like to -- if
8 there's no objection, I'd like to have this entered
9 into evidence, the transcript dated the 21st of
10 December.

11 THE WITNESS: You already marked it.

12 THE COURT: How many times do you want it in?

13 ATTY. BERDICK: I want to make sure for the
14 record that it is evidence.

15 THE COURT: Pay attention. I think it was 25
16 or 26.

17 ATTORNEY BERDICK CONTINUING:

18 Q Was there any other language that you found
19 condescending during that hearing on the 21st of December,
20 2009? I mean, is that the only -- what motivated -- let's
21 elaborate. Is there anything else --

22 A Yes.

23 Q -- that happened on the 21st in front of Judge Parker
24 during the hearing?

25 THE COURT: You've got about three questions
26 running. The witness -- witnesses can do better
27 with one question at a time rather than three.

1 ATTY. BERDICK: You can refer --

2 THE COURT: Withdraw your question and re-ask.

3 ATTY. BERDICK: I'll withdraw the question.

4 ATTORNEY BERDICK CONTINUING:

5 Q Was there other language articulated by Judge Parker
6 during the 21st of December 2009 that you found
7 condescending?

8 (Pause.)

9 A Can I go through all of them?

10 Q If you can do it, this is the gist of your complaint.

11 THE COURT: You've gone through this transcript
12 innumerable times. You ought to be familiar with it
13 by now because you've quoted it in various documents
14 you filed with the court.

15 A Okay. Starting on page 2, "Wow" -- this is Judge
16 Parker speaking: "Wow, we moved to big cases." And then on
17 --

18 THE COURT: Well, what happened just before
19 that? Somebody described you as Barack Obama; isn't
20 that the context? Does that offend you?

21 THE WITNESS: Can I read what happened before
22 you --

23 THE COURT: No, never mind. I'm familiar with
24 the transcript.

25 THE WITNESS: "So Sylvester Traylor on behalf
26 of -- on behalf of the petitioner for the -- against
27 the State of Connecticut as well as Sylvester

1 Traylor on behalf of the -- a case against," and
2 then I actually --

3 THE COURT: What did you say?

4 THE WITNESS: "Barack Obama," then I used the
5 word sorry, then, "The Court: Wow, we moved to big
6 cases."

7 ATTORNEY BERDICK CONTINUING: _

8 Q What was your impression of that response from the
9 judge?

10 A Again, I was nervous. I mean, I was trying to
11 articulate something. He knew what I was saying. I said
12 I'm sorry. Page 3, "The Court: Hold on a minute. Just --
13 I want to put on the record what I have done before you got
14 here. I informed that Attorney Kirsten Rigney, Assistant
15 Attorney General, who has entered an appearance is defending
16 in the second -- what I call the second case, the one
17 against the superior court or chief court administrator or
18 somebody." As if he didn't -- like I didn't know who I was
19 filing the case against and, once again, it's just
20 condescending.

21 Q Was the state's attorney there?

22 A No, she was not.

23 Q Well, what other language in the transcript during
24 the hearing --

25 THE COURT: Excuse me. The state's attorney
26 wasn't there. The State's Attorney is Michael
27 Regan.

1 ATTY. BERDICK: Sorry. I apologize.

2 ATTORNEY BERDICK CONTINUING:

3 Q Was the assistant attorney general there? The judge
4 is completely correct. I misstated.

5 A No, she was not.

6 Q Okay. Can you continue and, if there's any other
7 language that you found condescending, could you bring it to
8 the court's attention today, please.

9 A Yes.

10 Q The judge is correct. You should be somewhat
11 familiar with what happened on this because it was the gist
12 of your complaint so try to be somewhat expeditious.

13 ATTY. LEONE: I object to the attorney's
14 comments. If there's a question pending, the
15 witness can answer the question.

16 ATTY. BERDICK: I withdraw the comment.

17 THE COURT: Well, the comment --

18 A Okay. You want me to answer? Okay. Okay. "The
19 Court: So you deny the contents of paragraph seven? Mr.
20 Traylor: Yes. The Court: Because it's only made up of
21 words." Once again, he's trying to belittle me as if I
22 don't know what I'm saying or -- and condescending.

23 THE COURT: What page is that on?

24 THE WITNESS: That's page 5.

25 ATTY. LEONE: Thank you, your Honor.

26 ATTORNEY BERDICK CONTINUING:

27 Q Anything else?

1 A Yes. Okay.

2 THE COURT: Come on, let's go.

3 A (Continuing.) "The Court," on page 6: "Okay.
4 That's good. Paragraph 12? Mr. Traylor: I deny it. The
5 Court: All right. Okay. Now --"

6 THE COURT: What was it, "now?"

7 THE WITNESS: "Now --" And then -- that was
8 your words.

9 A (Continuing.) "Mr. Traylor: Can we go to 13, your
10 Honor? The Court: Excuse me. Mr. Traylor: Can we go to
11 13? The Court: No. Now, at this time, if you want to, you
12 may tell me why you, Sylvester Traylor as the Administrator
13 of the Estate of Roberta Traylor, should not be prohibited
14 from representing the estate in these cases."

15 THE COURT: That belittled you?

16 THE WITNESS: Well, your Honor, I think what
17 you did was you was listing off to me what you
18 wanted me to answer. There was paragraphs set out
19 in your -- that he was listing. I even go from the
20 top of the page, it says, "The Court: Okay. Wait a
21 minute. Paragraph ten? Mr. Traylor:" You asked me
22 if I admitted to this, your Honor. "The Court: You
23 admit or deny? Same thing I asked to any other.
24 Mr. Traylor: I deny it's applicable to my case.
25 The Court: No, I didn't ask you whether or not it
26 was applicable to your case. Do you admit paragraph
27 ten? Mr. Traylor: I deny it. The Court: Okay.

1 Paragraph 11? Mr. Traylor: I deny it, yeah."

2 ATTORNEY BERDICK CONTINUING:

3 Q You said yup?

4 A That's what's written here, "Yeah."

5 Q Anything else?

6 A The Court -- then it's getting down to right here, it
7 says, "Mr. Traylor: I deny it, yeah. The Court: Okay.

8 That's good. Paragraph 12? Mr. Traylor: I deny it. The
9 Court: All right. Okay. Now --" So I'm anticipating that
10 you're going to ask me 13. "Mr. Traylor: Can we go to 13?"

11 THE COURT: You're going way beyond Mr. --

12 THE WITNESS: There it is, right there. "Mr.
13 Traylor: Can we go to 13, your Honor? The Court:
14 Excuse me."

15 THE COURT: What was condescending about
16 "excuse me?"

17 THE WITNESS: Well, no. Where you started,
18 your Honor, and says, "All right. Okay. Now --"
19 And I was puzzled, where are you coming from? I
20 mean, what was the next question? I mean, you was
21 asking me detailed questions according to paragraphs
22 and you just started, "All right. Okay. Now --"
23 Well -- and before that you said, "Okay. That's
24 good. Paragraph 12." In the beginning of this page
25 you corrected me already and scold me, telling me,
26 "Okay. Wait a minute. Paragraph ten? Mr. Traylor:
27 You're asking me if I admit this, your Honor? The

1 Court: You admit or deny? Same thing I asked to
2 the other -- to any other." So I'm assuming when
3 you're talking to me that you're keeping a train of
4 thought but when you got down here, I don't know
5 where you was coming from. You said, "Okay. All
6 right. Now --" So I'm --

7 THE COURT: What page are you reading from
8 right now?

9 THE WITNESS: Page 6, your Honor.

10 THE COURT: Page 6?

11 THE WITNESS: Yes.

12 THE COURT: Okay.

13 ATTORNEY BERDICK CONTINUING:

14 Q You made that clear. Can you move on to anything
15 else, if there's anything else. Was there any further
16 condescending language?

17 A Okay. At the end if I have to go from the end of
18 page 6, Mr. Traylor: Okay -- I'm sorry, the court at the
19 end of page 6, "The Court: Excuse me. Mr. Traylor: How
20 long do you have -- how long do I have to explain this to
21 you?" Top of page 7, "The Court: Well, how long do you
22 need? What do you have to tell me?" Well, first of all, in
23 order to understand where he was coming from, you have to
24 keep in frame of thought where when he jumped from 13 and we
25 never talked about 13 and then, "The Court: No. Now, at
26 this time, if you want to, you may tell me why you,
27 Sylvester Traylor as the administrator of the Estate of

1 Roberta Traylor, should not be prohibited from representing
2 the estate in this case. Mr. Traylor: Okay. First of all,
3 your Honor, how long do I have? The Court: Excuse me. Mr.
4 Traylor: How long do I have to explain this to you?" Top
5 of page 7, "The Court: Well, how long do you need? What do
6 you have to tell me? Mr. Traylor: I was just wondering am
7 I going to be interrupted or is it open for me to discuss
8 this freely?" The Court: You may now tell me why you
9 should not be barred from representing the estate." Okay.
10 So here, once again, I was -- as I was on the issue
11 concerning, "All right. Okay. Now --" Still once again
12 this is an argumental confrontation with a judge that I
13 didn't -- to be honest, as you could see, I continue to try
14 and respect Judge Parker and call him your Honor but I
15 couldn't understand the confrontation that he continued to
16 put me under. Under little small questions that I ask him.
17 Q Maybe he was trying to get to the issue that he
18 thought was --

19 ATTY. LEONE: I'm going to object to the
20 editorializing by the attorney.

21 THE COURT: And you felt put upon, right, as
22 this was occurring?

23 THE WITNESS: Yeah, it was consistent.

24 THE COURT: Right there?

25 THE WITNESS: In your demeanor, your Honor.

26 THE COURT: No. See -- well, okay. While we
27 were in the conversation where the dialogue was

1 going on that's reported on page 6, you knew it
2 right then, shortly after 2 o'clock on December 21,
3 2009?

4 THE WITNESS: You're asking me how long?

5 THE COURT: You knew it right then, hey, this
6 judge is putting me on or somehow denigrating me by
7 asking these questions? You felt put upon right
8 then? Two questions at once.

9 ATTY. BERDICK: He's asking you that question.

10 THE WITNESS: Are you asking me a question? I
11 thought --

12 THE COURT: The record should show I was
13 looking right at you.

14 THE WITNESS: I don't know if you are asking me
15 a question or making a statement.

16 THE COURT: I'm asking you a question. You
17 want it read back?

18 THE WITNESS: I want to make sure if I
19 understand it was a question or a statement.

20 THE COURT: Well, answer it then. You know
21 it's a question.

22 THE WITNESS: Your Honor, you know --

23 ATTY. BERDICK: The Honor is asking you if you
24 were put -- if I may, your Honor?

25 THE WITNESS: No.

26 ATTY. BERDICK: The Honor is asking you if you
27 were put out right then and there, not later. At

1 the hearing itself, did you take umbrage from his
2 comments?

3 THE WITNESS: Yes.

4 THE COURT: You did right then?

5 THE WITNESS: From the beginning, yes. You
6 start to continue your demeanor as if you was biased
7 or questioning whether or not I was --

8 THE COURT: And you recognized --

9 THE WITNESS: -- my presence.

10 THE COURT: Excuse me. Listen to my question
11 very carefully and I'm going to try to make it a yes
12 or no and until I recognize that it's not a yes or
13 no question. Yes or no; right from the git-go on
14 December 21, 2009, you had the sense and the feeling
15 right then that I was somehow biased against you?

16 THE WITNESS: You want me to go back to the
17 beginning?

18 ATTY. BERDICK: The judge is asking you -- if I
19 may, your Honor?

20 THE WITNESS: I'm looking at --

21 ATTY. BERDICK: -- to answer his question.

22 THE WITNESS: I started at page 2.

23 THE COURT: Never mind. Were you having these
24 bias thoughts right from the very beginning on page
25 2 when we're talking? What's recorded on page 2,
26 you thought I was biased right then and there?

27 THE WITNESS: Yes.

1 THE COURT: Okay. And when we got to whatever
2 happened on page 6, you realized I was being
3 condescending and showing a bias against you?

4 THE WITNESS: Yes, your Honor.

5 THE COURT: Okay. And that happened throughout
6 the hearing?

7 THE WITNESS: Can I finish? I mean, go through
8 it all?

9 THE COURT: How many weeks do you need because
10 you've been at this -- I mean, you've seen this, you
11 quoted this thing, this transcript so many times to
12 the appellate court, in your stuff on the motion for
13 articulation, all that good stuff. You know this
14 transcript.

15 THE WITNESS: Are you asking me do I know it?

16 THE COURT: No, I'm not. I made a statement;
17 you know this transcript. Now I'm going to ask you
18 a question: Don't you?

19 THE WITNESS: Yes, your Honor.

20 THE COURT: Okay.

21 ATTY. BERDICK: If I may, your Honor?

22 THE COURT: I'm taking a recess.

23 ATTY. BERDICK: Okay, your Honor.

24 THE COURT: And you may go through that and
25 then come back. I want you to move quickly. We're
26 going to finish this hearing today.

27 ATTY. BERDICK: Yes, your Honor.

1 (Whereupon, there is a recess in the
2 proceedings.)

3 THE COURT: Go ahead.

4 ATTORNEY BERDICK CONTINUING:

5 Q Mr. Traylor, can you resume where you left off and
6 point out if there's other language that you found
7 condescending during the 21st of December 2009 in front of
8 Judge Parker.

9 A Page 9, "The Court: Oh, certainly." Page number 13,
10 "The Court: Yeah."

11 THE COURT: And these were all parts of your
12 June 15 complaint to the -- June 15, 2010 complaint
13 to Judicial Review?

14 THE WITNESS: I was reiterating a previous
15 complaint.

16 THE COURT: Excuse me. That was a yes or no.
17 If you can't answer it then don't bother going
18 through this.

19 THE WITNESS: Yes.

20 THE COURT: These things that you're now
21 commenting on were listed or set forth as part of
22 your -- set forth in your June 15, 2010 complaint to
23 Judicial Review?

24 ATTY. BERDICK: Your Honor --

25 THE COURT: He can answer it yes or no.

26 ATTY. BERDICK: Yes, he can answer it.

27 THE COURT: Answer it yes or no.

1 THE WITNESS: The words that I'm listing now
2 was not in the June 15th complaint.

3 THE COURT: Next question. Let's stick to what
4 was in the complaint.

5 ATTY. BERDICK: We are, your Honor. His
6 allegation in the complaint is condescending
7 language.

8 THE COURT: Did you get the instruction?

9 ATTY. BERDICK: No, I didn't.

10 THE COURT: Come on.

11 ATTY. BERDICK: I apologize. Can you continue?

12 THE COURT: No, if it's in the complaint of
13 June 15, 2010, point it out.

14 ATTY. BERDICK: Your Honor, I object but I
15 understand what you're saying. I'm not trying to be
16 facetious with you either. I'm just saying it's my
17 position that the client in his complaint was
18 objecting to condescending language. Yes, he quoted
19 one particular statement from the hearing but we're
20 talking about -- we're not talking about any other
21 --

22 THE COURT: Are you familiar with the rule that
23 says when the court wants argument it will ask for
24 it?

25 ATTY. BERDICK: Yes, your Honor. I apologize.

26 THE COURT: And that was argument, I didn't ask
27 for it.

1 ATTY. BERDICK: Okay. I'm sorry.

2 THE WITNESS: June 15th complaint: "I,
3 Sylvester Traylor, an African-American, do hereby
4 reiterate --"

5 THE COURT: There's no question pending. Go
6 ahead.

7 THE WITNESS: I'm sorry. I thought you want me
8 to refer to the complaint.

9 ATTY. BERDICK: No. Your Honor his directing
10 his comments to me. I apologize for taking your
11 attention away from the transcript.

12 ATTORNEY BERDICK CONTINUING:

13 Q Given your complaint on the 15th of June 2010, could
14 you illustrate if there's anything in the transcript that
15 relates to your complaint that you filed against Judge
16 Parker --

17 A Yes.

18 Q -- that you haven't already pointed out earlier
19 today.

20 A Yes. There's a word in the very first sentence. It
21 states -- the word is reiterate. The reason why I put that
22 word is -- in there is because I had made previous
23 complaints about Judge Parker referring to December 21st.

24 Q I understand that but the purpose of today's hearing,
25 in all fairness to the people involved, the parties
26 involved, is the June 15th, 2010 complaint?

27 A Yes.

1 Q Let's focus on that alone --

2 A Yes.

3 Q -- for the purposes of your testimony right now.

4 A So the reason why I put the word reiterate in there
5 is I had -- this is June 15th, 2010, but I had made a
6 previous complaint against Judge Parker, that's why I used
7 the word reiterate and the pages in the previous complaint
8 was one to eight and if you --

9 THE COURT: You filed complaints against me on
10 -- two in February of 2010. All right. Let's go
11 along.

12 ATTORNEY BERDICK CONTINUING:

13 Q The judge is correct. We're focusing on the June
14 15th of 2010 complaint, that's the relevant testimony if any
15 we need today.

16 A Yes. So in my complaint dated June 15, 2008 (sic) if
17 you look at the --

18 ATTY. BERDICK: 2000-what?

19 A (Continuing.) 2010, I'm sorry. It says pages one --
20 the very first page is 1 of eight, the second page is 2 of
21 eight, and the third page is 3 of eight and it's only three
22 pages because what I had done is I had --

23 ATTORNEY BERDICK CONTINUING:

24 Q Roger. I mean, for purposes of today, let's agree to
25 that but the fact is they weren't part of the complaint.
26 Those pages were not part of the complaint?

27 A Not all eight pages.

1 Q Roger.

2 A That was a typo.

3 Q It was?

4 A Yes.

5 Q Okay. So given that I'm asking for you to focus on
6 whether the language on the 21st of December 2010 related to
7 the transcript, in the transcript that if you found
8 condescending and that you haven't already pointed out to
9 the court today.

10 ATTY. BERDICK: I apologize for the length of
11 the question, your Honor.

12 A Well, Judge Parker said on the 21st of December, "Is
13 there a word with the letter A in my order?"

14 THE COURT: Well, that was in your complaint.
15 That's all that I've seen.

16 ATTY. BERDICK: Yes, your Honor. That is in
17 the complaint. I'm asking him is there any other
18 language in the transcript that he hadn't covered
19 today.

20 THE COURT: He didn't tell the Judicial Review
21 other than about is there something about a letter
22 A, so the Judicial Review -- how are they supposed
23 to know that he's now claiming when he -- somebody
24 mentions Barack Obama, we're going on to big cases
25 now, that that was prejudicial? How are they going
26 to know that?

27 ATTY. BERDICK: I submit, your Honor, without

1 being too forward here -- forward leaning, that's
2 why they sent it down to have the hearing now, to
3 flesh it out to see if your position is correct,
4 that maybe there was some humor, maybe some
5 direction in the testimony and maybe it wasn't.

6 THE COURT: No --

7 ATTY. BERDICK: Go ahead, your Honor. Sorry.

8 THE COURT: -- they denied his complaint
9 and pursuant to 1-22 of the practice book this
10 hearing was scheduled.

11 ATTY. BERDICK: Okay.

12 THE COURT: Nothing --

13 ATTY. BERDICK: I apologize, your Honor.

14 THE COURT: Well, you know.

15 ATTY. BERDICK: I'm not saying I'm right. I
16 prefaced my comment with what I thought was a
17 possibility. I stand corrected.

18 ATTORNEY BERDICK CONTINUING:

19 Q Is there any other language, Mr. Traylor, further
20 along in the transcript, if any, that you took umbrage or
21 any other type of reaction to, good or bad?

22 A Yes, I also --

23 THE COURT: Hold on a minute. We're trying to
24 complete this hearing.

25 ATTY. BERDICK: That's my intent, your Honor.

26 THE COURT: And if it's not in the complaint to
27 Judicial Review, it's irrelevant. He walks around

1 --

2 ATTY. BERDICK: Okay, your Honor. I
3 understand. I understand your ruling. Okay. I'm
4 going to circle back, your Honor, if I may.

5 ATTORNEY BERDICK CONTINUING:

6 Q Mr. Traylor, when did you become aware that Attorney
7 Rigney I guess -- and I stand corrected at this time --
8 Assistant Attorney General was not at the hearing?

9 A When I appeared on December 21st, 2009.

10 THE COURT: That answers the question.

11 ATTORNEY BERDICK CONTINUING:

12 Q What was your response when she's not there? Do you
13 expect her to be there?

14 A Yes.

15 THE COURT: Did you say anything on the record?

16 (Pause.)

17 THE WITNESS: I didn't say anything because I
18 didn't see the letter.

19 THE COURT: Oh, all right. But is it part of
20 the complaint to the Judicial Review on June 15?

21 ATTY. BERDICK: Yes, it is, your Honor.

22 THE COURT: I just read it when we took a break
23 and, geez, one of the lenses on my glasses keeps on
24 falling out --

25 ATTY. BERDICK: I'm not trying to misstate the
26 record. I thought he made reference to an ex parte
27 communication.

1 THE COURT: Oh, he does not in the June 15,
2 2010 complaint to Judicial Review as I recall.

3 ATTY. BERDICK: Can we just stand -- I don't
4 want to get into an argument with your Honor here.

5 THE COURT: Well, look at the luncheon break
6 and you can come back to this and tell me if it is
7 in there but let's move along. This case has gone
8 on long enough.

9 ATTORNEY BERDICK CONTINUING:

10 Q Did you receive a copy of the Assistant Attorney
11 General Kirsten Rigney's letter that day?

12 A After the hearing was over.

13 Q And how did you get that letter? How was that --

14 A Steve gave me a copy.

15 Q So you did not have it during -- I know you testified
16 but, just to be clear, you did not have it during the actual

17 --

18 A No.

19 Q -- show cause hearing?

20 A No, I did not.

21 Q Did Judge Parker summarize the content of that letter
22 to you during the hearing?

23 A He didn't even read the letter. He just said --

24 Q No. The question was did he summarize the content,
25 which is hard enough for you to judge, but did he articulate
26 the content of her letter?

27 A Yes, but it wasn't an accurate assessment of the

1 letter.

2 Q When were you aware of that?

3 A Once I read the letter. I got it from Steve.

4 THE COURT: How was it inaccurate?

5 THE WITNESS: You left out the part that she
6 had talked to the clerk two or three days prior and
7 the clerk didn't state that she -- I mean, the clerk
8 stated that she -- it wasn't necessary for her to be
9 there. The only way she would have had that right
10 not to be there unless she had talked to you or
11 somebody talked to you.

12 THE COURT: Are you accusing me of talking to
13 her beforehand?

14 THE WITNESS: Yeah.

15 THE COURT: You are. Okay.

16 THE WITNESS: I think somebody talked to you.
17 That's the only way she -- I don't think the clerk
18 has the authority to tell her not to be there.

19 ATTORNEY BERDICK CONTINUING:

20 Q When you say clerk, who do you mean?

21 A Well, I assume.

22 Q I don't think it was the clerk here.

23 A I'm assuming since Judge Parker was presiding here
24 and, you know, I think she mentioned "she" in her letter.

25 Q Who do you think the "she" was referring to?

26 A I'm assuming it was Kim McGee because I think Jeff
27 Feldman was gone at that time.

1 Q So your understanding was the "she" could refer to
2 the Chief Clerk of New London, and the "she" was Kim?

3 A Yes. And she also is the same clerk that stood
4 shoulder to shoulder with Attorney Leone when Attorney Leone
5 tried to have a physical confrontation with me right there
6 in the clerk's office.

7 Q Is there anything else about that letter that after
8 you did get it and reviewed --

9 THE WITNESS: Was there something funny, your
10 Honor? You're looking at Attorney Leone --

11 THE COURT: I was looking at you and your
12 lawyer.

13 THE WITNESS: And now you're leaning towards
14 me.

15 THE COURT: Are you afraid? Are you afraid I'm
16 going to do a back flip and land in your lap?

17 THE WITNESS: I was wondering. I've got a case
18 here where the court -- someone pointed their finger
19 at the court and they sent it to the administrative
20 judge. I'm not being threatening to you, am I?

21 THE COURT: No, no.

22 ATTY. BERDICK: Did -- your Honor, did you have
23 a question to me or direction?

24 THE COURT: Yeah. Why is any of this relevant?
25 Now he's accusing me of having an ex parte letter
26 before or having the request -- the request of the
27 ex parte letter from Rigney, that I knew about it

1 before December 21, and talked to the clerk about
2 it.

3 ATTY. BERDICK: Your Honor --

4 THE COURT: Are you going to have evidence?

5 ATTY. BERDICK: No, your Honor. You asked him
6 that.

7 THE COURT: What are you doing this for then?

8 ATTY. BERDICK: I think the ex parte
9 communication that brings in the canon --

10 THE COURT: Bring cannons, machine guns,
11 rifles, anything. What difference does it make?

12 ATTY. BERDICK: Your Honor, I mean --

13 THE COURT: Forget it. Never mind. You don't
14 know.

15 THE WITNESS: Can I --

16 THE COURT: Never mind. Next topic, please.

17 ATTORNEY BERDICK CONTINUING:

18 Q Mr. Traylor, is there anything else when you got that
19 letter and reviewed it that stands out -- that stands out to
20 you?

21 A Yeah, it wasn't cc'd to all parties. I mean, if I
22 would try that as pro se litigant, oh, my God, that thing
23 would be handed back to me immediately.

24 Q Anything else besides that?

25 A It wasn't --

26 (Pause.)

27 I mean, other than, you know, the conversation that

1 she had with the clerk, that's the most important thing. I
2 mean, the fact that --

3 Q In your opinion, if I may, that everything else in
4 that letter that you read after when you got a copy of it
5 and looked it over, did it cause you any concern or not?

6 A Yes, yes, yes.

7 Q What is that?

8 A The way I've been treated in this court as a pro se
9 litigant. I mean, I was there on a hearing regarding
10 whether or not I should or can or cannot represent my wife's
11 estate. I mean, as administrator, what I was doing was
12 trying to represent as an administrator of the estate and
13 Judge Parker was correct in saying the estate is a legal
14 entity but I am not.

15 Q Okay. Let's focus on --

16 THE COURT: I didn't say that either you,
17 Sylvester Traylor, an individual person, is a legal
18 -- a separate legal entity from the estate or vice
19 versa.

20 THE WITNESS: Yeah. I mean, well, my point was
21 that whole issue was centered around if a pro se
22 litigant can represent as administrator of his
23 wife's estate. Now, the sad side of all of it was
24 Attorney Rigney didn't show up and there was some
25 kind of ex parte communication with Judge Parker.

26 ATTORNEY BERDICK CONTINUING:

27 Q That's your assertion?

1 A Yes, it is.

2 THE COURT: You better get Rigney down here
3 because your client is making very serious charges
4 against people.

5 THE WITNESS: Yeah.

6 THE COURT: But I know the purpose of them.

7 ATTORNEY BERDICK CONTINUING:

8 Q Now, is there anything else besides that, regarding
9 to that letter that you finally saw, that stood out and
10 bothered you? If it did, I want to close off that topic.

11 A Well, I think that when I saw the fax page that Steve
12 gave me, it was page 2 of it and so I'm sure there was a
13 page before that.

14 Q Okay. Now --

15 A At the top of the page there's the original --

16 THE COURT: I haven't seen any fax cover sheet.

17 THE WITNESS: It was --

18 THE COURT: Where is it?

19 THE WITNESS: It was page 2 of the original.

20 THE COURT: Where is it?

21 THE WITNESS: The original fax?

22 ATTY. BERDICK: Your Honor, I don't have it
23 myself.

24 THE COURT: Do you have a copy of it?

25 THE WITNESS: Well, on the original --

26 THE COURT: Yes or no; do you have the fax
27 cover sheet which gives --

1 THE WITNESS: No, but I think --

2 THE COURT: You say you saw it?

3 THE WITNESS: I'm sure I have it somewhere in
4 my possession, not the cover sheet but the wording
5 at the top of that page saying page 2, I'm certain
6 of it. And the fax number is on that too.

7 THE COURT: Well, produce it.

8 THE WITNESS: I'm certain of it.

9 ATTORNEY BERDICK CONTINUING:

10 Q Now, isn't it true after the results of the hearing
11 you also asked -- one of the second things you asked of the
12 judge or what was important on the show cause hearing is how
13 much time you needed to get another attorney --

14 A Yes.

15 Q -- in order to maintain the cause of action in the
16 New London Superior Court? You're answering yes?

17 A Yes.

18 Q What was that? Can you go into that? What was that
19 time period that Judge Parker allowed you to have?

20 A Well, I think he gave me -- I only asked for six
21 weeks and Judge Parker went into saying, you know -- I think
22 he used the words, "I doubt you'll even get an attorney,"
23 but, for whatever reason, the "I doubt you can get an
24 attorney" didn't appear in the transcript when I got the
25 copy of it but I showed Judge Parker a letter of an attorney
26 that I was intending to have to represent me. And, by the
27 way, he used to work for -- with his dad at another law firm

1 and you stated on the record that you doubt that they would
2 even assist me.

3 THE COURT: That's all on the December 21
4 transcript and the law firm was the Law Offices of
5 Jon, J-o-n, J. Schoenhorn. I won't bother to try to
6 spell that.

7 THE WITNESS: And Michael --

8 THE COURT: And an associate in his office. I
9 may be wrong on this. I think it was Mathew was his
10 first name.

11 THE WITNESS: Mathew Sorokin, S-o-r-o-k-i-n.

12 THE COURT: There were Sorokins in a firm I was
13 with. I don't know that gentleman, I don't think I
14 ever knew him, and I just made clear that in that
15 letter that you presented from the Schoenhorn Law
16 Firm on --

17 ATTY. BERDICK: December 21st, your Honor.

18 THE COURT: -- I expressed less than full
19 optimism that they were going to take the case. The
20 best you had was a commitment from them to meet with
21 you on the following Wednesday, two days later, and
22 they made no commitment in that letter to take your
23 case and so I was skeptical. I think you'll find
24 that on the record.

25 ATTY. BERDICK: That's correct.

26 THE COURT: I'm going to ask you -- you've
27 been, in my view, spinning wheels here.

1 ATTY. BERDICK: Okay.

2 THE COURT: If Mr. Traylor had received a copy
3 of that letter from Kirsten Rigney on December 21
4 before the hearing, how would that have affected --

5 THE WITNESS: I would have filed the motion to
6 postpone until she was there to argue her side of
7 the story instead of you arguing on her behalf and,
8 not only that, the issue regarding you telling me
9 that I couldn't file the motion to reargue and I
10 attached the motion to her letter to that motion to
11 reargue saying that you can't argue on her behalf
12 but --

13 THE COURT: I never argued.

14 THE WITNESS: You never -- I sent it to the
15 appellate court.

16 THE COURT: You'll get your chance to go there.

17 THE WITNESS: I'll be there on Monday.

18 THE COURT: Regarding what?

19 THE WITNESS: Regarding the Writ of Mandamus.

20 THE COURT: Final arguments?

21 THE WITNESS: Yes.

22 ATTY. BERDICK: Your Honor, I thought the
23 question was directed to me.

24 THE COURT: Yeah. You're the attorney.

25 ATTY. BERDICK: What I'm saying, it would drop
26 one of the canons as being implicated as an issue.

27 In the canon it says if you have -- in the

1 commentary it goes into there's a nuance between
2 oral communications and ex parte and written ones.
3 The written ones, it spells out in the commentary,
4 should be given to the parties.

5 THE COURT: I'm not conceding how it --

6 ATTY. BERDICK: I'm answering your question. I
7 don't think -- it might not have mattered if he had
8 gotten it. You could have ruled the same way. I
9 see that. I'm not taking umbrage.

10 THE COURT: Why are we wasting two and a half
11 hours on it then?

12 ATTY. BERDICK: Because it goes to impartiality
13 issues, it also goes to process.

14 THE COURT: Okay.

15 ATTY. BERDICK: I want to get something on the
16 record because it's important.

17 ATTORNEY BERDICK CONTINUING:

18 Q Isn't it true that Judge Parker gave you more time
19 than you requested and even then opposing counsel asked to
20 be given for you to get another attorney to maintain the
21 cause of action?

22 A Yes.

23 Q Given the show cause order?

24 A Yes, he did.

25 Q Okay. Thank you.

26 A And that was helpful.

27 THE COURT: That was a yes or no.

1 A (Continuing.) Yes. I mean, I had medical issues too
2 during that course of time.

3 ATTORNEY BERDICK CONTINUING:

4 Q Just answer the question. So, you know, in all
5 fairness, you know, given what your other allegation is as
6 far as that second issue about getting -- you know,
7 maintaining the action, Judge Parker did not give you an
8 adverse ruling, he treated you better than you actually
9 prayed for during the oral hearing on that matter -- on that
10 sub-matter. I know there was another issue about the
11 maintaining as a pro se litigant but as far as getting
12 another attorney, didn't he give you way more time? I think
13 four months.

14 A Yes.

15 THE COURT: Ten questions.

16 Q (Continuing.) Didn't he give you four months to get
17 counsel to maintain --

18 A Yes, but --

19 Q -- the cause of action?

20 A -- after --

21 THE COURT: Yes is the answer.

22 A -- I found out that -- I found out also in that
23 Sophie vs. Ellis they gave him that same amount of time.
24 Judge Parker was doing the same as they did in that case.

25 THE COURT: I didn't even know that.

26 A (Continuing.) In my situation I did get an attorney.

27 THE COURT: And that attorney was the Hall

1 Johnson Law Firm?

2 THE WITNESS: Yes.

3 THE COURT: And they filed an appearance on the
4 deadline date?

5 THE WITNESS: Yes.

6 THE COURT: 39 minutes before five o'clock?

7 THE WITNESS: Yes. I was getting out of the
8 hospital.

9 THE COURT: But you didn't -- when had you gone
10 in the hospital?

11 THE WITNESS: I was in there maybe a couple
12 days.

13 THE COURT: Oh, so --

14 THE WITNESS: I was back and forth and not just
15 the four months. I was in and out the hospital at
16 least two or three times.

17 THE COURT: And that interfered with getting
18 your attorney?

19 THE WITNESS: Yeah. I mean, sometimes I
20 couldn't leave the house for two -- three weeks.

21 THE COURT: Is that right? How about filing
22 papers?

23 THE WITNESS: Sometimes people would bring them
24 in for me, I would try and send papers.

25 THE COURT: You asked for eight weeks?

26 THE WITNESS: I think six or eight weeks.

27 THE COURT: You asked for both?

1 THE WITNESS: During that time, Ann Hatfield,
2 who was your clerk at one time as you know, and I
3 think she was there --

4 THE COURT: Are you swearing under oath she was
5 my clerk?

6 THE WITNESS: I wasn't here presently.

7 THE COURT: But, see, you make those statements
8 under oath.

9 THE WITNESS: You know, that -- well, I don't
10 know personally. I know that she knows your son. I
11 can swear to that.

12 ATTORNEY BERDICK CONTINUING:

13 Q Yeah, but how is that relevant to the issue that the
14 judge is asking?

15 A The fact that Judge Parker's behavior and demeanor
16 towards me from the git-go, I mean, he's asking me earlier
17 in the transcript was I confrontational with you? From the
18 beginning of the transcript, Judge Parker, you've been
19 confrontational with me, from day one I met you. I've never
20 done anything to you. You've constantly -- and even in the
21 transcript speak louder than words, I don't know why you
22 constantly chastising me. I haven't did anything wrong
23 other than file the complaints, which is my right.

24 THE COURT: You got rights but no
25 responsibilities.

26 THE WITNESS: Responsibilities to tell the
27 truth.

1 ATTY. BERDICK: Your Honor, if I may, I'm
2 pretty much wrapping it up.

3 ATTORNEY BERDICK CONTINUING:

4 Q Isn't it true toward the end of the hearing in the
5 transcript you go on the record saying you actually have
6 some praise for Judge Parker, during the hearing?

7 A Yeah. I mean, I complimented him even on December
8 21st. I said, "I don't have any beef with you, I don't have
9 a problem with you." I only said that because I couldn't
10 understand why you constantly tried to chastise me. I mean,
11 why are you doing this?

12 ATTY. BERDICK: That's all.

13 THE COURT: You wrapping up?

14 ATTY. BERDICK: Yes.

15 THE WITNESS: Well, this -- submit this package
16 as my final exhibit. I think you've got the one --

17 ATTY. BERDICK: I'll ask the judge what he's
18 going to do with it. I think I already did.

19 THE WITNESS: Also the case where the judge
20 recused himself.

21 THE COURT: Have you previously cited that case
22 in papers filed with this court?

23 THE WITNESS: Say that again. I'm sorry, your
24 Honor. I didn't hear you.

25 THE COURT: You're telling your lawyer how you
26 want the case conducted in conclusion of your direct
27 testimony. You refer to a case that you just handed

1 him?

2 THE WITNESS: Yes, your Honor.

3 THE COURT: What's the case?

4 THE WITNESS: Can you read the case -- two
5 cases that I just handed. You can read it to him.

6 THE COURT: You're going to make it an exhibit?
7 Let's go.

8 ATTY. BERDICK: P&J, Inc. vs. Denardis, 2007
9 case Connecticut and then Silverberg vs.
10 Malachowski. Excuse me. I apologize
11 Silverberg, Marvin & Swaim, P.C. vs. Henry
12 Palikowski, 1990 Connecticut Sub. 3022.

13 ATTY. LEONE: 1990 case?

14 ATTY. BERDICK: These are the two exhibits to
15 be marked Plaintiff 7 and 8.

16 THE CLERK: 5 and 6.

17 THE WITNESS: And the package, Attorney
18 Berdick.

19 ATTY. BERDICK: I think I have to bring the
20 judge -- he didn't want this before.

21 Judge, this is the package I referred to
22 before, bringing in as an exhibit in evidence you
23 kind of foreclosed that option before. I don't want
24 to mislead you on that.

25 THE COURT: Is this one of the filings you made
26 this morning?

27 THE WITNESS: Yes, your Honor.

1 THE COURT: And that's, by your direction, gone
2 to the administrative judge?

3 THE WITNESS: Yes, your Honor.

4 THE COURT: Well, shouldn't we wait to see what
5 he's going to do?

6 THE WITNESS: I'd like you to read it too. I
7 made you a copy.

8 THE COURT: I don't want to read it right now.

9 THE WITNESS: Your Honor --

10 THE COURT: Why is it relevant?

11 THE WITNESS: I think there's some things in
12 there that ties you and Attorney Leone, donating
13 money to the same organization over at Lawrence &
14 Memorial Hospital where Dr. Awwa was also an
15 employee at one time but his employment got
16 terminated because --

17 THE COURT: Wait a minute. I've been a
18 patient, my wife's been a patient at Lawrence
19 & Memorial. Does that somehow taint me?

20 THE WITNESS: Well I'm saying, your Honor, you
21 have associations with certain people that may
22 trigger the reason why you're confrontational with
23 me and, like I told you, about the sons -- Matthew
24 Sorokin, a lot of people around Hartford, they all
25 know you, you know. You used to live in West
26 Hartford so, I mean, I know you're -- all the
27 attorneys when I looked and sought to get an

1 attorney, they declined not because -- some of them,
2 your Honor, they said no, they don't want to come
3 into the courtroom because of your demeanor, not
4 just --

5 THE COURT: Who said that?

6 THE WITNESS: Several. Several.

7 THE COURT: Ms. Several? Give me a name.

8 THE WITNESS: I'll give you one.

9 THE COURT: No. Give me all of them that said
10 that.

11 THE WITNESS: I'll get them to you.

12 THE COURT: Give them on the record right now.

13 THE WITNESS: I know one by heart. Brown.

14 Attorney Brown.

15 THE COURT: What's his first name?

16 THE WITNESS: I can't think of it off the back,
17 his name. He's from Hartford. Sorokin, the one
18 that I just mentioned that you used to work --

19 THE COURT: I used to -- he was with the
20 Schoenhorn Law Firm?

21 THE WITNESS: Yeah.

22 THE COURT: Yeah. Who else?

23 THE WITNESS: Several. I mean, I can --

24 THE COURT: No, please --

25 THE WITNESS: I've got all the names. I've got
26 every attorney.

27 THE COURT: We're going to be back here two

1 o'clock and you do a little thought.

2 THE WITNESS: Yup.

3 THE COURT: You know, you can throw harpoons
4 all you want.

5 THE WITNESS: Judge Parker, I just want to say,
6 this is my final thing about everything that took
7 place regarding that complaint on June 15th. As you
8 know, my ancestral background where I'm from --

9 THE COURT: No

10 ATTY. LEONE: I'm going to object.

11 THE WITNESS: This whether or not June 15th --

12 THE COURT: Please, quiet.

13 ATTY. LEONE: I'm objecting. If I may, your
14 Honor, I'm objecting that there's no question
15 pending.

16 THE COURT: Right.

17 THE WITNESS: Can we --

18 THE COURT: Have you finished direct?

19 ATTY. BERDICK: Yes, I have, your Honor.

20 THE COURT: You may step down.

21 THE WITNESS: Thank you.

22 (Witness complies.)

23 THE COURT: We'll resume at two o'clock.

24 MR. TRAYLOR: Is that also an order for me to
25 go get those names?

26 THE COURT: Go get what things?

27 MR. TRAYLOR: The names that said --

1 THE COURT: Well, I'm going to ask you about
2 them at two o'clock.

3 MR. TRAYLOR: I want to make sure.

4 THE COURT: You better have them.

5 MR. TRAYLOR: I want to make sure. I'll bring
6 them. Like I said, I'm looking at the truth, your
7 Honor. I'm not out to --

8 THE COURT: Well, all right. Two o'clock. You
9 have the right to cross-examine.

10 ATTY. LEONE: Yes, your Honor. If your Honor
11 please, I'm looking for the Court Exhibit Number 27.

12 ATTY. BERDICK: I have it (handing).

13 ATTY. LEONE: Thank you, your Honor.

14 (Whereupon, there is a recess in the
15 proceedings.)

16 THE COURT: I believe Mr. Traylor was on the
17 stand. Mr. Traylor would you --

18 (Witness complies.)

19 THE COURT: You may be seated. You're still
20 under oath.

21 Just before we broke you were going to look up
22 and find out what lawyers you had been mentioning
23 but were hesitant to tell me. One of them was
24 Brown. What's his first name?

25 THE WITNESS: His first name is John Brown.

26 THE COURT: Where does he practice?

27 THE WITNESS: Hartford.

1 THE COURT: John Brown in Hartford and what did
2 he say?

3 THE WITNESS: Well, he said that -- basically
4 I'm paraphrasing -- that in his own words that Judge
5 Parker is a cranky old man.

6 THE COURT: That's a compliment, isn't it?

7 THE WITNESS: And he don't want to take my case
8 and he says there's some -- he just felt that there
9 were some concerns about how you treat people in
10 court.

11 THE COURT: Did he ever have a case with me?

12 THE WITNESS: I think he have.

13 THE COURT: Huh?

14 THE WITNESS: I think he have, once.

15 THE COURT: Maybe. I don't think I know John
16 Brown. I don't think I even know one. Who's the
17 next one?

18 THE WITNESS: Well, my first attorney, Attorney
19 Pianka, I asked him after he left because Judge
20 Abrams had reopened the default judgment that he
21 felt -- I asked him to come back, he said, no, you
22 need a civil rights attorney. He said Judge Parker
23 -- is allocated to Judge Parker. He said, no, this
24 case has gone too far off track. It has nothing to
25 do with medical malpractice anymore. I said I had a
26 Writ of Mandamus. He said, no, they're not going to
27 listen to you. And then attorney James Hall, same

1 thing. When there was accusations made saying
2 about, you know, Judge Parker is abusing his
3 discretion by making them come back every two days.
4 Even Attorney Leone even made comments on the record
5 regarding how you was treating us. There's another
6 attorney firm, I'm not sure the pronunciation.

7 THE COURT: Mary Puhlick.

8 THE WITNESS: Puhlick and, your Honor, they
9 wouldn't take it. On the account of how I was
10 treated and regarding the Writ of Mandamus and how
11 you treated me, they said, no, this thing has
12 nothing to do with medical malpractice anymore.

13 This one you already know about.

14 THE COURT: Oh, Schoenhorn in Hartford.

15 THE WITNESS: They said no, this thing is off
16 track, they won't take it because of the way you
17 treated that Writ of Mandamus. It's the worst
18 enforcement of Judge Hurley's order. Miller,
19 Russick, D'Amico, August & Butler.

20 THE COURT: Where are they from?

21 THE WITNESS: Norwich, Connecticut.

22 THE COURT: Read the names so Mr. --
23 particularly Mr. Leone because he's familiar with --
24 more familiar than I with law firms in and around
25 the Norwich area.

26 THE WITNESS: Did I pronounce that right?

27 THE COURT: Mary Puhlick. She used to work

1 here as a clerk many years ago. What's the other?

2 THE WITNESS: Oh, the Miller one -- oh, I'm
3 sorry. I said that was from Norwich. I'm sorry.

4 THE COURT: Who?

5 THE WITNESS: I'm sorry, Puhlick is from
6 Norwich.

7 THE COURT: I don't think so.

8 THE WITNESS: Miller is from Bridgeport.

9 THE COURT: Bridgeport?

10 THE WITNESS: Yes.

11 THE COURT: What's the name of the --

12 THE WITNESS: Miller, R-o-s-n-i (sic).

13 THE COURT: Just fold the paper so I can read
14 the letterhead. If you don't want me to read the
15 letter, that's fine.

16 THE COURT: Miller, Russick, D'Amico, August &
17 Butler.

18 THE COURT: Who'd you speak to there?

19 THE WITNESS: Well, during the break I called a
20 couple of them. I'm going to use the same respect
21 that they told me. They says, look, they don't want
22 to be retaliated against in this court if they have
23 to show up before you or any other judge. They says
24 that's attorney-client privilege but they says if
25 you want to tell him the law firm, no problem. They
26 will confirm that I was there.

27 THE COURT: Yeah. I don't recall anything to

1 do with them.

2 THE WITNESS: All right. And then Schoenhorn
3 you know. Walsh, Moukawsher.

4 THE COURT: Moukawsher & Walsh?

5 THE WITNESS: Moukawsher & Walsh. And you know
6 who this is, right?

7 THE COURT: Sabilia._

8 THE WITNESS: Sabilia & DeSantis, you know who
9 that is.

10 THE COURT: Well, they're across the street.

11 THE WITNESS: And you know who this is.

12 THE COURT: Chester Fairley.

13 THE WITNESS: Yup.

14 THE COURT: What was his problem?

15 THE WITNESS: Same thing. He says this thing
16 with the Writ of Mandamus and not enforcing Judge
17 Hurley's order, the way they's (sic) treating this
18 case, no way I'm taking this case.

19 THE COURT: Judge Parker have anything to do
20 with --

21 THE WITNESS: Oh, yeah.

22 THE COURT: It did?

23 THE WITNESS: I've got to tell you they know me
24 of some years of being around the court so they
25 said, look, you told me to go get an attorney and
26 they says you've got a Writ of Mandamus. They even
27 asked me to copy the Writ of Mandamus I had made.

1 He said you know how many attorneys make Writ of
2 Mandamus? None. But, in this case, we agree. Why
3 are they not enforcing Hurley's order? What's wrong
4 with them over there? I says I don't know. I
5 showed them the transcript.

6 THE COURT: Did you ever tell them about that
7 -- I'm hesitating because I don't mean any prejudice
8 at all -- but Huggins vs. Mulvey?

9 THE WITNESS: Yup.

10 THE COURT: Did you tell them about that?

11 THE WITNESS: They didn't see how it applied.
12 Okay.

13 THE COURT: You'll learn next week.

14 THE WITNESS: They didn't see how it applied
15 because also the connotation how it came across,
16 there's some Writ of Mandamus, there are sections
17 under what type of Writ of Mandamus you can file.
18 In this situation it was proper. There's also --
19 you know Schoenhorn, you know Walsh -- this law firm
20 here --

21 THE COURT: Is that E-l-s-t-i- Elstein and
22 Elstein. Where are they, in Bridgeport?

23 THE WITNESS: Bridgeport.

24 THE COURT: Well, you were all ready to go to
25 Bridgeport when Judge Handy sent it there.

26 THE WITNESS: One of the attorneys because of
27 the way I was -- I've been treated in this court

1 said to get this case out of this court. This court
2 is better for a med-mal but the way I've been
3 treated, this is discrimination clearly, and they
4 don't want to take a case that they have to come in
5 and fight with the court. Did we read this one?
6 Orodie?

7 THE COURT: O-r-o-d-i-e & Connolly. Where are
8 they from?

9 THE WITNESS: Milford, Connecticut.

10 THE COURT: All of these people had bad things
11 to say because Parker is the judge, you better not,
12 we won't take the case?

13 THE WITNESS: Well, they couldn't understand
14 the way you had the case and then I had filed the
15 Writ of Mandamus and they looked at it and says wait
16 a minute, there's something more to this because
17 they never seen anything like this.

18 THE COURT: All right.

19 THE WITNESS: Now, this law firm is out of
20 state, so I reached out of state to Law Office of
21 Wade & Burke because they had one major lawsuit down
22 in --

23 THE COURT: Oh, never mind.

24 THE WITNESS: The point is this: They're in
25 Fayetteville, North Carolina, they had me contact
26 another law firm here in Connecticut because they
27 had a similar case and, come to find out, Judge

1 Hurley used to work at that law firm up in Hartford
2 and I didn't know that Judge Hurley had worked at
3 that law firm. In fact, that law firm was the very
4 first law firm I ever went to regarding my wife
5 medical malpractice case. The first law firm I went
6 to was now they're the defendant's counsel up in the
7 appellate court, Halloran & Sage. Halloran & Sage
8 referred me to --

9 THE COURT: Riscassi & Davis.

10 THE WITNESS: Riscassi & Davis so then the law
11 firm in North Carolina referred me to them, they
12 said no because they remembered me from the
13 beginning and they the one that introduced me to my
14 very first attorney, Attorney Pianka. Now, when I
15 went back to Riscassi & Davis they said no, they
16 says, Judge Hurley would be really sad to see how
17 this thing turned out and this is as far as we --
18 they're concerned they -- they says, no, this is not
19 right but you need to find another attorney out
20 there, so that's why I had to tell you about that
21 law firm. Then the last two is Gordon, Muir
22 & Foley.

23 THE COURT: Gordon, Muir, M-u-i-r,
24 & Foley?

25 THE WITNESS: M-u-i-r, yeah, and you know where
26 they are.

27 THE COURT: Right in Hartford.

1 THE WITNESS: They also know you.

2 THE COURT: Yeah.

3 THE WITNESS: Same thing. Very good law firm.

4 I mean, very professional people.

5 THE COURT: That's what they said about me?

6 THE WITNESS: They took almost a month and -- I
7 think a couple months. I think you told me to be
8 here on May 1st with an attorney of 2010. As you
9 can see the date, this date is May 13th. They knew
10 it was but they even still they still wrote to me to
11 give me the assurance why they didn't feel that they
12 didn't want to take this case and, again, it goes
13 back to they couldn't understand what's going on in
14 this case.

15 THE COURT: So they knew just what you told
16 them about the case?

17 THE WITNESS: I showed them the transcript and
18 at that time I had the Writ of Mandamus, so what I
19 did, as you know, that Writ of Mandamus consisted of
20 all of the transcripts. They didn't just see what
21 took place on account of what I said, they read the
22 transcripts.

23 THE COURT: Okay.

24 THE WITNESS: And the last one you know, Hall &
25 Johnson, and so --

26 THE COURT: Have you sued them yet?

27 THE WITNESS: No. I mean --

1 THE COURT: Why not?

2 THE WITNESS: Judge Parker, it wasn't my intent
3 to sue them.

4 THE COURT: I asked a question, did you sue
5 them yet, you said no. Thank you.

6 THE WITNESS: Because that was --

7 THE COURT: Mr. Leone, do you have any
8 questions?

9 ATTY. LEONE: I don't have any questions of Mr.
10 Traylor with respect to his judicial complaint of
11 June 15th, 2010.

12 THE COURT: Well, anything he said this
13 morning?

14 ATTY. LEONE: No, your Honor.

15 THE COURT: All right.

16 THE WITNESS: And, your Honor, you also asked
17 about that letter and said that that was there. You
18 questioned me to bring something back regarding the
19 top of that letter.

20 THE COURT: Oh, something about the cover page
21 for a fax?

22 THE WITNESS: There was some writing at the top
23 of it.

24 THE COURT: That Kirsten Rigney, Assistant
25 Attorney General, sent to the court on December 21?

26 THE WITNESS: Did you want -- there was some
27 writing at the top of it, your Honor.

1 THE COURT: What?

2 THE WITNESS: There was like a fax
3 correspondence.

4 THE COURT: Well, do you have it?

5 THE WITNESS: Well, that's what I was asking
6 Steve when I came back in, did he have the original.

7 THE COURT: Well, if you think it's really
8 relevant, find it and have it made an exhibit, okay?

9 THE WITNESS: All right.

10 THE COURT: Then we'll proceed further.

11 (Pause.)

12 THE COURT: Mr. Traylor, how old are you?

13 THE WITNESS: I'm 49, your Honor.

14 THE COURT: Okay. What's your educational
15 background?

16 THE WITNESS: I have a B.A. degree from Pacific
17 Christian College in Fullerton, California.

18 THE COURT: What year did you get that?

19 THE WITNESS: I got it in 1989.

20 THE COURT: And what did you major in?

21 THE WITNESS: Cross-culture communication and
22 philosophy.

23 THE COURT: Any education beyond that, formal?

24 THE WITNESS: Yes, sir. I went to, briefly,
25 Harvard Law School at the -- it's called the -- I
26 was going out after school -- I mean after work,
27 it's called extended education so I was studying

1 international law at that time and then Nelson
2 Mandella got released, that's during the first
3 Persian war. They -- all of the kids in the front
4 of the class was sons and daughters of politicians
5 and ex-presidents, and I wasn't getting anything out
6 of school so I decided to go over to South Africa
7 since that was my emphasis in my undergrad.

8 THE COURT: What year or years or part of years
9 were you at Harvard Law School?

10 THE WITNESS: I was there I think the ending of
11 19 -- 1992.

12 THE COURT: How long were you there?

13 THE WITNESS: I was only there one semester.

14 THE COURT: When did the semester begin?

15 THE WITNESS: I can't really remember right off
16 the back.

17 THE COURT: Around Labor Day?

18 THE WITNESS: I know it ended in winter, the
19 beginning, the first part of the year.

20 THE COURT: What year?

21 THE WITNESS: I think it was '92.

22 THE COURT: So you were there first semester
23 courses in the first part of 1992?

24 THE WITNESS: Yeah. It could be '92 or '91.
25 Definitely is one of those years.

26 THE COURT: One or the other?

27 THE WITNESS: Yes, sir.

1 THE COURT: Any education -- formal education
2 beyond -- since then?

3 THE WITNESS: No, your Honor. I mean, other
4 than going over to South Africa and working with --
5 as a liaison.

6 THE COURT: So your total law oriented
7 education was a few months at Harvard?

8 THE WITNESS: Yes, but --

9 THE COURT: Is this the Harvard in Cambridge,
10 Massachusetts?

11 THE WITNESS: Yes, your Honor.

12 THE COURT: All right.

13 THE WITNESS: And other than that, after that,
14 I came back to the United States in 1996 and I think
15 about 1998 I met my wife.

16 THE COURT: Mmm-Hmm.

17 THE WITNESS: We got married in 2000.

18 THE COURT: Okay. And what's been your
19 employment in the last 15 years?

20 THE WITNESS: Well --

21 THE COURT: Well, ten years.

22 THE WITNESS: Well, in the last ten years,
23 after I came back from South Africa, like I said,
24 that was in '96. So we're looking a little bit more
25 than 15 years. This is 2012 (sic), so in the last
26 -- well, let's count back. It's almost been five --
27 six years since my wife passed and, prior to that, I

1 worked my first job. I came back from South Africa
2 and I worked as a constructionist over at Foxwoods
3 Casino. And the way I got that job --

4 THE COURT: No.

5 THE WITNESS: -- because of my --

6 THE COURT: I really don't want to know.

7 THE WITNESS: Yup.

8 THE COURT: You worked on construction at
9 Foxwoods for whom?

10 THE WITNESS: C.R. Klewin Construction Company.

11 THE COURT: All right. For how long did you
12 have that job?

13 THE WITNESS: A year.

14 THE COURT: What were you doing for C.R.
15 Klewin?

16 THE WITNESS: I was a mediator between the
17 tribe and the construction workers when they would
18 come inside the casino. I would just basically
19 monitor them, tell them you guys can't be dragging
20 dirt and debris back into the casino.

21 THE COURT: What year were you working for C.R.
22 Klewin?

23 THE WITNESS: I think '96 to '97.

24 THE COURT: When to when, your best estimate.
25 For two years you were there?

26 THE WITNESS: '96 to '97.

27 THE COURT: That's two years.

1 THE WITNESS: No, that's one.

2 THE COURT: When did you start work for C.R.
3 Klewin in 1996?

4 THE WITNESS: Around -- I know it was winter,
5 maybe December or January.

6 THE COURT: And when did you cease working for
7 C.R. Klewin in '97?

8 THE WITNESS: Around the same time, December.

9 THE COURT: Okay. All right. So your best
10 recollection --

11 THE WITNESS: I know the exact date too.

12 THE COURT: Give me the exact date.

13 THE WITNESS: December 24th, 1997.

14 THE COURT: What's the exact date of your
15 termination?

16 THE WITNESS: That's the date.

17 THE COURT: In '98 what's the date?

18 THE WITNESS: No, in '97. I didn't work for
19 them in '98. I said '97. That's why you said two
20 years, I'm telling you one year.

21 THE COURT: You began work in 1996 on Christmas
22 Eve?

23 THE WITNESS: Around that, yup.

24 THE COURT: Well --

25 ATTY. BERDICK: Your Honor, if I may, he's
26 saying his termination date was December 24,
27 Christmas Eve, '97, and he started about a year

1 before that. That's kind of what his testimony is
2 as I understand it.

3 THE WITNESS: Yup.

4 THE COURT: Okay. All right. Why did you
5 leave C.R. Klewin?

6 THE WITNESS: I was set up. One of the
7 managers at C.R. Klewin tried to pay a girl
8 \$20,000 to set me up for sexual harassment. She, in
9 turn, gave me the money and a letter saying she
10 won't be part of anything like that.

11 THE COURT: So C.R. Klewin discriminated
12 against you?

13 THE WITNESS: Yes, yes, because of my Indian
14 preference. That's how I got the job working for
15 them. The tribe told them to hire me as an
16 employee.

17 THE COURT: Now, what was your next employment
18 after New Year's Eve of '97?

19 THE WITNESS: I briefly worked for the casino
20 working in the arcades and all that stuff.

21 THE COURT: How long was that?

22 THE WITNESS: It was briefly.

23 THE COURT: How long?

24 THE WITNESS: Maybe a couple months or
25 whatever. It was during that time I was still
26 working for C.R. Klewin. I was working and after
27 work I would go work to the casino.

1 THE COURT: When did you stop working for the
2 casino?

3 THE WITNESS: I'd say around the same time,
4 December '06.

5 THE COURT: December '06?

6 THE WITNESS: '06? I mean 1996 -- I mean 1997.
7 I'm sorry.

8 THE COURT: I told you, you heard me say it
9 several times today, my density level is up
10 particularly high today. Now, I believe your
11 testimony was you left C.R. Klewin on Christmas Eve
12 1997?

13 THE WITNESS: Yes.

14 THE COURT: When did you start working for the
15 casino?

16 THE WITNESS: I'd say about the middle of 1997.
17 I was working two jobs.

18 THE COURT: Okay. And then you continued on,
19 that sort of second job became your total job after
20 Christmas Eve '97?

21 THE WITNESS: I was in that facility all day.

22 THE COURT: When did you leave the casino in
23 '97?

24 THE WITNESS: December 24, 1997.

25 THE COURT: Excuse me. So you left the casino
26 and C.R. Klewin on Christmas Eve '97?

27 THE WITNESS: Yes, yes.

1 THE COURT: Okay. What did you do for
2 employment on Christmas Day '97 and thereafter?

3 THE WITNESS: Okay.

4 THE COURT: Your next job.

5 THE WITNESS: For a little while -- I mean, the
6 way the situation happened to me, it kind of --

7 THE COURT: Just tell me the job. I don't care
8 how you got the job or anything. You may want to
9 later. Tell me what was the job or jobs.

10 THE WITNESS: After C.R. Klewin I went to
11 Alaska for about -- because I had settled out of
12 court with the tribe and C.R. Klewin.

13 THE COURT: Okay.

14 THE WITNESS: And, I mean -- well, with
15 C.R. Klewin at first and then I settled with the
16 tribe later. After it went through the federal
17 court to the appellate court, they sent back half of
18 it and they settled with me.

19 THE COURT: Okay. Now --

20 THE WITNESS: I went to Alaska.

21 THE COURT: When?

22 THE WITNESS: In '98 around. It was going into
23 '97 so maybe '98 -- for like two or three months
24 into '98 I think I decided --

25 THE COURT: When did you go to Alaska?

26 THE WITNESS: I think in --

27 THE COURT: Sometime in '98?

1 THE WITNESS: Like the beginning of '98.

2 THE COURT: January?

3 THE WITNESS: No, it wasn't that close. It was
4 maybe March or May.

5 THE COURT: March or May?

6 THE WITNESS: Yes.

7 THE COURT: And what did you do in Alaska?

8 THE WITNESS: I went to fish in Bristol Bay.

9 THE COURT: How long were you there?

10 THE WITNESS: I was there three -- four months.

11 THE COURT: So you were there part of '98
12 working as a fisherman?

13 THE WITNESS: Yes.

14 THE COURT: Same boat all the time?

15 THE WITNESS: No, different boat. I mean, for
16 me, your Honor, Alaska -- I like Alaska. I mean,
17 even during after my wife death I went there to
18 soul, to heal, and that was the right place for me
19 to go just work hard and, you know, try and forget
20 about my worries, to go to Alaska for work.

21 THE COURT: So several months in '98 you worked
22 as a fisherman on several boats?

23 THE WITNESS: Yes --

24 THE COURT: All right. Did you come back from
25 Alaska in '98?

26 THE WITNESS: -- only one. Yes, yes. I came
27 back to Connecticut.

1 THE COURT: All right. Then what'd you do for
2 a living?

3 THE WITNESS: And then -- this is '98 -- I went
4 to work for Filene's Department Store and that's
5 when I met my wife. She also was working there and,
6 you know, she would --

7 THE COURT: What'd you do for Filene's?

8 THE WITNESS: I sold suits and ties. I was the
9 top salesman.

10 THE COURT: In the men's department?

11 THE WITNESS: Yes, your Honor.

12 THE COURT: For how long were you at Filene's?

13 THE WITNESS: I was there approximately maybe
14 five -- six months and then one of C.R. Klewin's
15 ex-employees was friends of --

16 THE COURT: What?

17 THE WITNESS: C.R. Klewin's employee's wife was
18 working for Filene's and I didn't know this. They
19 tried to set me up again.

20 THE COURT: Gosh, you are a magnet.

21 THE WITNESS: Yeah, yeah. I didn't know it, so
22 they gave me this book, this Sports Illustrated
23 book, says you can have it and I said, okay, fine.
24 So I walk out, they said, what are you doing with
25 the Sports Illustrated book? The manager told me I
26 can have it. She said let me have it, I gave it to
27 her.

1 THE COURT: Who was this person who was asking
2 you about --

3 THE WITNESS: Security at Filene's and I said
4 -- so the next day the manager didn't know what they
5 had did to try and set me up, so I told the manager
6 write right here what you told me to do with that
7 Sports Illustrated magazine so she did, I took it in
8 to the director manager and they said, hey, you
9 still fired. I said for what? What did I do? And
10 then the person I didn't know that C.R. Klewin ex--
11 C.R. Klewin's employee's wife is working there.
12 Next day Lou is sitting out -- a friend of mine
13 surveilling the place, trying to figure out
14 something not right here. So I -- we see C.R.
15 Klewin employees, we walk behind them and they
16 didn't know. They said, we got him. They didn't
17 know my relationship to the corporate office up in
18 the Boston Filene's, the head office up there, so I
19 go up there and I complained. I said here's the
20 letter from my manager. He said don't sue, we'll
21 settle and they settled.

22 THE COURT: How much did you get for that?

23 THE WITNESS: I can't disclose it.

24 THE COURT: Huh?

25 THE WITNESS: I can't disclose it, your Honor.

26 THE COURT: I'll give you a clue: You can.

27 I'm not trying to do anything wrong to you but you

1 can disclose it and you must disclose it. Tell me
2 and I'll tell everyone here not to -- how much did
3 you get for that?

4 THE WITNESS: I could write it down, your
5 Honor.

6 THE COURT: No, you can put it on the record.
7 There's nobody here.

8 THE WITNESS: The only problem is, your Honor,
9 I know that these people after my wife death they've
10 been really vindictiveness (sic) with me. It could
11 even cause hostility in you. I never did anything
12 in these --

13 THE COURT: I've never owned any Filene's
14 stock.

15 THE WITNESS: Why have people been vindictive
16 against me? I have no clue. I never did anything
17 wrong to them.

18 THE COURT: Okay. How much did you get for
19 that?

20 THE WITNESS: Can I ask my counsel can answer
21 that? Can I answer that, counsel?

22 THE COURT: You have to.

23 ATTY. BERDICK: Your Honor, if you're directing
24 him to answer it, that's fine, as long as you're
25 demanding that he give you that information.

26 THE COURT: He's the one that brought up the
27 settlement, I didn't.

1 ATTY. BERDICK: Roger. I want it clear on the
2 record.

3 THE WITNESS: You didn't ask about Klewin but
4 you're asking for Filene's?

5 THE COURT: Did you get paid by Klewin too?

6 THE WITNESS: Yes, your Honor.

7 THE COURT: Well, how much did you get from
8 Klewin?

9 THE WITNESS: Counsel, should I?

10 ATTY. BERDICK: You know, your Honor, if you're
11 forcing him to disclose his confidentiality
12 agreement/settlement.

13 THE COURT: He never mentioned a
14 confidentiality agreement.

15 THE WITNESS: Yes, I have one.

16 THE COURT: Well, tell me how much you got from
17 Klewin, how much you got from Filene's.

18 ATTY. BERDICK: You can disclose it as long as
19 the judge is excepting for the fact that he knows
20 you have a settlement agreement on those.

21 THE COURT: How much did you get from Klewin?

22 THE WITNESS: Your Honor, I have to take the
23 fifth on that. It implicates me to criminal
24 prosecution.

25 THE COURT: That's all right.

26 THE WITNESS: I'm sorry.

27 THE COURT: Well --

1 THE WITNESS: Because --

2 THE COURT: -- how much did you get from
3 Klewin?

4 ATTY. BERDICK: If there's no fifth amendment
5 concerns in your judgment you can disclose it, you
6 know, but if there is, that's your choice. I'm not
7 aware of any criminality, your Honor, regarding
8 settlement.

9 THE WITNESS: It's all civil.

10 THE COURT: How much did you get from Klewin?

11 THE WITNESS: I got \$50,000.

12 THE COURT: How much did you get from Filene's?

13 (Pause.)

14 THE WITNESS: I think -- I'm not sure, your
15 Honor. I think it was around --

16 (Pause.)

17 THE WITNESS: I'm not sure of the exact amount.

18 THE COURT: What's your best estimate, your
19 best recollection?

20 THE WITNESS: I think it's around -- I'm not
21 sure if it was my yearly salary that I should have
22 earned the rest of that year or it was around -- if
23 I say the wrong amount, I don't want you to hold it
24 against me, you know?

25 THE COURT: All right. If you're telling the
26 truth --

27 THE WITNESS: So can I not answer that one?

1 THE COURT: No, you're going to answer it.

2 THE WITNESS: I don't know the correct answer.

3 ATTY. BERDICK: To the best of your ability. I
4 mean, unless there was like, you know, there might
5 have been a lawyer involved. Was there a lawyer
6 involved? I mean, I don't know.

7 THE WITNESS: No, no, because I know the owners
8 of Filene's and they didn't know that down here in
9 Connecticut.

10 ATTY. BERDICK: Just give your best estimate of
11 what the amount was. You don't have to be to the
12 dollar amount.

13 THE COURT: Yes, he does.

14 ATTY. BERDICK: If he knows it.

15 THE COURT: You know -- was it 40 cents?

16 THE WITNESS: No.

17 THE COURT: Was it \$3 million?

18 THE WITNESS: No, your Honor.

19 THE COURT: You don't know?

20 THE WITNESS: I know it wasn't three million.

21 THE COURT: Somewhere between 40 cents and
22 \$3 million. Was it 50 cents?

23 THE WITNESS: Your Honor, this -- the person
24 who settled this case with me was someone that I
25 knew personally also from when I was in school up in
26 Boston and they didn't know that I knew him. When I
27 went to him and showed him what happened to me down

1 here in Connecticut, he says, look, we're going to
2 settle this thing, don't worry about suing the
3 company.

4 THE COURT: Look it, all of that is very
5 interesting. My question is very simple. Did you
6 get a check for the settlement or did they send a
7 Briggs truck with cash?

8 THE WITNESS: No, he sent me down to -- I think
9 he sent me down to the -- they have a union and told
10 them to pay me off -- out.

11 THE COURT: How much did they pay you?

12 THE WITNESS: I don't know. I think if I say
13 the wrong amount, that's it.

14 THE COURT: Well, let me tell you -- how many
15 settlements have you had as a result of your
16 mistreatment or perceived mistreatment?

17 THE WITNESS: Okay. All right. You know about
18 Klewin.

19 THE COURT: What?

20 THE WITNESS: You know about Klewin.

21 THE COURT: You said \$50,000.

22 THE WITNESS: Yup. And then I went all the way
23 to the federal court and that's when I was suing the
24 tribe. They sent half of it back and then --

25 THE COURT: What do you mean; half of what
26 back?

27 THE WITNESS: Judge Dorsey down in New Haven,

1 he dismissed the complaint, the appellate second
2 circuit court says no, you have your state remedies
3 still, so one of the tribal elders of the Pequot
4 tribe says no, we settle this thing with you, and
5 they gave me another \$50,000.

6 THE COURT: And what was -- another
7 \$50,000?

8 THE WITNESS: Yes, on top but --

9 THE COURT: What had they originally paid you?

10 THE WITNESS: C.R. Klewin paid me the first 25
11 and they told Klewin that he had to pay another
12 additional 25 and they would come up with the other
13 25 and so the elder told me come to my house on such
14 and such date and he gave me the \$50,000 and he
15 says, look, we're straight and even. So what was
16 going on was -- and that case actually came here and
17 it went to the appellate court. C.R. Klewin was
18 doing some things like light fixtures and stuff like
19 that, you know, like the light fixtures up in the
20 Norwich court, they were stolen from the tribe, so I
21 -- part of my job was not only as a liaison between
22 the job and C.R. Klewin, they told me you've got
23 this much cherry wood, in the morning it was half
24 the size, so I had to report who was stealing it.

25 THE COURT: Excuse me. This is all very
26 interesting but I'm not interested in cherry wood,
27 I'm interested in how much you were paid by C.R.

1 Klewin.

2 THE WITNESS: First time it was 50 but now
3 Klewin didn't tell me that they gave me their second
4 25 but the lawyer, one of the people who had gave me
5 the second 50, he says that Klewin gave us a second
6 25, we added another 25 to that, and here you are.

7 THE COURT: So between Klewin and the tribe you
8 got a hundred grand?

9 THE WITNESS: Yes, your Honor.

10 THE COURT: Now we're going to dance back
11 towards how much did you get from Filene's?

12 THE WITNESS: I'd say four or 5,000.

13 THE COURT: What?

14 THE WITNESS: Four or 5,000.

15 THE COURT: Who else paid you money because of
16 getting caught or compromising on your claims that
17 you were mistreated by them?

18 THE WITNESS: That's it to my knowledge.
19 Unless I'm forgetting somebody, that's it to my
20 knowledge.

21 THE COURT: You were doing such a good job.

22 THE WITNESS: I don't know why as you can see
23 -- why at Filene's and the tribe they both tried to
24 set me up and it backfired on them.

25 THE COURT: That's wonderful. Let me ask you,
26 you brought a lawsuit in late 2004 against Waterford
27 and the Waterford Police Department?

1 THE WITNESS: It settled. That's right, that
2 settled too.

3 THE COURT: That was brought in this court and
4 then it was transferred on up to Tolland County and
5 during the summer of 2005 that case was settled?

6 THE WITNESS: It was settled.

7 THE COURT: How much?

8 THE WITNESS: I don't know. Like they paid for
9 the funeral expenses and I think about five or
10 \$7,000 but the law firm that was representing the
11 Waterford Police, he's the one that initially opened
12 my eyes to Dr. Awwa because after he received the
13 medical records from Dr. Awwa, he says there's stuff
14 missing here so he introduced me to Halloran & Sage.

15 THE COURT: When was this?

16 THE WITNESS: This was right around '05. '05.
17 Around November/December of '05.

18 THE COURT: So November or December of 2005 you
19 were aware that you had a spoliation claim?

20 THE WITNESS: I was aware but, you see, I
21 didn't know what spoliation at the time was.

22 THE COURT: Well, I mean, you were a college --
23 B.A. graduate of a college and had schooled at
24 Harvard Law so when they say hey, there's stuff
25 missing, maybe you didn't know the term spoliation
26 but you knew that --

27 THE WITNESS: Your Honor, when I took the file

1 to Halloran & Sage, I have about that thick
2 (indicating) of analyses on how to proceed with this
3 case and so the attorney there was Dan Scapellati.
4 Dan. At first he looked at the insurance aspect of
5 all of this because my wife -- we had a life
6 insurance policy but the life insurance policy
7 wouldn't pay out --

8 THE COURT: I'm aware of all this.

9 THE WITNESS: -- because of the suicide clause.

10 THE COURT: This has been thrashed out in the
11 appellate court.

12 THE WITNESS: I'm trying to answer your
13 question. You were asking me about the spoliation.
14 He didn't -- he said no, let me send you to Riscassi
15 & Davis to decide on how to proceed on this matter.
16 Then I go to Riscassi & Davis and Riscassi & Davis
17 introduced me to my first attorney, Andrew Pianka.
18 Andrew Pianka -- and this is the way Attorney
19 Berdick looks at it also -- he likes to be in
20 command and control.

21 THE COURT: Who, Berdick?

22 THE WITNESS: He likes to be in control of the
23 plaintiff. He wants to direct and help the
24 plaintiff as his best interests so that's what
25 Attorney Pianka did. So he says, look, let me do
26 this. Let me file the complaint.

27 THE COURT: When did you go to Attorney Pianka?

1 THE WITNESS: I think around December -- no, it
2 was around January of '06 and then he initially
3 filed the extension, the 90 day extension for me.

4 THE COURT: The 90 day extension part of the
5 statute, that's so you can get another psychiatrist
6 or a similar healthcare provider's letter?

7 THE WITNESS: Yes. So what I was doing,
8 running around Connecticut, you know, people is
9 trying to charge me X number of fees for expert
10 opinion, I was telling them, look, I don't have no
11 money. I mean, this is really stressful time for me
12 and so I went back to Harvard, I talked to a couple
13 people that knew me from back several years ago,
14 told them the situation what I was going through
15 down here in Connecticut, and they said we got the
16 right man, he's waiting for you. It was nine
17 o'clock in Cambridge. I think it took me maybe
18 three or four hours to go back to Yale University,
19 Dr. Senunu (phonetic) was waiting for me with about
20 six other psychiatrists in a conference room.

21 THE COURT: And when was that?

22 THE WITNESS: Had to be August of '06, I'm
23 assuming. I'm assuming.

24 THE COURT: So first you contacted Dr. Senunu
25 or whatever, the guy that wrote the letter dated
26 October 18th, 2006?

27 THE WITNESS: Yes.

1 THE COURT: Your first contact with him, as
2 best of your recollection, August 2006?

3 THE WITNESS: That's the first time I talked to
4 Dr. Senunu but the very first time I got an opinion
5 regarding Dr. Awwa was way before that. I think it
6 was in January or February of '06, that's when the
7 person that lives around the corner from me, he's a
8 chemist, and you may know him. I don't know if I
9 should tell you his name.

10 THE COURT: I don't care. He's not a
11 psychiatrist, is he?

12 THE WITNESS: Well --

13 THE COURT: Yes or no?

14 THE WITNESS: No, he's not, your Honor, but he
15 told me call Wyatt --

16 THE COURT: Never mind what he told you.

17 THE WITNESS: Wyeth Pharmaceutical that does
18 have psychiatrists on duty.

19 THE COURT: Do you need me here? I just told
20 you I don't want to hear this stuff.

21 THE WITNESS: I thought you was -- you was
22 asking me.

23 THE COURT: I never asked you about -- listen
24 to my questions, please. Cooperate with me even if
25 I am the most evil judge that you've ever seen,
26 please. Until I'm bounced out of this case, I'm
27 going to run this courtroom. This case has been

1 pending in this court since July 3, 2006, and you
2 and Mr. Pianka were at -- you and/or Mr. Pianka have
3 been at the helm of this case and it's made no
4 progress until roughly July 2010 when you finally
5 through Hall Johnson got a complaint, in other
6 words, the complaint which is no further along than
7 you were on July 3rd, 2006, there were different
8 complaints but status-wise no progress in the case.

9 All right. What's your testimony as to how
10 much you got from the settlement with the Waterford
11 Police Department in the first lawsuit you brought
12 that Mr. Williams initiated for you?

13 THE WITNESS: Five to 7,000. I'm not sure of
14 the exact amount. It was just for the funeral
15 expenses and they assured me -- I mean, gave me all
16 the directions what my focus should be on, the
17 medical malpractice, because my wife showed signs of
18 suicidal tendencies for a year prior to her death.

19 THE COURT: Okay. Thank you.

20 THE WITNESS: And so then the medicine -- I
21 didn't know about that medicine and then they
22 informed me that -- that did you know about the
23 medicine that your wife was on. I said no.

24 THE COURT: Do you remember the last question I
25 asked you? You didn't know about the medicine and
26 all that was nowhere near an answer to my question.
27 All right. Now, you come back from Alaska?

1 THE WITNESS: The first time or the second
2 time?

3 THE COURT: Well, I only heard about the first
4 time.

5 THE WITNESS: Okay.

6 THE COURT: When did you come back from Alaska?

7 THE WITNESS: The last time?

8 THE COURT: No, the first time.

9 THE WITNESS: '98.

10 THE COURT: Okay. And what did you do with
11 employment after that?

12 THE WITNESS: I told you, I worked at Filene's.

13 THE COURT: And you were only at Filene's a few
14 weeks?

15 THE WITNESS: Months. Four or six months.

16 THE COURT: Then what did you do?

17 THE WITNESS: I worked over at Fisher's Island.
18 I did landscaping and I worked for a lot of
19 landscaping companies.

20 THE COURT: How long were you working for
21 various landscaping companies on Fisher's Island?

22 THE WITNESS: Not just on Fisher's Island but
23 even here.

24 THE COURT: Okay. How long?

25 THE WITNESS: A couple years.

26 THE COURT: What years?

27 THE WITNESS: '98 to 2000.

1 THE COURT: Were you still working as a
2 landscaper when you got married?

3 THE WITNESS: Yeah.

4 THE COURT: And how long into your marriage
5 were you still working as a landscaper?

6 THE WITNESS: Also I was working over at the
7 sub base. I was working --

8 THE COURT: Not as a landscaper?

9 THE WITNESS: No, I was doing work.

10 THE COURT: Landscaping. You got married in
11 2000. Did you finish landscaping employment in
12 2000?

13 THE WITNESS: I continued.

14 THE COURT: Huh?

15 THE WITNESS: I continued and still today a
16 friend of mine, they call me up, say they need some
17 extra help.

18 THE COURT: Okay. And what was your next
19 job?

20 THE WITNESS: Up until I think my wife death in
21 2004, from 2000 to 2004, I was doing pretty much
22 working for --

23 THE COURT: What?

24 THE WITNESS: You know, landscaping.

25 THE COURT: Well, how much were you making?

26 THE WITNESS: I was working two jobs -- two --
27 three jobs, so I would say I was making around -- I

1 was bringing 50 -- \$70,000.

2 THE COURT: A year landscaping, working several
3 jobs?

4 THE WITNESS: Other jobs.

5 THE COURT: What were the other jobs?

6 THE WITNESS: I would do janitor work at some
7 places. I would do all kinds of work, sometimes two
8 jobs in one day and I was making so much money that,
9 you know, my wife quit her second job.

10 THE COURT: What was her second job?

11 THE WITNESS: She was working in Swansea,
12 Massachusetts for a traveling agent and it was very
13 far and she says, oh, this is --

14 THE COURT: Okay. After you were -- so how
15 long were you working in landscaping, janitorial,
16 and that type of work making 50 to \$70,000 a year?

17 THE WITNESS: Yeah.

18 THE COURT: How long? Until when?

19 THE WITNESS: Probably up until like 2004. My
20 wife died in March of '04.

21 THE COURT: March 1st of 2004.

22 THE WITNESS: And then so --

23 THE COURT: What were you working at?

24 THE WITNESS: So I was doing, you know, those
25 greeting cards, American greeting cards, like
26 Hallmark and all that, I was their rep for this
27 whole area so I was doing that on the side, setting

1 up their displays.

2 THE COURT: How much were you making a year at
3 that?

4 THE WITNESS: I think 15 -- 20,000, that's the
5 lump of what I'm trying to say how I got the
6 settlement.

7 THE COURT: And what next did you do?

8 THE WITNESS: Then I went into the photography
9 business.

10 THE COURT: When did you go into the
11 photography business?

12 THE WITNESS: The end of -- I was starting to
13 get into it the end of '03 going through '04.

14 THE COURT: And when you were getting into the
15 photography business, had you stopped being the
16 Hallmark rep for this area?

17 THE WITNESS: My stepson, one of my wife's son
18 -- children, him and my wife would try to keep that
19 part of my business going because the income was
20 good coming in so I didn't want to get rid of it.

21 THE COURT: Okay. And how long were you in the
22 photography business?

23 THE WITNESS: Say between -- very short time
24 because it was brutal the way the people would --
25 one couple got a divorce and they end up in here,
26 they divorced three weeks after their wedding and
27 they wanted their money back, and it took two years

1 of this court's time and they got before Judge
2 Gordon and she says, are you an attorney? She
3 looked at the attorneys, the couple's divorced, why
4 you have this case here? It was ridiculous and it
5 wasted everyone's time for two years. She dismissed
6 it in 15 minutes, case closed.

7 THE COURT: Your case?

8 THE WITNESS: Their case.

9 THE COURT: What were they suing you for?

10 THE WITNESS: They were suing me for their
11 money back.

12 THE COURT: Oh, lousy pictures?

13 THE WITNESS: No, they didn't want the pictures
14 because they had divorced three weeks --

15 THE COURT: Didn't you take the pictures with a
16 guarantee?

17 THE WITNESS: Yeah, I gave them -- they didn't
18 want the pictures and so Judge Gordon says just give
19 them the CD, this case is finished.

20 THE COURT: When did you stop the photography
21 business?

22 THE WITNESS: I just couldn't take it, '06 --
23 '07 but, you know, keep in mind now, your Honor, I
24 still do it. I don't even charge. I'll help
25 somebody else out as a friend. Somebody will call
26 me as a friend, they will ask me to do their
27 wedding, and I'll do their wedding no charge because

1 they're my friends but it just -- it was emotional
2 too after losing my wife to go, to be there at these
3 weddings. That was one of the reason I went to
4 Alaska, to get away from the photography business.
5 That's the second time I went to Alaska.

6 THE COURT: How long were you in Alaska the
7 second time?

8 THE WITNESS: A year.

9 THE COURT: When to when?

10 THE WITNESS: I'd say I came back in March of
11 '08. I left here in March of '07 -- February/March
12 of '07 I think. My attorney at the time, he was
13 going over to Iraq, he's a JAG officer, and he put
14 me on the plane, you know, wished me well in Alaska.
15 He was going off to Iraq or Iran.

16 THE COURT: Now, wait a minute. You're saying
17 when in 2007 --

18 THE WITNESS: Seven.

19 THE COURT: -- did you go to Alaska?

20 THE WITNESS: Yeah.

21 THE COURT: When?

22 THE WITNESS: Maybe February/March.

23 THE COURT: Okay.

24 THE WITNESS: That's when my case was still
25 pending.

26 THE COURT: Oh, yeah.

27 THE WITNESS: I trusted him. I said, look, I

1 gotta get away from here. He said don't worry.

2 With email, keep corresponding.

3 THE COURT: When did you come back from Alaska?

4 THE WITNESS: March. After Judge Hurley died.

5 I think Judge Hurley died -- I'm not sure of the

6 exact date but when I heard that Judge Hurley had

7 died and that my attorney was having problems

8 getting the courts to enforce Judge Hurley's order,

9 that's when he called me and says I've got problems,

10 there's problems here at this court. He's been an

11 attorney 30 -- 40 years, he's never seen anything

12 like this, so he said you need to come back.

13 THE COURT: When did you come back?

14 THE WITNESS: March. I told you, March of '08.

15 THE COURT: So you were gone from roughly March

16 2007 to March of '08 and it wasn't very much long

17 after that that he moved to withdraw?

18 THE WITNESS: Exactly. He moved -- right after

19 Judge Abrams reopened the default judgment he turned

20 around to me, he said I'm done, you needs a civil

21 rights attorney, not a medical malpractice.

22 THE COURT: Have you been in touch with Mr.

23 Pianka?

24 THE WITNESS: I got his phone number on my ID.

25 I call him all the time, I tell him everything

26 that's going on in this case exactly what he tell --

27 THE COURT: You're doing what he says to do?

1 THE WITNESS: No, I'm listening to what
2 Attorney Berdick tell me to do.

3 THE COURT: Are you going to read the
4 Connecticut Law Journal next Tuesday?

5 THE WITNESS: Concerning what?

6 THE COURT: Oh, a case that you're familiar
7 with.

8 THE WITNESS: Oh, next Tuesday?

9 THE COURT: Yeah, Tuesday. You know the
10 appellate court and supreme court cases come out in
11 the Connecticut Law Journal on a Tuesday. Well, the
12 contentions you and Mr. Berdick have been making
13 about issues raised in the motion to dismiss where I
14 dismissed counts one through six, all the things
15 you've recently said are going to come down from the
16 supreme court in a case called Bennett vs. New
17 Milford Hospital.

18 THE WITNESS: I know that case. Attorney
19 Pianka --

20 THE COURT: He's the attorney.

21 THE WITNESS: That issue has gone before the
22 legislators right now to repeal that. It's a
23 constitutional violation.

24 THE COURT: Well, okay, but --

25 THE WITNESS: The list --

26 THE COURT: The supreme court shot him down on
27 that.

1 THE WITNESS: The Connecticut Supreme Court,
2 not the United States.

3 THE COURT: Oh, okay. All right. What's your
4 next employment?

5 THE WITNESS: I came back from Alaska, and this
6 is in '98 --

7 THE COURT: No.

8 THE WITNESS: I mean 2008. So I get back and
9 -- oh, you're from Niantic, you know the police
10 there, right? So a friend of mine tells me, hey,
11 can you help -- Flanders Donut & Bagel, you may know
12 them, Tarciano Family tells me he have some
13 apartments there in Niantic.

14 THE COURT: Oh, is this when you were working
15 as a bill collector for the property owner?

16 THE WITNESS: You heard about it.

17 THE COURT: It's one of the Commission on
18 Human Rights cases you had, isn't it?

19 THE WITNESS: It's against the Town of Niantic,
20 right, or the Niantic Police -- East Lyme Police.

21 THE COURT: Well, I know it's difficult to
22 remember all the cases you had but --

23 THE WITNESS: My attorney, Pianka, had asked me
24 to come back and do a deposition that never took
25 place and then attorney -- my friend, who's like 70
26 -- 80 years old asked me to accompany him to --

27 THE COURT: Did you get paid for doing this

1 work?

2 THE WITNESS: No, it was a friendship.

3 THE COURT: All right.

4 THE WITNESS: So my point is this -- but you
5 want to hear about --

6 THE COURT: No.

7 THE WITNESS: -- the settlement with East Lyme?

8 THE COURT: Oh, how much did you get from
9 there?

10 THE WITNESS: You want to hear what happened?

11 THE COURT: I want to know how much in dollars.

12 THE WITNESS: Oh, okay. All right. So I was
13 supposed to have been returning back to Alaska --

14 THE COURT: No. How much did the Town of East
15 Lyme or their treasurer pay you?

16 THE WITNESS: They paid me for the return trip
17 to Alaska ticket that I had lost, 17 -- 1800.

18 THE COURT: How much did the Town of East Lyme
19 pay you?

20 THE WITNESS: That's all I was asking was for.
21 A refund of my lost ticket was between 1700 and
22 1800.

23 THE COURT: So East Lyme paid you two grand or
24 less?

25 THE WITNESS: Yeah, just refund of the ticket
26 that I had lost.

27 THE COURT: Okay. I'm not asking for the --

1 THE WITNESS: The purpose also was --

2 THE COURT: I'm not interested in that. Okay.
3 What other employment have you had?

4 THE WITNESS: Okay. So now I lost my
5 employment in Alaska. I'm late and I can't get on
6 the ship so I lost --

7 THE COURT: Excuse me. Then that isn't
8 employment. I want to know what employment have you
9 had other than what you've told us.

10 THE WITNESS: After 2008 until -- I got white
11 pigeons too. Sometimes people will call me and ask
12 me to fly my pigeons at their funerals and weddings
13 or stuff like that so I will charge them. Some
14 people I'll charge them \$350 if they can afford it.
15 If they can't, sometimes I do it for free.

16 THE COURT: How much did you make during 2008
17 with your pigeons?

18 THE WITNESS: Probably -- 2008 I think I flew
19 them maybe two or three times and they was for
20 friends/family members who had lost someone and
21 whatever they gave me, maybe they gave me 50 bucks
22 or whatever.

23 THE COURT: What's your best estimate of how
24 much you made in 2008 off the pigeons?

25 THE WITNESS: Probably a couple hundred
26 dollars.

27 THE COURT: Okay. How about 2009?

1 THE WITNESS: 2009 is when I started having
2 medical issues.

3 THE COURT: Yeah, okay. Well, the pigeons were
4 healthy, weren't they?

5 THE WITNESS: Yup, but --

6 THE COURT: How much did you get from the
7 pigeons?

8 THE WITNESS: I don't think I made anything.

9 THE COURT: Huh?

10 THE WITNESS: I don't think I made anything.

11 THE COURT: How about 2010?

12 THE WITNESS: I don't think I made anything. I
13 haven't been flying them. Like I said, if someone
14 would really ask me that knew that I had them and I
15 would say okay, I'll do that for you.

16 THE COURT: How much does it cost you to feed
17 and --

18 THE WITNESS: \$20 a bag, lasts three months.

19 THE COURT: Okay. And so you've had enough
20 money that would cost you \$80 a year for feed?

21 THE WITNESS: That's about right.

22 THE COURT: What other expenses are there for
23 the birds?

24 THE WITNESS: That's it.

25 THE COURT: All right. Any other sources of
26 income?

27 THE WITNESS: Since 2008?

1 THE COURT: Well, I assume you've told me
2 everything about 2008 and before.

3 THE WITNESS: After that I started to -- having
4 medical issues and I think I've documented some of
5 it.

6 THE COURT: All right. Have you ever worked in
7 a law firm?

8 THE WITNESS: Let me think. No, not that I
9 know of.

10 THE COURT: Have you ever worked in a court
11 facility?

12 THE WITNESS: No.

13 THE COURT: Now, you've filed several
14 complaints about judges with the Judicial Review
15 Council because of events having to do with this
16 case; is that correct?

17 THE WITNESS: Yes, your Honor.

18 THE COURT: How many complaints have you filed
19 with the Judicial Review Council about --

20 THE WITNESS: All the judges?

21 THE COURT: -- this case, yeah.

22 THE WITNESS: Let me think. Let me start from
23 the beginning. Judge Abrams, Judge Peck, Judge
24 Leuba, Judge Handy, Judge Martin. And Judge Handy
25 and Judge Martin is married from my --

26 THE COURT: But they're two separate people or
27 did you give them a package deal?

1 THE WITNESS: They gave me a package deal
2 because she filed the application to transfer to
3 litigation after I filed the complaint against her
4 husband, so that's five. And then they sent that
5 thing down there ex parte, communicating to Judge
6 Hiller that, you know, Judge Hiller assumed that we
7 had all received that complaint, that application,
8 and he come to find out that we didn't and then he
9 revoked his granting that application and asked us
10 to show up before him but during that time, prior to
11 -- before I showed up before him, I had filed a
12 complaint against him because he had granted it, you
13 know, this communication between him and Judge Handy
14 so -- but once I got before Judge Hiller, he was
15 pretty fair, you know. He was like, no, go back.
16 Go back to New London and, if they don't enforce
17 this order in a year, you know, come back. Come
18 back down here to complex litigation.

19 THE COURT: Now, that's very interesting
20 because that's kind of -- what was the precise, as
21 best you can say it, that Judge Hiller said?

22 THE WITNESS: I got it right here.

23 (Pause.)

24 THE WITNESS: Okay. Okay. July 21st, 2009,
25 Attorney Leone, page 11.

26 THE COURT: No. What did Judge Hiller order?

27 THE WITNESS: Okay. Page 27, second paragraph

1 that's line six. "The Court" -- this is talking
2 Judge Hiller -- "let me ask you this, Mr. Traylor,
3 how about if I leave the case in New London for now
4 and schedule a hearing in six months to see how
5 you're doing, to see if the case is progressing, to
6 see if you have an attorney, to see if it's likely
7 to resolve and get yourself finished in New London."
8 And that was his question on page 27 and then on
9 page 33 he says, "Here's what I'm going to do: I'm
10 going to leave this case in New London for now, I
11 want to schedule -- and will you please let case
12 flow in Milford know because next time you see me it
13 will be in Milford that I want to schedule a hearing
14 on the application and objection to transfer to
15 complex, let's see, August so December is 12th" --

16 THE COURT: So on July 31st he's booting it out
17 to the next February.

18 THE WITNESS: He says, "February, okay.
19 Sometime in February." So he was telling me that he
20 wanted to see how this thing -- if you read the
21 sentence, the statements before --

22 THE COURT: I've read all this.

23 THE WITNESS: He was giving this court an
24 opportunity and I was afraid that I was going to be
25 retaliated against and because of making these
26 complaints but I said no. I think that I even
27 mentioned your name in this.

1 THE COURT: Yeah.

2 THE WITNESS: I said no, I think there may be
3 some fair judges there. I'd like to give them a
4 fair chance. Because of my financial situation at
5 the time I didn't have any money to drive to
6 Bridgeport and back. Now I have an attorney, he's
7 willing to go there and back and take me, so I don't
8 have that financial burden any more. You know,
9 Attorney Leone at the time was saying this thing
10 cries complex litigation. Now he's saying on the
11 things transferred, no, he don't want to go, he
12 don't want to transfer at all, he want to stay right
13 here.

14 THE COURT: Yup.

15 THE WITNESS: He's bouncing back and forth.
16 He's saying that I'm judge shopping but I tried to
17 stay here.

18 THE COURT: No. My last question was what did
19 Judge Hiller order and you've gone way beyond that.

20 THE WITNESS: No, that's what he ordered.

21 THE COURT: That ain't an order but he's
22 suggesting that he's going to continue it until
23 February and come back to him, he'd see what was
24 being done in New London.

25 THE WITNESS: Yup.

26 THE COURT: Now, this is a very simple question
27 -- these are simple: As of July 31, 2009, you know

1 what you were doing on that date?

2 THE WITNESS: Yes. I was before Judge Hiller.
3 That's the same day that --

4 THE COURT: As of that date, what involvement
5 had Parker, J. of New London -- then of New London
6 had with your cases?

7 THE WITNESS: I think you had ruled maybe one
8 or two times at that time in my case.

9 THE COURT: Nothing about enforcing Judge
10 Hurley's orders?

11 THE WITNESS: Nothing.

12 THE COURT: Right. And it's true that I
13 haven't had any of those motions, whatever they are,
14 to enforce Judge Hurley's orders, that hasn't come
15 before me yet?

16 THE WITNESS: You got the Writ of Mandamus,
17 your Honor. That's the big one.

18 THE COURT: It's a huge one but I didn't decide
19 anything about enforcing the orders, I just decided
20 whether or not mandamus was -- an Action for a Writ
21 of Mandamus was properly before the court, right,
22 and that's what you're going to argue Monday?

23 THE WITNESS: I got my argument ready. I'm
24 ready.

25 THE COURT: Didn't you earlier today say that
26 you're appearing before the appellate court next
27 week?

1 THE WITNESS: That's correct, two o'clock.

2 THE COURT: And what's the issue?

3 THE WITNESS: The mandamus, whether or not you
4 wrongfully dismissed it or not.

5 THE COURT: Okay. So we'll know in a few
6 months. Okay.

7 THE WITNESS: Bottom line, your Honor, is --

8 THE COURT: There's no question pending.

9 THE WITNESS: But --

10 THE COURT: There's no question pending.
11 You've never had any experience working in a law
12 office?

13 THE WITNESS: No, your Honor, not that I can
14 recall.

15 THE COURT: Working in a court?

16 THE WITNESS: Not that I can recall.

17 THE COURT: And have you ever had the
18 services for yourself of a mental health
19 professional?

20 THE WITNESS: No, your Honor, just Dr. Awwa and
21 --

22 THE COURT: Was he a mental health
23 professional, no matter what you think --

24 THE WITNESS: Yes.

25 THE COURT: And you went to him?

26 THE WITNESS: It's like three days after my
27 wife death, I couldn't sleep, and I think --

1 THE COURT: Well, never mind. Anybody else?

2 THE WITNESS: No, no, that was it. Not that I
3 can recall.

4 THE COURT: How about Wiegel-Spear (phonetic)?

5 THE WITNESS: No

6 THE COURT: Dr. --

7 THE WITNESS: I went there, I was a joint
8 couple with my wife initially; same thing with Dr.
9 Awwa. I went there initially with my wife.

10 THE COURT: All right. But you've never had
11 any help, incurred any expenses for a mental health
12 professional for yourself?

13 THE WITNESS: No, not that I can recall.

14 THE COURT: Do you recall your complaint that
15 you just filed against a slew of people?

16 THE WITNESS: Yes, your Honor.

17 THE COURT: And among that -- I think it's in
18 count seven but don't hold me to that -- you allege
19 that you've suffered/incurred expenses because of
20 your mental health problems?

21 THE WITNESS: Yeah.

22 THE COURT: But you just told me you didn't
23 have them.

24 THE WITNESS: I have priests that I go to.

25 THE COURT: Huh?

26 THE WITNESS: Father Castaldi of Saint Jo's. I
27 mean, I have a lot of people that I can go to and

1 talk.

2 THE COURT: And Father Castaldi, how much is he
3 getting for being a mental health professional now?

4 THE WITNESS: I go to other places too, Suicide
5 Survivor's Group.

6 THE COURT: Okay.

7 THE WITNESS: I mean, you can't walk to all
8 these places. There's places that you go to. I
9 mean, Catholic Charities have a group of people
10 that, you know, if you're feeling down after you
11 lost a loved one the way I have, I tried to, you
12 know, they have people, a group that you go talk.

13 THE COURT: And these people with whom you've
14 consulted ever given you a diagnosis of what they
15 think is bothering you or put a name on it?

16 THE WITNESS: Yeah. I think I got Dr. Awwa's
17 note somewhere. He said that, oh, it's normal that
18 a person suffer like this after you lost a loved
19 one, I don't need medication, just time to heal.
20 That's the end of the story.

21 THE COURT: But had he ever described your
22 situation, your situation, what it is, just a name?

23 THE WITNESS: I'll give you another thing.
24 When I saw Dr. Wiegel-Spears with my wife, she did a
25 thorough analysis of my wife and myself --

26 THE COURT: Yeah.

27 THE WITNESS: -- and what she concluded: Your

1 wife need help. Same thing with Dr. Awwa. Dr. Awwa
2 saw myself and my wife initially and that's what is
3 missing. Part of the records are missing where he
4 did an analysis of the background of me and that is
5 missing and also my existence on my wife's first day
6 of seeing Dr. Awwa, that entire conversation is
7 missing but when I saw Dr. Awwa when my wife passed,
8 the analysis were real clear and he said, hey, this
9 is simple grieving for the loss of your spouse and
10 he said that was it. It wasn't like I had
11 schizophrenia or any other, you know, diagnosis that
12 you may be fishing for but other than that --

13 THE COURT: I'm not fishing for anything. I'm
14 just -- something is wrong, I just want to know if
15 any mental health professional put a label --

16 THE WITNESS: No, you think I'm mentally
17 unstable? Are you alleging that? Is that what this
18 is, a competence hearing? I'm asking. I mean,
19 you're asking me a conversation (sic).

20 THE COURT: It doesn't work that way. This is
21 court.

22 THE WITNESS: Sorry, your Honor. I don't know
23 where you're going with the question. I'm telling
24 you the answers to your question, that's all I got.

25 THE COURT: Okay. That's the honest answer.
26 That's the honest answer.

27 THE WITNESS: It's documented. That's all he

1 wrote.

2 THE COURT: I'm asking you has any person that
3 you have talked to since your wife passed away ever
4 put a label on what --

5 THE WITNESS: Grief.

6 THE COURT: -- your mental capacity is other
7 than things like grief?

8 THE WITNESS: No, that was it.

9 THE COURT: Okay.

10 THE WITNESS: Nope.

11 THE COURT: All right.

12 THE WITNESS: I come from a stable background
13 family of six boys and six girls, one mom, one dad.

14 THE COURT: All right. Now, on December 21,
15 2009, you were before the court and I was the judge
16 and what were you there for?

17 THE WITNESS: Your order to show cause.

18 THE COURT: Right. And in what case or cases
19 was that order to show cause pending?

20 THE WITNESS: In the Traylor vs. The State of
21 Connecticut and Traylor vs. Bassam Awwa.

22 THE COURT: And for shorthand, can you and I
23 agree that we're talking about the mandamus case and
24 the malpractice case?

25 THE WITNESS: Yes, your Honor.

26 THE COURT: All right. Now, on December 21,
27 2009, who did you understand the parties to the

1 mandamus action were?

2 THE WITNESS: Well, initially it was Sylvester
3 Traylor vs. The State of Connecticut Superior Court
4 then you asked me to amend the case.

5 THE COURT: Go ahead.

6 THE WITNESS: And then I amended the case to
7 include Dr. Awwa and Connecticut Behavioral Health.

8 THE COURT: All right. So in the mandamus case
9 you knew that the parties were Sylvester Traylor
10 wearing both your hats, administrator of the estate
11 and your own capacity, and Dr. Awwa and Connecticut
12 Behavioral?

13 THE WITNESS: Yes, your Honor.

14 THE COURT: Those were the only parties to the
15 mandamus action?

16 THE WITNESS: (Nodding in the affirmative.)

17 THE COURT: Now, on December 21, 2009, who did
18 you understand to be the parties in the malpractice
19 case?

20 THE WITNESS: Sylvester Traylor individually
21 and Sylvester Traylor, the administrator --

22 THE COURT: Okay.

23 THE WITNESS: -- and Bassam Awwa and
24 Connecticut Behavioral Health.

25 THE COURT: So on December 21, you knew those
26 were the only parties to the lawsuit --

27 THE WITNESS: Yes.

1 THE COURT: -- suits, plural.

2 THE WITNESS: Excuse me, your Honor. Can I
3 just -- you asked me a question earlier, I just
4 remembered the judges that I listed I didn't list
5 all of them. You stopped me.

6 THE COURT: Well, we can pick up. Who else?

7 THE WITNESS: I don't know if I listed Judge
8 Leuba. And all of those judges that I had listed
9 had to do with the failure to enforce Judge Hurley's
10 order. And yourself and that was it. I mean, keep
11 in mind, your Honor, you've got Judge Devine, you've
12 got several other judges in this court that have
13 made decisions and a couple of them I know
14 personally and they all look at this whole thing as,
15 you know, just hang in there but I had to file suit
16 against him.

17 THE COURT: Who?

18 THE WITNESS: Judge Devine. I filed a
19 complaint against a couple other of the judges in
20 this court and they, you know, that one when you
21 held my attorney in contempt of court, one of your
22 own judges gave me that statute and said you stand
23 your grounds. They should have enforced Hurley's
24 order.

25 THE COURT: And what judge was that?

26 THE WITNESS: What was his name? I'll get it
27 to you before the end of the day, I'll promise you.

1 THE COURT: We'll wait right now. Just get
2 that thinker going.

3 THE WITNESS: He gave me that statute, 52-119,
4 and that says -- you want me to quote it?

5 THE COURT: No, no, you know --

6 THE WITNESS: It's not revoked. Unless it's
7 revoked, it stands. There's no reason why they
8 cannot enforce Hurley's order. He recused himself
9 every time something came across his desk with my
10 name on it.

11 THE COURT: You can blame this all on Pianka
12 until you fired him.

13 THE WITNESS: I didn't fire him.

14 THE COURT: No?

15 THE WITNESS: No.

16 THE COURT: Well, you did one of your better --
17 you filed an in lieu of appearance?

18 THE WITNESS: It was a friendship agreement.
19 We agreed to go our separate ways. I had no problem
20 with that. His boss had a problem with it though
21 because Andrew -- I call him Andrew --

22 THE COURT: Well, that's his name, isn't it?

23 THE WITNESS: -- Pianka had told Mr. Grady that
24 he couldn't find me for three months while I was in
25 Alaska so I showed him all the correspondence and
26 email. He asked Andrew what's going on and then he
27 says -- but I didn't know the whole story with

1 Attorney Pianka and Grady and Reilly that he was
2 going to go separate from Grady and Reilly. Once he
3 left Grady and Reilly he explained to me why he
4 couldn't keep my case. They didn't want them to
5 continue the case, that was an agreement they had,
6 so I knew that there was something else behind why
7 he wanted out and I said, hey, you've been a good
8 friend, you've been there for me when I was in
9 Alaska, one of the tough times, you took care of my
10 case. I appreciate everything you've done, you want
11 to go, go. I'll file an in lieu of.

12 THE COURT: While you were in Alaska the second
13 time, you left the case in the hands of Mr. Pianka?

14 THE WITNESS: Yes.

15 THE COURT: And Mr. Pianka brought several
16 motions trying to get --

17 THE WITNESS: He got it.

18 THE COURT: -- one or more of the New London
19 judges --

20 THE WITNESS: He got it. He got a default
21 judgment. Judge Abrams reopened it with Attorney
22 Leone sticking something behind the motion to set
23 aside as proof that he answered Judge Hurley's
24 order. That's what pissed my attorney off. He said
25 where is the proof. He answered these questions.

26 THE COURT: So one default was set aside by
27 Judge Abrams?

1 THE WITNESS: Was set aside, the default
2 judgment.

3 THE COURT: Well, whatever. Okay. Any other
4 defaults or defaulted judgments?

5 THE WITNESS: A lot. For example --

6 THE COURT: On discovery issues?

7 THE WITNESS: Just one on discovery issues.

8 THE COURT: The one Abrams set aside?

9 THE WITNESS: Yes, your Honor.

10 THE COURT: All right.

11 THE WITNESS: Judge Hurley, before he died --
12 and this is something I keep trying to figure out,
13 maybe you can help me with this day. When did Judge
14 Hurley die?

15 THE COURT: I don't know.

16 THE WITNESS: All I know, once Judge Hurley
17 died, Attorney Pianka, and you could see his track
18 record, so many times Attorney Leone defaulted in
19 not providing those missing medical records way
20 before Judge Abrams, even when Judge Hurley was
21 alive he kept defaulting, and Judge Hurley kept
22 saying, okay, fine, I'll reopen it again but file
23 the answer. Attorney Pianka said motion to compel
24 them to answer these interrogatories, Judge Hurley
25 grants it. You can see the chain. It was --

26 THE COURT: I'll be very honest with you, my
27 density level must have been even higher than it is

1 today because I've looked through the record just,
2 you know, and I can't find all the things you elude
3 to.

4 THE WITNESS: I can show it to you.

5 THE COURT: No, I have a record, I can read.

6 THE WITNESS: If you're saying that I'm lying
7 to you --

8 THE COURT: I'm not saying anything like that
9 but --

10 THE WITNESS: There was at least like four or
11 five times.

12 THE COURT: -- could it be --

13 THE WITNESS: -- that it was defaulted.

14 THE COURT: -- motions on this topic, the
15 Pianka file, when he was attempting to have these
16 other judges enforce Judge Hurley's orders --

17 THE WITNESS: He had left.

18 THE COURT: -- could it be that he ineptly
19 handled it?

20 THE WITNESS: He had left. Once Abrams
21 reopened it, he left. He was done. He didn't wanna
22 deal with any other judge, only Judge Abrams. He
23 dealt with Judge Hurley and then he dealt with Judge
24 Abrams and then he said that's it, I'm done.

25 THE COURT: Then you got adverse rulings from
26 Martin, Peck, Leuba, I forget, and you would admit
27 that you would -- you filed complaints against

1 judges from whom you've gotten an adverse ruling?

2 THE WITNESS: Only over the enforcement of
3 Judge Hurley's order. That's the whole surrounding
4 issue, whether they -- like, for example, Attorney
5 Leone didn't show up for the hearing. I mean, if I
6 don't show up for a hearing and they will issue a
7 default for failure to appear against me. Well, in
8 this situation, they wasn't doing that or if they
9 would reopen a default after the third time he
10 didn't show up for a hearing, you know, and then
11 they say this is the third time, you know. For
12 example, like on December 21st when I came before
13 you, I was maybe five minutes late. You was already
14 sitting on the bench.

15 THE COURT: You know, people file grievances
16 against judges for not coming right out on the bench
17 at two o'clock or ten o'clock. So was I wrong to do
18 that?

19 THE WITNESS: Judge Martin sat in his chambers
20 for an hour waiting on Attorney Leone; didn't ever
21 show up, didn't call. They was trying to hunt him
22 down. Then eventually Judge Martin comes out and
23 says okay, fine, I'm issuing the default. That's
24 not the first time he had done that. Give me an
25 hour? You won't wait here an hour for me; not even
26 five minutes.

27 THE COURT: How do you know that?

1 THE WITNESS: That's when I told you -- when I
2 came in on the 21st, I was like --

3 THE COURT: Are you prejudiced by that?

4 THE WITNESS: Well, I was, over, your Honor,
5 what had happened in the past, you know, and seeing
6 how fast -- I mean, how respectful and patient the
7 other judges was on Attorney Leone, I felt, yeah,
8 I'm pro se, they would never waited on me like that,
9 they would never give me five -- six opportunities
10 to show up or not show up.

11 THE COURT: Would you mark that as the next
12 exhibit.

13 THE CLERK: Full exhibit?

14 THE COURT: No.

15 THE CLERK: Court Exhibit?

16 THE COURT: I don't know whether it's 28 or
17 29.

18 THE CLERK: 28.

19 THE COURT: Is that your signature, sir?

20 THE WITNESS: Yes, your Honor.

21 THE COURT: That's a letter you wrote to the
22 court on February -- in early February?

23 THE WITNESS: 2010 administrative error.

24 (Pause.)

25 THE WITNESS: Reading to myself.

26 THE COURT: You have a copy of that.

27 THE WITNESS: I'm refreshing my memory what I

1 wrote here.

2 (Pause.)

3 THE WITNESS: Okay. Yes. I read it. This is
4 my signature, your Honor.

5 THE COURT: You wrote that letter to the
6 court?

7 THE WITNESS: Yes, your Honor.

8 THE COURT: Full exhibit. Well, show it to
9 counsel.

10 (Pause.)

11 THE COURT: Full exhibit.

12 THE CLERK: (Complying.)

13 THE COURT: Now, Mr. Traylor, on December 21,
14 2009, you understood that I issued several orders?

15 THE WITNESS: That's correct, yeah.

16 THE COURT: Was there anything confusing about
17 them?

18 THE WITNESS: Yes, one of them.

19 THE COURT: Which one?

20 THE WITNESS: When you said that I couldn't
21 file anything but you -- I think your order was
22 saying -- but, you know, if I have an attorney that
23 can file something for then file -- file something
24 for then but I think on December 21st you was
25 eluding to I have until I think you -- the date you
26 put on the letter.

27 THE COURT: The day you got out of the

1 hospital. The order was you get a lawyer to appear
2 for the estate by April 21, 2010 --

3 THE WITNESS: 21, okay.

4 THE COURT: -- or risk dismissal of the
5 estate's cause of action.

6 THE WITNESS: Right, but this is --

7 THE COURT: Was anything confusing about that?
8 You understood that on the 21st? That's two
9 questions. Yes and yes?

10 THE WITNESS: Okay. I was trying to answer it
11 the first time; you cut me off.

12 THE COURT: I did?

13 THE WITNESS: So what I was trying to say
14 earlier is when you issued the order on the 21st of
15 December 2009, I understood it as if nothing,
16 nothing, not even an order or anything, would be
17 filed until I get an attorney to file something
18 before -- on or before April of --

19 THE COURT: April 21, 2009. I didn't say that
20 that's --

21 THE WITNESS: That's the way I understood it.

22 THE COURT: Well, okay.

23 THE WITNESS: Then in February I think -- was
24 it February? I think you filed an order.

25 THE COURT: Well, on February 3, 2010, I
26 decided the mandamus case adversely to you?

27 THE WITNESS: Can I see the letter you just

1 marked as an exhibit, your Honor?

2 THE COURT: What for?

3 THE WITNESS: Because I want to refer to it.
4 There's some information in there that you're
5 referring to. I don't have that letter in front of
6 me.

7 THE COURT: Sure (handing).

8 THE WITNESS: Thank you. And that's why I
9 wrote this letter. This is where the confusion came
10 in is in your memorandum dated February 3rd, you
11 know, granting the respondent's motion to dismiss,
12 this is where I was confused, where you in your
13 December 21st order, and I think I attached it, I
14 think you're missing the attachment to this. I know
15 I did.

16 THE COURT: Well, show it to me.

17 THE WITNESS: Well, like I said, I know I did
18 and I said --

19 THE COURT: Well, I don't --

20 THE WITNESS: -- see the last page of Judge
21 Parker's transcript hereto attached. It's missing.

22 THE COURT: Okay. And what's Judge Parker's
23 transcript?

24 THE WITNESS: The last page.

25 THE COURT: The December 21 --

26 THE WITNESS: Yeah.

27 THE COURT: Okay.

1 THE WITNESS: Do you have a copy?

2 THE COURT: Never mind.

3 ATTY. BERDICK: I think it's a court exhibit.

4 THE WITNESS: Judge Parker's transcript of
5 December 21st, 2009?

6 ATTY. BERDICK: I think it's Plaintiff's
7 Exhibit 1.

8 THE CLERK: I believe it's over in your
9 direction. No, I have it here.

10 ATTY. BERDICK: Okay.

11 (Pause.)

12 THE COURT: Tell me what page you want.

13 THE WITNESS: Thank you.

14 (Pause.)

15 THE COURT: Well --

16 THE WITNESS: Okay. Right here, Attorney Leone
17 is asking the court, "Your ruling applies equally
18 into the mandamus case insofar as nobody filing
19 anything, nobody doing anything until April 21st,
20 and you change the orders or there is appearance
21 filed on behalf of the state? The Court: The order
22 doesn't apply to me." I don't know what that meant
23 but at the bottom here though --

24 THE COURT: Do you remember what I said about
25 no filing by the parties? Do you remember what you
26 told me 15 minutes ago who the parties were? And
27 you at no time mention Judge Parker as being a party

1 and you were correct.

2 No, this is Attorney Leone speaking, not me, so
3 then at the bottom even the clerk asks you, the same
4 clerk. The Clerk, that was Steve at the time:
5 "Just in regards, your Honor, to Mr. Traylor vs.
6 Awwa, Traylor vs. State. The Court: Let me get
7 your question again. Are you asking whether the
8 orders I entered to both cases? The Clerk:
9 Correct. The Court: They do. The Clerk: Very
10 good."

11 THE COURT: What's confusing? Did you walk
12 away confused after that exchange?

13 THE WITNESS: Well, let's look --

14 THE COURT: Did you walk away confused? Did
15 you know which --

16 THE WITNESS: The order was right here.

17 THE COURT: You're doing a pretty good job of
18 not answering my questions.

19 THE WITNESS: The answer to your question, your
20 Honor, was I confused, that's what this letter was
21 about, that I misunderstood your order. I mean,
22 from my understanding even in this transcript, even
23 that Attorney Leone understood. Right here he says
24 your ruling applies equally into the mandamus case
25 as far as nobody filing anything, nobody doing
26 anything until April 21st.

27 THE COURT: And that means the court was

1 precluding itself from filing a decision?

2 THE WITNESS: Well, we didn't know you mean --

3 THE COURT: Never mind we.

4 THE WITNESS: From my understanding you said
5 right here on page 43, "The Court: In the meantime,
6 I'm going to give you until August -- excuse me,"
7 you say, "April 21st, four months from today, to get
8 an attorney to represent the estate. You asked for
9 six or eight weeks. Get it in in six or eight weeks
10 and this case will start to move." So, I mean, even
11 -- you're implying to me go get an attorney and that
12 was the end of it. You didn't ever say that to me,
13 okay, in X number of days I'm going to still file a
14 response to --

15 THE COURT: So you thought that on December 21
16 when you went home from court on December 21 I was
17 issuing an order against myself not to file
18 anything? That's all right. You can answer that
19 yes.

20 THE WITNESS: Can I hold onto it for a minute?
21 I can give it back to you. I may need it again.

22 THE COURT: I'll hand it to you again.

23 THE WITNESS: All right (handing).

24 ATTY. BERDICK: Your Honor, do you want a
25 response to your question because I don't think that
26 my client answered the question.

27 THE COURT: That's nothing new.

1 THE WITNESS: Yeah. I thought maybe you wanted
2 things stayed until I get an attorney. That's my
3 impression; everything was to stay until I get an
4 attorney. That's why I think I attached that page
5 where you said --

6 THE COURT: You didn't attach the other pages
7 where I said it doesn't apply to the court and
8 you've read this transcript a zillion times. That's
9 a slight exaggeration. Forgive me, please.

10 THE WITNESS: Your Honor, your sarcasm
11 throughout this -- and that's what a lot of people
12 -- attorneys complaining about, why they don't want
13 to take -- didn't want to take my case. Some
14 attorneys say, you know, they can't figure out --
15 when you're on the bench they can't figure out if
16 you're going for the plaintiff or the defendant,
17 they can't figure out your line of questioning and
18 sometimes your sarcasm may come off as if -- I don't
19 know. When you said that, are you talking to me?

20 THE COURT: We're not going to finish today but
21 you go back and find out from each of these
22 attorneys who are worried about my courtroom
23 demeanor and see if they've ever tried a case before
24 me, okay? Does it make any difference if a lawyer
25 who's never appeared before me has these opinions?

26 THE WITNESS: That's why I wanted to keep the
27 transcript. For example, like my attorney said, you

1 never let me answer the question, you cut me off,
2 and I was trying to show you exactly what -- the way
3 you responded. It wasn't an answer. Attorney Leone
4 asked you the question, not me. You wasn't clear,
5 nobody could conclude on what you were saying there.
6 You didn't say the court will still file its such
7 and such response by such and such day. You didn't
8 say that.

9 THE COURT: The court doesn't file responses.

10 THE WITNESS: Or memorandum. Expect my
11 memorandum. You said it doesn't -- it doesn't
12 include me. If can I see the transcript.

13 THE COURT: No, I don't need --

14 THE WITNESS: Remember what you said? It
15 wasn't a clear understanding of what you were
16 saying.

17 THE COURT: Well --

18 THE WITNESS: That's why I wrote that letter
19 because -- and I cc'd it to all parties and --

20 ATTY. BERDICK: Your Honor, if I may? Excuse
21 me. Your Honor, you made reference to my client had
22 read the transcript many times. He probably has but
23 the transcript wasn't prepared right after the
24 December 21st, 2009 hearing and probably wasn't
25 available. It wasn't available to him --

26 THE COURT: The transcript -- may I see the
27 transcript.

1 THE CLERK: (Handing.)

2 ATTY. BERDICK: -- many times before February.

3 I wanted to say there's a gap between the hearing
4 and the availability of the transcript.

5 THE COURT: He could have gotten the
6 transcript.

7 ATTY. BERDICK: That's correct, your Honor. I
8 wanted to point out maybe he didn't have it
9 subsequent to the hearing to refresh your (sic)
10 articulation that it didn't apply to the court.

11 THE COURT: And the court did in fact -- in
12 response to your letter asking for the orders did
13 issue a memorandum setting forth the orders on
14 February 5th, 2010?

15 THE WITNESS: Can you repeat the question, your
16 Honor. I'm sorry.

17 THE COURT: I'll ask the court reporter. She's
18 been goofing off all day.

19 (Whereupon, the requested question is read back
20 by the court reporter.)

21 THE WITNESS: I don't understand the question.

22 THE COURT: Okay. Well, that's something --

23 THE WITNESS: Can you repeat your question,
24 your Honor?

25 THE COURT: No, I speak English.

26 Put this in as an exhibit.

27 THE CLERK: Is this the same?

1 THE COURT: Is it the same one?

2 THE CLERK: This is January 18th. This could
3 be an original also.

4 THE COURT: Is that your signature?
5 (pause.)

6 THE WITNESS: Yes, your Honor, it's my
7 signature.

8 THE COURT: Now I'm going to ask you show it to
9 counsel.

10 (Pause.)

11 THE COURT: Full exhibit.

12 THE CLERK: Court?

13 THE COURT: Court Exhibit --

14 THE CLERK: 29.

15 THE COURT: You've just read Court Exhibit 29?

16 THE WITNESS: Can I see it again, your Honor?
17 I thought you were just verifying my signature.

18 THE COURT: Here's Court Exhibit 29 (handing).

19 THE WITNESS: Okay, your Honor. This is a
20 letter from me.

21 THE COURT: I know what it is. Look at it.

22 THE WITNESS: What do you want me to look for?

23 THE COURT: Well, you're questioning the
24 signature?

25 THE WITNESS: No. No, I'm not questioning it.
26 You questioned it.

27 THE COURT: Put that down just for a minute,

1 okay?

2 THE WITNESS: I'm listening.

3 THE COURT: Now, listen very carefully.

4 There's no slagger here or curve ball. Did the
5 court on or about February 5 issue a memorandum of
6 orders setting forth the orders that you requested
7 in Exhibit 29?

8 THE WITNESS: My letter dated January 14th,
9 2009?

10 THE COURT: What is Exhibit 29? What is Court
11 Exhibit --

12 THE WITNESS: It's a letter dated January 14th.
13 I'm asking for an order regarding December 21, not
14 February. It's before the date.

15 THE COURT: Read the letter for me.

16 THE WITNESS: The letter. "I, Sylvester
17 Traylor, in my personal capacity pursuant to CGS
18 Section 51-88(d)(2) and CGS Section 52-599 in case
19 number CV09-4009523 and CV06-5001159, does hereby
20 request a copy of your order dated December 21st to
21 be put in writing. Yours truly, Sylvester Traylor,"
22 cc'd Attorney General's Office and Chinigo & Leone.
23 The purpose of me writing this letter --

24 THE COURT: Never mind. I didn't ask for the
25 purpose. Did the court do what you requested?

26 THE WITNESS: No.

27 THE COURT: Didn't? Okay.

1 THE WITNESS: No. I'm asking for the order
2 dated December 21st. I never got that. I was
3 wondering what your order is.

4 THE COURT: Mmm-Hmm. Okay. So you walked out
5 on --

6 THE WITNESS: They weren't clear. You gave me
7 a memorandum dated February 3rd; is that right.

8 THE COURT: I don't know. You didn't get it,
9 so I must not have done it.

10 THE WITNESS: You gave me a memorandum
11 regarding February 3rd.

12 THE COURT: February 3rd memorandum of
13 decision on the motion to dismiss the mandamus
14 action.

15 THE WITNESS: In the body of the transcript on
16 December 21st you made some specific orders. Those
17 specific orders are not even recorded in your
18 February 3rd -- some of them.

19 THE COURT: So the court never complied with
20 what you asked?

21 THE WITNESS: For example, like you said no one
22 -- I mean, for example, I'm asking you --

23 THE COURT: Never mind example.

24 THE WITNESS: -- the motion to reconsider --

25 THE COURT: The motion is I didn't comply with
26 your request made in the December 29 letter -- Court
27 Exhibit 29?

1 THE WITNESS: According, I think --

2 THE COURT: Yes or no? Are you claiming I
3 didn't comply with your request?

4 THE WITNESS: This is Exhibit 29, right?
5 According to Exhibit -- Court Exhibit 28 and 29, no,
6 you did not.

7 THE COURT: Okay.

8 THE WITNESS: They were written together. No,
9 you did not because you knew, from my understanding
10 -- I was trying to refer to my understanding of the
11 transcript and the orders that you had written that
12 day whether or not I was trying to figure out should
13 I file a motion to reargue.

14 THE COURT: I don't care what you're figuring
15 out. It's your claim that in Court Exhibit 29 I did
16 not comply with the request?

17 THE WITNESS: No.

18 THE COURT: Okay. Well, wait a minute. Yes or
19 no? Did I comply or didn't I?

20 THE WITNESS: No. I'll say it again, no.
21 That's the third time, no.

22 THE COURT: We're going to try number four
23 because it's an even number. You're claiming that
24 although you requested I memorialize in writing the
25 orders entered on December 21, '09, I never complied
26 with your request dated January 14th, 2010?

27 THE WITNESS: No. If you read your Court

1 Exhibit 28 and 29, no, because I was being very
2 specific about whether or not I can or cannot file a
3 motion to reargue and I wasn't given that
4 opportunity.

5 THE COURT: Well, now you're arguing something
6 else. Where does it say in January 14, 2009 --
7 well, it's mislabeled. It's actually 2010 but Court
8 Exhibit 29, where does it mention a motion to
9 reargue?

10 THE WITNESS: In Exhibit 29, that's what I'm
11 telling you. What's the date. Can I see 28? Court
12 exhibit 28, your Honor.

13 THE COURT: No. I want to know and you've not
14 answered it three times and avoided answering it.
15 The fourth time: Did I comply --

16 THE WITNESS: I said no.

17 THE COURT: -- with your -- okay. All right.

18 THE WITNESS: This is the fifth time.

19 THE COURT: You want to try for an even dozen?

20 THE WITNESS: Can I see Exhibit 28?

21 THE COURT: What do you need it for?

22 THE WITNESS: I want to see what you're
23 avoiding to acknowledge what I was referring to. I
24 was referring to give me my opportunity to have a
25 motion to reargue. I have 20 days according to the
26 statute for that motion to reargue.

27 THE COURT: You know what, Mr. Traylor, I think

1 you don't like how I'm running this case.

2 THE WITNESS: You're picking the rules, your
3 Honor, how you want the rules applied. For example,
4 you locked up my attorney and applied a rule that
5 you didn't enforce with Attorney Leone, the same
6 order.

7 THE COURT: You think I should have sent them
8 both down the other day and hold hands?

9 THE WITNESS: I think somebody, the right
10 person if you're a judge, you're going to do the
11 right thing and not be judgmental, not showing
12 favoritism. Where is the order to show cause for
13 the missing medical records?

14 THE COURT: That issue has never been presented
15 to me.

16 THE WITNESS: That was in the mandamus before
17 you. You chose how you wanted to answer that
18 mandamus.

19 ATTY. BERDICK: Your Honor, if I may, I know
20 it's a long day.

21 You should be responsive to the judge's
22 specific questions. That's part of the proceeding.
23 There might be a time, if it comes, you can get into
24 an argument --

25 THE WITNESS: I answered.

26 ATTY. BERDICK: You've got to answer his
27 questions, not your own.

1 THE WITNESS: You asked me five times, I said
2 no, no, no, no.

3 ATTY. BERDICK: Thank you, your Honor.

4 (Pause.)

5 THE COURT: Counsel, have we had enough fun
6 today? We'll resume Monday at two o'clock, we'll
7 finish on that day.

8 THE WITNESS: I'll be in the appellate court at
9 two o'clock on that day, your Honor.

10 THE COURT: Well, we don't need you.

11 ATTY. BERDICK: If I may, my client, from my
12 understanding -- I'm not the attorney of record but
13 I am aware, I am cognizant of the fact that he has
14 oral argument.

15 THE COURT: I know. Ten o'clock Tuesday.

16 ATTY. BERDICK: Thank you, your Honor.

17 THE WITNESS: I can step down, your Honor?

18 THE COURT: Yeah.

19

20

* * * * *

21

22

23

24

25

26

27

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATION

I, Cheryl C. Straub, Certified Court Reporter, do hereby certify that the within and foregoing is an accurate transcription and the electronic version required by statute to the best of my ability of my stenographic notes taken in the matter of Sylvester Traylor, et al vs. Bassam Awwa, et al, heard on the 3rd day of February, 2011, before the Honorable Thomas F. Parker, a Judge Trial Referee in the Judicial District of New London at New London, Connecticut.

Certified this 25th day of April, 2011.

Cheryl C. Straub,
Certified Court Reporter

*** Photocopied Transcripts Are Not Certified ***

I N D E X

1
2
3
4
5
6
7
8

Sylvester Traylor

Direct Examination	PAGE	36
Court Examination	PAGE	79