

EST-FA04-0201276-S : SUPERIOR COURT
NOWACKI, SUZANNE : JD STAMFORD/NORWALK
VS. : AT STAMFORD
NOWACKI, MICHAEL : JUNE 15, 2009

Excerpts from 6.15.09 hearing, orders of the court

B E F O R E:

THE HONORABLE MICHAEL SHAY

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

REPRESENTING THE PLAINTIFF:

Kevin Collins, Esq.
Law Offices of Kevin Collins

REPRESENTING THE DEFENDANT:

Michael Nowacki
Pro Se

Paul J. McKenna, CER
Court Recording Monitor

Transcribed by: McKenna

1 (Nowacki v. Nowacki - hearing excerpt and hearing -
2 6.15.09)

3 ...

4 [excerpt begins at: 12:21]

5 **Providing Tax Returns and Pay Information**

6 (Whereupon colloquy is held regarding this
7 objection)

8 THE COURT: I don't see, under the
9 circumstances - I mean, if they were divorced last
10 year, it would be very unlikely that this judge
11 would go back before to years the marriage was
12 dissolved unless we were talking about some kind of
13 an earning capacity argument and we were trying to,
14 perhaps, blend some years and average them or
15 whatever.

16 But what we're talking about is a request that
17 goes back three years. I don't think -- on a
18 divorce that was four years ago, I don't think that
19 that's an unreasonable request.

20 MR. COLLINS: Well I don't know what the
21 relevance is -- I understand what Your Honor is
22 saying but --

23 THE COURT: So I mean as far as tax returns are
24 concerned, those should be produced. A 1099 or W-2
25 -- those should be produced for those years, okay?

26 MR. COLLINS: Those were produced, Your Honor.

27 THE COURT: A pay stub for each and every pay

1 period of the last three years? I think that's a
2 little bit much. You deal with the W-2's and the
3 1099's and -- (Whereupon more colloquy is held on
4 this objection)

5 You can certainly redact social security
6 numbers. And I would expect people to do that in
7 this day and age. But I would not think it would be
8 unreasonable, if there are remarriage situations, to
9 -- and because of -- if you say that the industry --
10 it's a tight little industry and whatnot -- that
11 there be a confidentiality understanding between the
12 parties. Obviously, if it's file with the Court,
13 I'm not sealing anything. But if it's some added
14 protection to persons, there could be a
15 confidentiality agreement between and among the
16 parties and their spouses so that there's no
17 dissemination of that beyond this court proceeding.

18 I'm not ruling that this -- because I'm not
19 sealing the courtroom and I'm not sealing the file.
20 I'm just saying that that would -- that might seem
21 to obviate some of the problems so it will at least
22 give people pause before they, willy-nilly,
23 disseminate private information.

24 ...

25 4. Statements for all accounts that plaintiff maintains
26 alone or in conjunction with others for last 24 months.

27 (Whereupon colloquy is held on the objection)

1 **Ruling of the Court on No. 4**

2 THE COURT: This is an income-driven -- I've
3 said that repeatedly. This is an income-driven
4 model and -- so I'm going to sustain the objection
5 to four. Next.

6 ...

7 8. Copies of any written appraisal concerning any asset
8 owned by the plaintiff alone or in conjunction with Dave
9 Barrington and her parents or others.

10 (Whereupon colloquy is held on this objection)

11 **Ruling of the Court on No. 8**

12 THE COURT: In any in any event, eight, the
13 objection is sustained.

14 ...

15 9. Recordings of Telephone Conversations

16 (Whereupon colloquy is held on this objection)

17 **Ruling of the Court on No. 9**

18 THE COURT: So number nine, the objection is
19 sustained.

20 ...

21 10. ...including all bonuses received within one year of
22 the signing of the financial affidavit

23 (Whereupon colloquy is held on this objection)

24 **Ruling of the Court on No. 10**

25 THE COURT: So ten is sustained -- objection is
26 sustained.

27 ...

1 11. All savings bank statement, bank account, savings book
2 statements, checks, check registers, similar documents for
3 all savings and checking accounts wherever located for a
4 three-year period.

5 (Whereupon colloquy is held on this objection)

6 **Ruling of the Court on No. 11**

7 THE COURT: Okay, statements from all accounts
8 maintained with any financial institution including
9 banks, brokers, and financial managers, for the past
10 24 months. So we can limit it to 24 months -- two
11 years.

12 ...

13 12. Copies of data stored as part of financial software
14 applications with regard to household expenses

15 (Whereupon colloquy is held on this objection)

16 **Rulings of the Court on No. 12**

17 THE COURT: No, no. That's work product.
18 Objection sustained. Next

19 ...

20 13. Credit card statements for the past three years

21 (Whereupon colloquy is held on this objection)

22 **Ruling of the Court on No. 13**

23 THE COURT: I think that's a stretch, Mr.
24 Nowacki. You're going to be looking at bank records
25 and I think that's -- so the objection is sustained.

26 ...

27 14. Statements for brokerage, stocks, security bond

1 investment, wherever located, in which she was a signatory
2 alone or in conjunction with others for three years

3 (Whereupon colloquy is held on this objection)

4 **Ruling of the Court on No. 14**

5 THE COURT: To the extent that there is an
6 ability to write -- for instance, it is a money
7 market account or a checking account or whatever in
8 connection with that brokerage account, then the --

9 MR. COLLINS: I concede that, Your Honor -- for
10 the period of 24 months

11 THE COURT: -- for 24 months.

12 MR. COLLINS: But only in those instances.

13 THE COURT: Only in those instances, not, right
14 -- again, it's income.

15 ...

16 16. Any and all trust documents for any trust where the
17 plaintiff's been a recipient as a settler, grantor,
18 trustee, or beneficiary since the date of dissolution and
19 any distributions there from.

20 (Whereupon colloquy is held on this objection)

21 **Ruling of the Court on No. 16**

22 THE COURT: If there -- disclose any
23 distributions since June 29, 2005. Everything else,
24 I'm sustaining the objection. Next.

25 ...

26 17. The value of real property and loan balances and home
27 equity loans taken out against those purchases.

1 (Whereupon colloquy is held on this objection)

2 **Ruling of the Court on No. 17**

3 THE COURT: I mean, the question is -- you can
4 ask him questions with regard to his contributions
5 to the -- that's -- you know -- and that certainly
6 is germane but not -- this is more than you need.
7 So 17, the objection is sustained.

8 ...

9 18. Tax Assessment on the Property

10 (Whereupon colloquy is held on the objection)

11 **Ruling of the Court on No. 18**

12 THE COURT: That's public record.

13 MR. NOWACKI: I understand that. It wasn't
14 available at the point in time this motion was
15 filed. It's available now.

16 THE COURT: Okay -- objection is sustained.
17 Next number.

18 ...

19 19. Any income information from any 'C' or 'S' Corporations
20 and any K-1's

21 MR. COLLINS: Your ruling already, I think,
22 obviates my objection on 19.

23 THE COURT: Right. So the objection is
24 overruled.

25 MR. COLLINS: Yes, Your Honor -- by agreement.

26 ...

27 20. Stock options -- vested and unvested

1 (Whereupon colloquy is held on this objection)

2 **Ruling of the Court on No. 20**

3 THE COURT: The Supreme Court, in *Gay v. Gay*
4 [266 Conn. 641 (2003)]-- you can look it up -- basically
5 said, absent somebody being in the business of
6 trading securities -- in other words, that's what
7 your life's work is -- absent that, we treat it as
8 an asset. So I'm going to sustain the objection.

9 ...

10 21. Copies of any applications for loans, mortgages, credit
11 cards or other financing transactions in the past three
12 years and the current year

13 (Whereupon colloquy is held on this objection)

14 MR. NOWACKI: I'll withdraw 21.

15 THE COURT: All right.

16 ...

17 22. Copies of any will

18 (Whereupon colloquy is held on this objection)

19 **Rulings of the Court on No. 22**

20 THE COURT: So objection to 22 is sustained.

21 Next one.

22 ...

23 23. Business expenses charged against the business

24 (Whereupon colloquy is held on this objection)

25 **Ruling of the Court on No. 23**

26 THE COURT: That just seems like a real
27 stretch. Again, you're gonna have her on the stand.

1 You can ask whatever questions you need. I'm going
2 to sustain the objection to 23.

3 I'm going to excuse you both. I'll see you
4 both at two o'clock.

5 MR. COLLINS: Yes, Your Honor.

6 THE COURT: We'll continue with No. 24.

7 (Whereupon the Court takes up other business and
8 then stands in lunch recess until 2:07)

9 (Court back in session at 2:07)

10 ...

11 24. Copies of any gift tax returns within the last three
12 years.

13 (Whereupon colloquy is held on this objection)

14 **Rulings of the Court on No. 24**

15 THE COURT: Okay. But as I said, that's
16 outside the scope of what I can order. So 24, the
17 objection is sustained. Twenty-five.

18 ...

19 25. Copies of registrations for motor vehicles and/or boats

20 (Whereupon colloquy is held on this objection)

21 **Rulings of the Court on No. 25**

22 THE COURT: Mr. Nowacki -- I don't know how
23 that informs us or helps us with the child support,
24 so the objection is sustained. Twenty-six.

25 ...

26 26. Copies of insurance policies

27 (Whereupon colloquy is held on this objection)

1 **Rulings of the Court on No. 26**

2 THE COURT: Objection sustained. Twenty-seven.

3 ...

4 27. Copies of contracts for lease, rental, or lease of
5 homes in which she has an interest solely or with others

6 (Whereupon colloquy is held in this objection)

7 **Rulings of the Court on No. 27**

8 THE COURT: That's too far a field. Sustained.

9 ...

10 28. Copies of any bonds or memberships in private or
11 professional organizations

12 (Whereupon colloquy is held on this objection)

13 **Rulings of the Court on No. 28**

14 THE COURT: I doubt that that would be the
15 case. She'd have to disclose that. I think that --
16 No, that's too far a field. Sustained.

17 ...

18 29. Proof of claim of charitable contributions

19 (Whereupon colloquy is held on this objection)

20 **Rulings of the Court on No. 29**

21 MR. NOWACKI: Since the tax returns are now
22 part of what I'm going to get a look at, it's sort
23 of makes that in invalid point, now.

24 THE COURT: Okay, so the objection's sustained.
25 Thirty.

26 ...

27 30. Copies of any or all inheritances and gifts possibly

1 received

2 (Whereupon colloquy is held on this objection)

3 **Rulings of the Court on No. 30**

4 THE COURT: Well, I'm going to order that you
5 do that.

6 MR. COLLINS: I will do that.

7 THE COURT: Twenty-four months. Thirty-one.

8 ...

9 31. Copies of all pay stubs from June 29, 2005 to present

10 (Whereupon colloquy is held on this objection)

11 **Rulings of the Court on No. 31**

12 THE COURT: I think I dealt with this in the
13 beginning. I think I said that if you -- a current
14 pay stub -- in other words, the last pay stub and
15 any K-1's or W-2's, 1099's -- those will all tell
16 you the differential between with the taxable
17 income, the Medicare income, whatever deductions
18 there were for retirement accounts.

19 MR. NOWACKI: Your Honor, this was specifically
20 addressing what happened in our company when we were
21 allowed to take unrestricted stock options and
22 convert them to restricted stock options, that then
23 showed up as income on my W-2 -- that inasmuch as
24 that is the case for me, ipso facto, I don't know
25 for fact without looking at the individual pay stubs
26 whether or not the same could be true for Suzanne.
27 So all I'm looking to do is to provide an equal

1 playing field here on the information that is
2 pertinent.

3 THE COURT: It might actually be in your
4 client's best interest --

5 MR. COLLINS: I have no objection.

6 THE COURT: -- to disclose that -- in other
7 words -- so otherwise, you're looking at a gross
8 number so that you can at least you can make an
9 argument that -- so --

10 MR. COLLINS: I would just say, I don't know if
11 she could put her hands on all pay stubs. We're in
12 June 15th.

13 THE COURT: No, I'm not ordering all pay stubs.
14 What I'm ordering is any pay stub that reflects a
15 payment as a result of, you know, the negotiation of
16 either an option -- an exercise on an option or the
17 sale of restricted stock -- in other words, that one
18 little snapshot. And I think that helps everybody
19 and again, I'll tie this in with the tax returns,
20 which would be for three years.

21 MR. COLLINS: Your Honor, I think Your Honor's
22 right on point on that, so I have no objection,
23 obviously.

24 THE COURT: I think that's just fair for both
25 of you.

26 MR. COLLINS: I think that concludes it.

27 THE COURT: That looks like -- all right? So

1 everybody all set?

2 MR. NOWACKI: Thank you very much.

3 MR. COLLINS: I think so, Your Honor.

4 THE COURT: Okay.

5 MR. COLLINS: Thank you for the time.

6 ...

7 # # # #

8

1

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

I hereby certify that the foregoing is a true and accurate transcription of an electronic recording done to the best of my ability, held in the above-entitled matter heard before the Honorable Michael Shay, Judge at Superior Court in Stamford, Connecticut on the 15th day of June, 2009.
Dated this 1st day of July, 2009, at Stamford, Connecticut.

Paul J. McKenna, CET
Transcribing Monitor

Note: This document has been edited in accordance with the *English Guide for Court Reporters*, second edition, by Lillian I. Morson.

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E L E C T R O N I C
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