

FA 04-0201276S

NOWACKI, SUZANNE

V

NOWACKI, MICHAEL

SUPERIOR COURT

STAMFORD/NORWALK JD

AT STAMFORD

DECEMBER 2, 2009

BEFORE

THE HONORABLE MARYLOUISE SCHOFIELD, JUDGE

APPEARANCES

KEVIN COLLINS, ESQ.
Attorney for the Plaintiff

MICHAEL NOWACKI
Pro se for the Defendant

VERONICA REICH, ESQ.
Attorney for the minor children

MARY FJELLDAL
Court Monitor

1 THE COURT: Nowacki.

2 MR. COLLINS: Yes, Your Honor. We have been
3 sent down. Mr. Nowacki is here. We have been
4 sent down by Judge Adams. I guess for a mistrial?

5 THE COURT: Yes.

6 MR. COLLINS: So here we are.

7 THE COURT: If you would identify yourselves
8 for the record, please.

9 MR. NOWACKI: Michael J. Nowacki, pro se.

10 MR. COLLINS: Your Honor, good morning,
11 Attorney Kevin Collins for Suzanne Nowacki, now
12 Suzanne Sullivan. She is here in the courthouse
13 but she is in the hallway.

14 THE COURT: Okay.

15 MS. REICH: Good morning, Your Honor. I am
16 Veronica Reich. I am the attorney for the two
17 minor children, Tim and Kerry Nowacki.

18 THE COURT: It is my understanding that this
19 matter commenced before Judge Novack for a number
20 of days. And as the Presiding Judge, I am going
21 to declare a mistrial. And this matter is now
22 assigned to Judge Adams.

23 MR. COLLINS: Yes, Your Honor. Thank you.

24 THE COURT: So you may report up to Judge
25 Adams.

26 MR. NOWACKI: Your Honor, I have just one
27 protocol question in regards to the decisions that

1 were made from April 29th through today in regards
2 to various orders of the court.

3 THE COURT: If they were made orders of the
4 court, they are orders of the court. Meanwhile,
5 Judge Adams is now taking over this case.

6 MR. COLLINS: Just for the record, I can state
7 for the record that Judge Novack entered no
8 orders. And I think what Mr. Nowacki is saying is
9 are we starting ab initio?

10 THE COURT: Yes, you are starting at the
11 beginning.

12 MR. COLLINS: So there is no evidence in now,
13 nothing?

14 THE COURT: Judge Adams is starting new and he
15 will make the appropriate decisions as to what
16 matters he will start.

17 MR. COLLINS: Okay, yes, Your Honor.

18 MR. NOWACKI: And the evidence that was in the
19 file will be available for me to re-present?

20 THE COURT: Yes.

21 MR. NOWACKI: Okay. Thank you, Your Honor.

22 THE COURT: So you may proceed right upstairs
23 to see Judge Adams.

24 WHEREAS THE MATTER WAS PASSED FOR OTHER COURT BUSINESS
25 NOWACKI V NOWACKI RESUMES

26 THE COURT: Calling the matter of Nowacki
27 versus Nowacki.

1 MR. COLLINS: Your Honor, Attorney Reich is not
2 here yet. She called me and she said she was
3 running about ten minutes late.

4 THE COURT: So then we will pass that until
5 Attorney Reich arrives.

6 MR. COLLINS: Thank you, Your Honor.

7 WHEREAS THE MATTER WAS PASSED FOR OTHER COURT BUSINESS
8 NOWACKI V NOWACKI RESUMES

9 THE COURT: Now we are back to Nowacki. If the
10 parties would please identify themselves for the
11 record again?

12 MR. COLLINS: Your Honor, good afternoon.
13 Attorney Kevin Collins for the plaintiff, formerly
14 Suzanne Nowacki, now Suzanne Sullivan.

15 THE COURT: Thank you.

16 MR. NOWACKI: Michael Joseph Nowacki, pro se.

17 THE COURT: Good afternoon.

18 MR. NOWACKI: Good afternoon.

19 MS. REICH: Good afternoon, Your Honor.

20 Veronica Reich, Bai, Pollock, Blueweiss and
21 Mulcahey, I am the attorney for the minor
22 children, Tim and Kerry Nowacki.

23 THE COURT: The reason I called all the parties
24 to be present this afternoon is that this morning
25 I was presented with a post judgment ex-parte
26 emergency motion for modification of custody and

1 parenting time, which was submitted to the Court
2 by Attorney Reich.

3 In addition to the post-judgment motion, which
4 normally would be granted without a hearing if I
5 considered the matter serious enough, and I do
6 consider this matter extremely serious, because
7 the parties were present here in court, I wanted
8 them to come before me so that I could tell them
9 what action I have taken.

10 This post-judgment ex-parte motion for
11 modification of custody has a number of serious
12 allegations concerning the affairs and the
13 psychological impact of certain actions of Mr.
14 Nowacki upon the two minor children. The
15 application was submitted with an appropriate
16 affidavit and with a certain number of exhibits
17 which were extremely concerning to this Court
18 considering their content and the fact that this
19 litigation was being discussed quite openly with
20 the children and that the children were being
21 actively involved in the process of this
22 litigation, including the parties' opinions and
23 representations to counsel, as well as various and
24 repeated disparaging remarks concerning, not only
25 counsel but the parties, the G.A.L. and the
26 judicial system in effect.

1 Based upon the allegations and the exhibits
2 this Court was concerned enough to grant this
3 motion and the application. The order states that
4 it is ordered that the plaintiff mother have sole
5 legal and physical custody of the minor children,
6 Timothy J. Nowacki and Kerry J. Nowacki and that
7 the defendant father have supervised visitation on
8 a schedule to be determined pending further
9 hearing before this Court.

10 This matter was then set down for a full
11 hearing on, I believe, it was January 4th.

12 So in the interest of the due process rights of
13 the various litigants, I wanted the parties to be
14 aware of this order of this Court.

15 Thank you.

16 MS. REICH: Your Honor, I have copies here. I
17 don't know if they should be served on the parties
18 now or how Your Honor wishes me to provide copies
19 to the parties.

20 THE COURT: I think you should provide Mr.
21 Nowacki with appropriate service. You can give
22 him a copy on the record but he still should be
23 served by a sheriff.

24 MS. REICH: I will do that, Your Honor. I will
25 do that now on the record, if I may.

26 THE COURT: And you can give Mr. Collins a copy
27 of this temporary order.

1 MS. REICH: They are collated copies, Your
2 Honor. They are copies with Your Honor's
3 signature and the orders of the court with the
4 hearing notice.

5 MR. COLLINS: Your Honor, just one thing from
6 my side. I will not be in town on January 4th. I
7 will be out of town, to return on January 5th. Is
8 it possible that a different date can be assigned?
9 I don't care if it is on the 6th going forward?

10 THE COURT: You can address that downstairs
11 with Mr. Roberts.

12 MR. COLLINS: Very good, Your Honor. Thank
13 you.

14 THE COURT: All the parties should go
15 downstairs to discuss this matter.

16 MR. COLLINS: Yes, Your Honor.

17 THE COURT: This is extremely disturbing to me
18 that this type of activity has been occurring.
19 And until we can investigate the matter further,
20 the order remains in effect.

21 MR. NOWACKI: May I ask a question, Your Honor

22 --

23 THE COURT: Mr. Nowacki?

24 MR. NOWACKI: -- in regards to the supervised
25 visits as to their terms as to who is supervising
26 those visits?

1 THE COURT: I think you will have to speak with
2 Attorney Reich. She represents the minor children
3 and there are supervisory agencies.

4 MR. NOWACKI: And, Your Honor, I will reserve
5 my comments for facts that will be presented.

6 THE COURT: That is fine, Mr. Nowacki. I just
7 wanted you to be aware of the application and what
8 was happening.

9 We are going to stand in a brief recess until
10 there is other further ready business.

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CERTIFICATION

I, Mary M. Fjelldal, hereby certify that the foregoing is, to the best of my ability, a true and accurate transcription of the above entitled matter heard before The Honorable Marylouise Schofield, Judge of the Superior Court in Stamford, Connecticut, on the 12th day of December, 2009.

Dated this 22nd day of December, 2009 at Stamford, Connecticut.


Mary M. Fjelldal