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Sent: Tuesday, February 09, 2016 4:39 PM
To: JudTestimony
Subject: Renomination of Judge Linda Lager

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February 9, 2016

Dear Members of the Joint Committee on Judiciary:

I am writing in opposition to the renomination of Judge Linda Lager as Chief Administrative Judge. I was a self-represented plaintiff in a civil lawsuit in Stamford Superior Court, Joan L. Zygmunt et al v. Norman Pattis et al. On July 29, 2010, the court (Lager, J) granted our motion to have the case transferred to the Stamford Complex Litigation Docket. On August 3, 2010, we received notice that the case "is hereby assigned to the Hon. John F. Blawie for all further proceedings." On September 14, 2010, the pro se parties and defense counsel appeared before Judge Blawie and were given a General Case Management Order signed by Judge Blawie and court officer Alexander Gochal that stated the standing orders of the Complex Litigation Docket and stated in part "The judge who signs this order may issue additional case management orders, scheduling orders, and trial management orders."

On September 20, 2011, I received an email from defense Attorney Claire Ryan informing me that Judge Blawie had left the Complex Litigation Docket, that there would be a new judge assigned and that the new judge was expected to issue a scheduling order. I emailed Attorney Ryan that plaintiffs had received no such information and raised the issue of ex parte communication between the court and counsel. I found that there had been a meeting of the Civil Commission on September 12, 2011, attended by Judge Lager and two attorneys from defense counsel's firm, Charles Deluca and Catherine Nietzel. It was not until October 4, 2011 that Plaintiffs received a Notice of Case Reassignment, stating "This case will remain on the Complex Litigation Docket in Stamford but is now assigned to Judge Brazzel-Massaró...The court officer for this case will be Sharnet Jumpp, Esq..." The notice was not signed or attributable to any authority.

On November 23, 2012 plaintiffs filed a motion for Chief Administrative Judge to assign case for settlement, arguing that that was the only remedy under Practice Book Rule Sec. 23-13 after Judge Brazzel-Massaró

illegally replaced Judge Blawie as the "single judge" on the Complex Litigation Docket case. Judge Lager denied the motion, citing CGS Sec. 51-347b as her authority to assign a new judge to a CLD case. I filed a motion for reconsideration arguing that the due process requirements of the statute were not met in that no motion, stipulation or order preceded the notice of assignment of the new judge, and that it did not pertain to the assignment of a Complex Litigation judge, but to transferring a case to a new location. Immediately upon counsel's filing an objection, Judge Lager denied the motion for reconsideration. Because we had not filed a request for adjudication in accordance with the standing orders of the CLD, the matter was not properly before the court when Judge Lager illegally ruled on it, denying us our right to be heard.

When I applied to have our case transferred to the Complex Litigation Docket, I relied both on information about the CLD published on the CT Judicial website and on the Practice Book rules, that told me our case would have a single judge appointed. I also paid the required fee of \$325. Then suddenly, by fiat, the judge was changed. Under our criminal statutes anyone taking property from a person over 60 years old by false pretenses or false promises is guilty of larceny. I'm quite a few years older than 60, and feel I was victimized according to that statute. Judge Lager stated in her ruling that the judge would be any judge assigned to the docket. However, even that has not proven to be the case, because after Judge Brazzel-Massaró left the docket and was replaced by Judge Genuario I filed several motions in the Complex Litigation Docket, including the last one, for which I paid a \$125 filing fee ordered by the civil clerk's office, filed a request for adjudication, and have not been assigned a hearing.

The first hearing before Judge Brazzel-Massaró on the CLD was held November 18, 2011. She told us to confer with Attorney Claire Ryan during the break on dates for our depositions. The judge left the courtroom and clerk Jumpp and monitor Deirdre Clement remained. After my son spoke with Ms. Ryan for about two minutes, he and I said we were going out in the hall to confer on our schedules. While we

were quietly talking in the hall, two marshals came at us, one of them yelling that a court monitor said a pro se was yelling at a lawyer. They separated us, telling my son to accompany them across the hall and, when I tried to go with them, told me to stay where I was. The JM waved his arms and yelled at my son. A third marshal appeared and spoke with him, telling him he had to remain calm if he wanted to proceed. They never asked us if he was yelling (he wasn't). They never asked us our names. Our state constitution is even stronger than the federal constitution when it comes to the individual's rights to feel secure in their person from government intrusion—it prohibits detaining persons who are doing no wrong. My son was allowed to return to me, but the three marshals hovered near us while we tried to confer, then followed us to the courtroom. One of them went to the head of the courtroom and remained there until the end of the hearing. When Judge Brazzel-Massaró re-entered she greeted the JM warmly.

The next day I spoke with marshals supervisor Joe Suda on the phone and asked for an incident report. He told me there was none and said he had no way of finding out who the marshals were, denied there was any system of assigning marshals to the floor. I asked him for the security camera footage and he said I would never get it. I wrote a letter to Judge Brazzel-Massaró, telling her of the incident and that I believed monitor Deirdre Clement may have retaliated against me for filing a complaint against her for refusing to produce a transcript I ordered for our interlocutory appeal. I asked Judge Massaró for the name of the marshal who came into the courtroom. She failed to reply.

I wrote then Chief Court Administrator Quinn telling her about the incident and asking for an investigation. She failed to reply. In response to my Foia requests the judicial branch legal department (Maureen Finn, Martin Libbin) provided me with notes from one of the marshals and the lead marshal and assignment sheets, but denied that there was camera footage of the incident. With persistence I did obtain a CD of the footage almost two months later, and was shocked to see that Attorney Ryan and Judge Brazzel-Massaró were involved in the incident and in ex parte dealings with court personnel after we left. I also requested a copy of an incident report of an incident that occurred between marshals and a person named Vernon Stancuna at a hearing in New Haven Superior Court before Judge Lager held January 19, 2011 in the matter of Chief Disciplinary Counsel v. John J. Radshaw III. The legal department at first denied that such a report existed, but then provided it to me when I said I knew it existed.

Mr. Radshaw was a defendant in our case. Mr. Stancuna, a stranger to us, phoned us, said he was a litigant in a federal civil rights case who had also had issues with Attorney Radshaw and asked if the disciplinary case against him had to do with our case. I said I didn't know, but saw that a hearing was scheduled for January 7, 2011. He said he was planning to go and I asked him to call me afterwards to let me know what he learned. He said he would do so. When I saw online that the hearing was marked off the day before, I emailed Mr. Stancuna to tell him the next morning. He said he had been ready to go, when "a woman from the bar" called him and told him the hearing was off. I asked him if it was Patricia King, then Assistant Disciplinary Counsel, who was prosecuting the case. He said he wasn't sure. I asked him why anyone from the bar would call him. He said he guessed they knew he had issues with Attorney Radshaw. The hearing was then rescheduled for January 19, 2011. Mr. Stancuna said he would go. After the hearing I emailed him and asked how it went. He said to call him—that he had been surrounded by marshals. He sounded very agitated on the phone. He said a marshal had been in the courtroom and at a certain point in the hearing Mr. Radshaw's counsel, Attorney William Dow, turned and looked straight at him (Stancuna) and then the marshal signaled to him to get out. He said he went to another floor in the courthouse and was making a phone call when he was "surrounded by marshals", who escorted him out of the building. He said he was too scared to go to any other hearings in the case. I asked him how the office of the Chief Disciplinary Counsel would have known that he intended to be at the hearing. He said that he had written a letter to Attorney Dow. I subsequently ordered a transcript of the hearing. The judge refers to information she received from Attorneys King and Dow and Dow refers to information he received from Judge Lager that were not in the record and could only have been imparted in a prior hearing, probably a closed hearing that took place on the day "someone from the bar" called Mr. Stancuna and convinced him to stay home. The transcript does not show that a marshal was in the courtroom, and no doubt brought the hearing to order and closed it. The marshal's incident report states that Judge Lager ordered a marshal in the courtroom because of anticipation that Mr. Stancuna would be troublesome. The transcript does not show he was troublesome. The report states that Stancuna told the marshals they were violating his civil rights when they were leading him out of the courthouse. He was right. When Judge Lager excluded one member of the public from an attorney's disciplinary hearings, she excluded all members of the public from those hearings, a denial of access to the courts.

When I was denied my request for an accommodation under the Americans With Disabilities Act for a hearing held April 26, 2013, I filed a complaint with the Judicial Branch. At my next hearing held July 22, 2013, there were two marshals in the courtroom, though there were no spectators. I emailed Chief Court Administrator Patrick Carroll to find out what the security issue was and requested any record of the judge requesting a marshal. I got no reply and filed a complaint with the FOIC. Attorney Libbin responded that Judge Carroll didn't receive the request, told me no judge requested a marshal in the courtroom and that the marshals only made periodic checks of the courtrooms while making their rounds. I told him that one marshal officiated throughout the one-hour hearing and the other came in and sat on the back bench for a time. I told him that the

one who officiated had been the marshal assigned to the desk and that he should tell the Chief Court Administrator that the seventh floor, including the caseflow management office, had been unprotected while the marshal was in the courtroom, posing a security risk. I got no reply. An audio of the July 22nd hearing that I received as an ADA accommodation clipped off the marshal bringing the hearing to order, but he is heard at the end adjourning the hearing, after the judge says, "Thank you, marshal."

At a hearing held November 4, 2014 for the purpose of letting me listen to the audio of the July 22, 2013 hearing, another marshal came in and sat behind me. I asked for the security camera footage to show this marshal, and that he was not the marshal who had been out on the desk. The Judicial Branch has denied me the video on grounds of security, although they gave me 2 hours of the 11/18/11 hearing, making no such claim.

Presently I have a complaint before the CHRO that passed its merit assessment review. Legal Director Martin Libbin was asked by the Department of Justice to provide them with all complaints of discrimination under the ADA within the last five years. Mr. Libbin failed to disclose my complaints, a serious obstruction of justice under federal law. Judge Lager advises the Chief Court Administrator and others in the Judicial Branch and is obviously advising them to cover up any issue brought to their attention by anyone who uses the courts. She's apparently accommodating lawyers behind the scenes in ways that prejudice cases before the court. She's also violated the standing orders of the Complex Litigation Docket and Practice Book Rule Sec. 23-13.

Please consider this testimony when you are considering Judge Lager's renomination.

Respectfully submitted, Joan L. Zygmunt