

CLAIMS COMMISSION TESTIMONY FEBRUARY 25, 2021

Thank you for the opportunity to testify today in opposition to the reappointment of Christy Scott as Claims Commissioner for the State of Connecticut.

My name is Kelly Reardon. I am attorney at The Reardon Law Firm in New London. In that capacity, I have dealt with the Claims Commissioner Attorney Scott over the past few years, as I have dealt with prior Claims Commissioners.

My firm's dealings with Attorney Scott regarding a particular case may be instructive as to why we oppose her reappointment. In 2019, my firm was retained by a family to represent the interests of their adoptive son as a result of the horrific abuse and neglect he experienced while in the custody of foster parents supposedly being monitored by the State of Connecticut Department of Children and Families. We took the file over from another firm who had, in November of 2016, filed a Notice of Claim against the State of Connecticut with the Office of the Claims Commissioner and Attorney Scott.

The claim was pending before the Claims Commissioner from November of 2016 until April of 2019, when my firm took over the case. During that time, the case lingered in the Claims Commission for two-and-a-half years.

My firm was hired in April of 2019. In October of 2019, after we located a key witness, a former DCF employee who now lives out of state and could not be subpoenaed to a deposition without a commission granted by the Claims Commissioner, and who refused to appear voluntarily for a deposition, my firm filed a Motion in the Claims Commission seeking permission to depose this witness. This type of request is routinely granted by Superior Court Judges allowing the deposition of out of state witnesses and, in this case, no objection was filed by the Attorney General's office. This deposition was critical to the case because the former DCF employee had been fired due to his role in our client's horrendous injuries. The Claims Commissioner did nothing on this Motion from October of 2019 until June of 2020 despite multiple calls and letters to her office requesting that permission be granted.

Finally, eight months after the original Motion was filed, Commissioner Scott denied the request, claiming that she did not have the authority to grant permission for an out of state deposition – a request that Superior Court Judges grant as a matter of course. In other words, after an eight-month delay where she did nothing, she ruled that a key witness – a former State employee – could not be deposed and could not be accessed to provide information critical to the Claimant's case.

Frustrated with this decision, a Motion for Reconsideration was filed, which was never acted on by the Commissioner. Fortunately, thereafter, the Attorney General's office agreed to circumvent the Claims Commissioner entirely, after the claim had been pending and sitting idle for four years, and stipulated that the case could proceed to the Superior Court, where the critical DCF witness has now been deposed. Had the Claims

Commissioner been allowed to handle the claim any longer, there is no telling how many years it would take her to adjudicate it or grant permission to sue.

The young victim, who was one-year-old at the time the abuse occurred and two-years-old at the time the claim was filed with the Claims Commissioner, is now 6-years-old. His lawsuit was not allowed to proceed to Court until four years after the Claim was filed and that was only because of the decision of the Attorney General's office. As indicated, the claim lingered and Motions were ignored by the Claims Commissioner.

As a result of this, I write to voice my objection and that of my clients to the reappointment of Attorney Scott as Claims Commissioner for another term.

Thank you for your consideration.

Kelly E. Reardon, Esq.
The Reardon Law Firm, P.C.