

**COMPLEX LITIGATION DOCKET
SAINT FRANCIS HOSPITAL LITIGATION**

DOCKET NO.: STF-CV-08-5008551-S : SUPERIOR COURT
TIM DOE #1 : COMPLEX LITIGATION DOCKET
VS. : AT WATERBURY
SAINT FRANCIS HOSPITAL AND
MEDICAL CENTER : MAY 19, 2011

MOTION FOR SANCTIONS

Pursuant to Connecticut General Statutes Section 51-84, and pursuant to the inherent power of the Court, the plaintiff in the above captioned matter respectfully requests that the Court enter sanctions against the defendant Saint Francis Hospital in the form of an Order disqualifying its counsel, Day Pitney LLP, from continuing to represent it in this matter.

The plaintiff seeks this relief from the Court in light of the defendant's counsel intentionally violating the Order of this Court protecting the anonymity of the plaintiff and the plaintiff's fear that the defendant will continue to so violate that Court Order.

This action was commenced on March 24, 2008 when the plaintiff filed an Ex Parte Application for permission to use a pseudonym in prosecuting this action. That application was

- granted by the Court Cremins, J. on March 24, 2008 (See Entry No.: 101.00). The request to use pseudonym status until further order of the court was then granted by the Court on June 2, 2008 (see Entry No.: 102.00).

The plaintiff is self-employed as an Insurance Broker. Although he is self-employed, he sells insurance products for only one insurance company here in Connecticut. His entire livelihood is derived from selling product for that company. He has had a long history with that company and has developed many relationships with people who work for that insurer. He deals with the people from that insurer on a daily basis. He cares about them and he cares about what they think of him. One of the reasons why he filed the application to prosecute this action by pseudonym is because he does not want the people he works with on a daily basis to know that he was a victim of childhood sexual abuse.

By motion dated February 18, 2011, the defendant sought an authorization from the plaintiff to obtain his tax and employment records for the years 1985 through the present. By date of February 28, 2001, the plaintiff objected to that motion. The dispute was argued orally to the Court, specifically to Special Master James Robertson, on March 3rd and March 5, 2011. Following argument, Special Master Robertson, issued a decision dated March 5, 2011 which is

attached hereto as Exhibit A. Special Master Robertson writes at page 5 of his decision that “(i) n the absence of such employee records, the defendant has considered issuing a subpoena compelling the deposition of plaintiff’s co-workers. Counsel for both plaintiff and defendant, however, are sensitive to the concern that such a subpoena would undermine the anonymity with which the plaintiff has prosecuted this litigation.”

The defendant’s awareness of the problems with issuing a subpoena for Mr. Christy is highlighted in an e-mail communication from Attorney Mattei to the Special Master on March 5, 2011. A copy of that e-mail communication is attached (Exhibit B), although the name of the plaintiff has been redacted. The attachment to that e-mail is also being submitted as part of Exhibit B, with a redaction. In the E-mail communication to the Special Master Mr. Mattei represents that the motion “doesn’t include a subpoena. However, I am sure that I can work with Doug to do as much as possible to avoid Mr. Christy knowing about the underlying litigation.”

In its Memorandum of Decision dated March 5, 2011 (Exhibit A) the Court ordered the plaintiff to produce certain tax returns to the defendant which the plaintiff did.¹ The Court went on to sustain the plaintiff’s objection to the production of employment records.

¹ In the Court’s decision dated March 5, 2011 there is a typographical error in that it refers to the plaintiff Tim Roe. The Court’s order is actually discussing the plaintiff Tim Doe.

The Special Master went on to order that “(w) ith respect to the defendant’s deposition of plaintiff’s co-worker(s), counsel are to continue to work cooperatively in an effort to arrange the deposition of at least one co-worker without the necessity of a subpoena and, in the conduct of that deposition, to take all reasonable precautions to avoid references to the underlying litigation. This order is without prejudice to the rights of both parties to seek affirmative relief if this cooperative effort is not successful.”

After the Special Master issued his order, Attorney Mattei indicated that Attorney Burke of his office would be contacting the plaintiff to arrange the deposition of Mr. Christy. The plaintiff heard nothing from Attorney Burke. Presumably, that is because of the ongoing John Doe #2 trial.

At a Trial Management Conference before this Court, Shaban, J., on May 9, 2011, Attorney Mattei once again raised the issue of taking the deposition of Mr. Christy as well as the deposition of the plaintiff’s sister. The plaintiff indicated that he would work with Mr. Mattei with regard to scheduling those depositions. However, Attorney Mattei failed to advise the Court at that Trial Management Conference that he had no intention whatsoever of producing for a

- deposition Dr. Thomas Godar. A Notice of Deposition had been issued for Dr. Godar by date of May 4, 2011 by plaintiff's liaison counsel. A Notice of Deposition for Dr. Godar for the same date and time was issued on May 10, 2011 in the Tim Doe matter.

On May 11, 2011 the defendant filed its Motion for Protective Order seeking to stop the deposition of Dr. Godar (see Entry No. 196.00). One of the reasons for filing the Motion for Protective Order was that the defendant argued that it could not defend the deposition in light of the upcoming jury selection due to time constraints and lack of resources.

It is obviously unfair that St. Francis will not produce its witnesses for depositions, but seek to take the depositions of the plaintiff's family and colleagues. The plaintiff thereafter filed his own Motion of Protective Order on May 13, 2011 (see Entry No.: 198.00). That Motion for Protective Order sought an order from the Court precluding the defendant from taking any further depositions in this matter. To date that motion has not been ruled upon by the Court.

Although the plaintiff had filed his Motion for Protective Order earlier in the day on May 13, 2011 the defendant issued a Notice of Deposition anyway of Mr. Christy. The Notice of Deposition is attached hereto as Exhibit C with the name of the insurance company for which

- Mr. Christy works having been redacted. The Notice of Deposition for Mr. Christy that was provided to plaintiff's counsel does not include a subpoena, nor does it indicate anywhere that a subpoena was in fact issued. The Notice of Deposition is also the first time the defendant had raised the issue of Mr. Christy producing documents. The Notice indicates he is to produce "any and all documents regarding Tim Doe #1 included but not limited to employment records, notes, memoranda, correspondence, evaluations and recommendations." Such a document production request was never discussed before the issuance of that Notice of Deposition and in fact would appear to be contrary to the order of the Special Master that employment records for Mr. Doe need not be produced.

Although the plaintiff had previously filed a Motion for Protective (see Entry No.: 198.00) requesting that the defendant not be allowed to take any further depositions, out of an abundance of caution, two business days after the notice was issued, the plaintiff filed a Motion for Protective Order (see Entry No.: 199.00) objecting specifically to the deposition of Mr. Christy and the production request attached thereto.

• Subsequent to the filing of that Motion for Protective Order, Tim Doe contacted the undersigned indicating that he had just received a phone call from Mr. Christy. Mr. Christy indicated that he had just received a phone call from management of the insurer, inquiring what the nature of the litigation was involving Mr. Doe. Further, Management had indicated to Mr. Christy that a subpoena had been served upon Mr. Christy at the Connecticut offices of the insurance company and had been served upon a Human Resource's person.

The undersigned immediately contacted Attorney Mattei of Day Pitney and inquired what this was about. Mr. Mattei had three different responses. First, Mr. Mattei denied knowing anything about the Notice of Deposition or subpoena. He indicated that he would have to call back plaintiff's counsel after doing some investigation.

Mr. Mattei then called back and indicated that a subpoena had been issued and he had in fact been the one to sign it. Although a copy of the subpoena was not provided to plaintiff's counsel, the notice of deposition was, albeit after the plaintiff's Motion for Protective Order had been filed. Mr. Mattei indicated that he had spoken to the Marshal who had received the subpoena and the Marshal indicated that he had served the subpoena on a human resources person at the insurance company as Mr. Christy was not available. Mr. Mattei also told

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- plaintiff's counsel for the first time that the subpoena actually used the real name of the plaintiff. The subpoena sought production of the plaintiff's employment records with the insurance company.

Mr. Mattei insisted that nothing wrong had been done. At first Mr. Mattei pointed out that he had issued earlier subpoenae for medical providers for the plaintiff seeking medical records and used the plaintiff's actual name. Plaintiff's counsel advised him that those depositions were agreed to by both sides. Further, the plaintiff had no concern with those depositions going forward as the plaintiff had advised those medical providers that he had in fact been sexually abused by Dr. Reardon as a child so there was nothing for him to protect. The deposition of the plaintiff's medical doctor went forward without any objection.

Mr. Mattei then argued that it was appropriate to disclose the plaintiff's actual name because plaintiff's liaison counsel, Mr. Kenny, had agreed on behalf of all plaintiffs that Mr. Mattei could issue a subpoena for a plaintiff's employment records using the plaintiff's actual name. Nobody acting on behalf of Tim Doe was ever involved in any such discussions. That being said, Mr. Mattei argued that Mr. Kenny had bound the plaintiff as plaintiff's liaison

• counsel to that procedure and that there was nothing wrong with having issued the subpoena using the plaintiff's actual name.

Mr. Kenny denies ever making such an agreement. Mr. Kenny's denial of ever making such an agreement is supported by Special Master Robertson's decision dated March 5, 2011 where Mr. Robertson reports that Mr. Mattei is aware of the hazards of issuing such a subpoena. In fact, the Special Master orders that the deposition go forward "without the necessity of a subpoena". The plaintiff respectfully submits the defendant has intentionally and clearly violated that court order.

This matter is further complicated by the fact that St. Francis Hospital never provided the plaintiff with a copy of the subpoena, never indicated that there was a subpoena, and never disclosed to the plaintiff the specific production language set forth in the subpoena. By intentionally not providing that information to the plaintiff, the plaintiff had no opportunity to take any steps with this Court to prevent the disclosure of his actual name to the insurance company. Although a party issuing a Notice of Deposition for a witness where the witness is served with a subpoena does not actually have to provide a copy of the subpoena, the party does have to indicate in the Notice of Deposition that there was a subpoena and the documents sought

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- to be produced by the subpoena. See Practice Book section 13-27(a). There is no question that the defendant never provided the plaintiff with the subpoena. There is also no question from a review of the Notice of Deposition (Exhibit C) that the defendant never indicated anywhere to the plaintiff that his actual name appeared in the subpoena. The defendant intentionally did not comply with Practice Book section 13-27(a) by not disclosing to the plaintiff that his actual name was being used.

The defendant was fully aware of the concern of not only the Court but of the parties about the defendant obtaining copies of employment records. A review of the Special Master's decision dated March 5, 2011 reveals that the Court addressed that exact issue in the case of John Doe #2. As to John Doe #2 St. Francis Hospital was seeking an order from the Court allowing it to have access to various employment records of the plaintiff. The Court noted at page 3 of its decision, "John Doe #2 has proceeded anonymously thus far in this case, and he is reasonably concerned that a subpoena bearing this case's caption might reasonably inform his employer that he claims to be the subject of sexual abuse. Counsel for the defendant Hospital was sensitive to this concern and offered their cooperation for an alternative procedure that would lessen this risk of disclosure". In order to reduce the risk of that disclosure to the employer, the Court ordered that the Special Master himself would write to the plaintiff's employer in order to receive the

- employment records. That way the employer would not be alerted to the nature of the request and the plaintiff's anonymity would be protected.

The defendant Saint Francis Hospital was fully aware that as of March 5, 2001 Mr. Robertson had established the procedure preferred by the Court for production of any employment records of the plaintiff. The defendant Saint Francis Hospital was fully aware that to issue a subpoena may result in the disclosure of the plaintiff's identity.

These actions by Saint Francis Hospital were intentional. Throughout the John Doe #2 trial, there were examples where both sides, by mistake, made reference to the plaintiff's actual name. That was not intentional by anyone and unfortunately cannot be avoided. However, this situation is different. Here, St. Francis Hospital intentionally disclosed the plaintiff's name to people with whom he works. Counsel for the defendant Hospital has refused to apologize for the action. Further, counsel for the defendant Hospital has taken the position that it acted appropriately in disclosing the plaintiff's name. The plaintiff is reasonably concerned that St. Francis Hospital will disclose his name to others again.

In Thalheim vs. Greenwich, 256 Conn. 628, 653-657 (2001) the Court discussed its inherent authority to regulate the conduct of attorneys and the duty of the court to enforce the standards of conduct regarding attorneys. Thalheim at 653. In order to discipline an attorney for misconduct the Court need not make a finding of bad faith. Thalheim at 654, n.19. Although an award of Attorney's fees generally requires bad faith, an order of sanctions against an attorney under Connecticut General Statute section 51-84 mandates no such finding. Id.

Typically an award of monetary sanctions is used by the courts when taxing sanctions. Here, however, where the violation of the rule is so recent it is impossible to know what would be fair as a monetary sanction. That amount may have to be determined at a later date. As of now the plaintiff does not know the extent of the disclosure of the information amongst the various employees of the insurer with which he works on a daily basis. He does not know the effect it will have on his relationship with those workers. He does not know if they will perceive him any differently now that they may know that he has been a victim of childhood sexual abuse.²

² In this case there are actual photographs of the plaintiff being sexually abused so there is no question that the abuse occurred.

• Saint Francis Hospital maintains that it was somehow justified in violating the Court's order for protecting the plaintiff's anonymity, and, therefore, there is a risk that it will do so again. Such tactics not only damage the plaintiff but also intimidate him and other victims of sexual abuse from coming forward knowing that there is a risk that St. Francis Hospital may intentionally disclose to third parties the victim's true identity. Such tactics by St. Francis Hospital will have a tremendous chilling effect not only on the other plaintiffs in the Saint Francis Hospital litigation but will intimidate other victims of childhood sexual abuse as well. Such an intentional violation of a Court order cannot be tolerated.

Wherefore, the plaintiff submits that the only remedy available to prevent further disclosure of his actual name is to disqualify Day Pitney from continuing to represent Saint Francis Hospital and to admonish its new counsel never to disclose the actual names of the victims of Dr. Reardon. "As noted previously, 'it is an inherent power of the court to discipline members of the bar, and to provide for the imposition of reasonable sanctions to compel the observance of its rules.'" (Internal quotation marks omitted.) Gionfrido v. Wharf Realty, Inc., 193 Conn. 28, 33 (1984). A court disciplining an attorney does so not to punish the attorney, but rather to safeguard the administration of justice and to protect the public from the misconduct or unfitness of those who are members of the legal profession. In re Durant, 80 Conn. 140, 147, 67

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- A. 497 (1907).” Statewide Grievance Committee v. Fountain, 56 Conn. App. 375, 378, 743 A.2d 647 (2000); see also in re Dodson, 214 Conn. 344, 354, 572 A. 2d 328, cert. denied, 498 U.S. 896, 111 S. Ct. 247, 112 L. Ed. 2d 205 (1990) (“the trial judge has the duty to deter and correct misconduct of attorneys with respect to their obligations as officers of the court to support the authority of the court and enable the trial to proceed with dignity”).

With these principles in mind, we previously have determined that “appropriate sanctions include, but are not limited to fining the attorney in accordance with [§] 51-84 ...” (Emphasis added; internal quotation marks omitted.) Gionfrido v. Wharf Realty, Inc., supra, 193 Conn. 34. Indeed, “[a] court is free to determine in each case, as may seem best in light of the entire record before it, whether a sanction is appropriate and, if so, *what the sanction should be*. Statewide Grievance Committee v. Shluger, 230 Conn. 668, 678-79, 646 A.2d 781 (1994).” (Emphasis added.) Statewide Grievance Committee v. Fountain, supra, 56 Conn. App. 378; see also In re Peck, supra 88 Conn. 457 (“The power of the courts is left unfettered to act as situations, as they may arise, may seem to require, for efficient discipline of misconduct.... Such statutes as ours are not restrictive of the inherent powers which reside in courts to inquire into the conduct of their own officers and to discipline them for misconduct.”). Thalheim at 656.

• Wherefore, the plaintiff requests an order of the Court disqualifying Day Pitney from continuing to represent Saint Francis Hospital in this matter.

THE PLAINTIFF,

BY 

Douglas P. Mahoney
Tremont & Sheldon

ORDER

The foregoing Motion is hereby GRANTED / DENIED.

BY _____
Judge / Clerk

CERTIFICATION

This is to certify that a copy of the foregoing has been mailed, postage pre-paid, to:

Michelle Courchaine - MCourchaine@kou-law.com

Richard J. Kenny - rkenny@kou-law.com

Paul D. Williams - pdwilliams@daypitney.com

James H. Rotondo - jhrotondo@daypitney.com

Ernest J. Mattei - ejmattei@daypitney.com

Michael P. Shea - mpshea@daypitney.com

Kathy Cohun - keohun@daypitney.com

Marcia Ortiz - mortiz@daypitney.com



Douglas P. Mahoney

EXHIBIT A

DOCKET NO. STF-CV-08-5008330S : SUPERIOR COURT
ROE, J., ET AL. : COMPLEX LITIGATION
DOCKET
V. :
AT WATERBURY
SAINT FRANCIS HOSPITAL AND
MEDICAL CENTER, ET AL. : MARCH 5, 2011

**MEMORANDUM OF DECISION RE DISCLOSURE
OF CERTAIN EMPLOYMENT AND TAX RECORDS**

RE: JOHN DOE #2:

By Request for Production dated January 11, 2011, the defendant sought the production of various tax and employment records, written authorizations to obtain such records, and descriptions of the positions Doe has held with his current employer.

By Objection dated February 8, 2011, the plaintiff objected to the production of such records on the grounds that he is not making any claim for lost earnings or lost earning capacity and that his employment records are protected against disclosure by §31-128(f).

By motion dated February 25, 2011, the defendant sought to compel the production of these records because they reflect Doe's level of functioning and his ability to carry on life's activities. Such records may therefore lead to the discovery of admissible evidence pertaining to Doe's claim that he "suffers from severe emotional injuries" and an "injury to his ability to carry on and enjoy life's activities." The defendant also asserted that §31-128(f) restricts the conditions under which an employer may

disclose an employee's records but has no bearing on what an employee may do with his own records.

This dispute was argued orally on March 3rd and March 5th, 2011.

A significant focus of these oral arguments was the applicability of the law cited in Judge Fitzsimmons' decision regarding the disclosure of tax records in Gattegno v. Pricewaterhousecoopers, LLP, 205 F.R.D. 70 (D. Conn. 2001), and Judge Woods' recent decision with respect to employment records in Dotson v. Hartford Roman Catholic Diocesan Corp., cv 10 601274S (February 17, 2011), and in particular Judge Woods' summary of the law as follows:

The disclosure of information contained in a personnel file must be carefully tailored to a legitimate and demonstrated need for such information in any given case. Where disclosure of the personnel file would place in the hands of a party irrelevant or personal and sensitive information concerning ...another, the entire file should not be disclosed. No party has the right to conduct a general fishing expedition into the personnel records of another...Because discovery of matters contained in a ...personnel file involves careful discrimination between material that relates to the issues involved and that which is irrelevant to those issues, the judicial authority should exercise its discretion in determining what matters should be disclosed...Because the law furnishes no precise or universal test of relevancy, the question must be determined on a case by case basis according to the teachings of reason and judicial experience. The trial court should make available to the party only information it concludes is clearly relevant and material to the issue involved...In camera review by the court reasonably satisfies the plaintiff's need for information necessary to establish his case while respecting a civil defendant's limited expectation of privacy in his personnel files...(Citations omitted; internal quotation marks omitted.)

Another significant issue addressed during these arguments was the sensitivity of this plaintiff to subpoenas being served upon his employer bearing the caption of this case. John Doe #2 has proceeded anonymously thus far in this case, and he is reasonably concerned that a subpoena bearing this case's caption might reasonably inform his employer that he claims to be the subject of sexual abuse. Counsel for the defendant hospital were sensitive to this concern and offered their cooperation for an alternative procedure that would lessen this risk of disclosure.

RULING AND ORDER:

With respect to the motion to compel access to employment records, the motion is granted, subject to the following conditions and restrictions:

- 1) Counsel for the plaintiff John Doe #2 and counsel for the defendant have agreed upon the form of a document which will, when signed by the plaintiff, authorize the plaintiff's employer to send to the undersigned a complete copy of plaintiff's current employment file. Upon receipt of this signed authorization, the undersigned will send it to the plaintiff's employer.
- 2) In view of the imminence of the trial of John Doe #2's claims, counsel will assist in assuring that the proper recipient of the authorization is clearly identified, and the undersigned will take all reasonable steps to expedite the production of these documents. The undersigned will advise counsel if no documents have been produced within ten days of mailing the authorization.

- 3) Upon receipt of the employment file, the undersigned will send a copy of the entire file to counsel for the plaintiff. Upon examination of the employment file *in camera*, the undersigned will inform counsel of the proposed manner of its distribution, which will be either (a) selecting and distributing to counsel those portions of the file that are likely to be found admissible or that may reasonably lead to admissible evidence; or (b) permitting defendant's counsel to examine the entire file, without copying or custody, and permitting argument over distribution of particular components of the file.
- 4) In Request for Production #7, the defendant sought the job description for each position that the plaintiff has held at his current employer. If the job descriptions are not included in the employment file described above, the plaintiff shall obtain such job descriptions from his own records or from his employer and produce those to the defendant.

With respect to the motion to compel production of tax records, the motion is denied. Information in the tax records would be either duplicative of information contained in the employment records or not reasonably likely to lead to admissible evidence.

RE: TIM ROE

By Request dated February 18, 2011, the defendant sought copies of and authorizations to obtain the plaintiff's tax and employment records for the years 1985 to the present.

By Objection dated February 28, 2011, plaintiff objected to this discovery request asserting that because the plaintiff was not claiming any lost wages or diminished earning capacity, his employment and tax records were not reasonably calculated to lead to the discovery of admissible evidence and were therefore beyond the scope of proper discovery.

This dispute was argued orally on March 3rd and March 5th, 2011.

The defendant argued that on November 1, 2010, during the second session of the deposition of plaintiff's expert, the witness testified that in his opinion the plaintiff had suffered a 25% permanent disability as a result of the abuse by Dr. Reardon and that this disability would be manifest at the plaintiff's workplace. The plaintiff submitted pages from the deposition of the plaintiff in which he affirmed that he is not claiming in this lawsuit any lost wages or diminished earning capacity. According to the plaintiff, since there was no such claim, there can be no reasonable basis for the production of the tax and employment records.

This discovery dispute is complicated by the fact that the plaintiff has for many years been self-employed (although working in an office setting), and therefore does not have "employment records" in the traditional sense. In the absence of such employee records, the defendant has considered issuing a subpoena compelling the deposition of plaintiff's co-workers. Counsel for both plaintiff and defendant, however, are sensitive to the concern that such a subpoena would undermine the anonymity with which the plaintiff has prosecuted this litigation. This dispute is further complicated by the fact that

the plaintiff has been legally separated from his wife for many years, but many of the tax returns at issue had been filed jointly. The plaintiff did not want to disclose his ex-wife's tax returns to counsel for the defendant nor did he want to seek her consent.

Counsel for the plaintiff and the defendant have worked cooperatively in an effort to resolve this dispute.

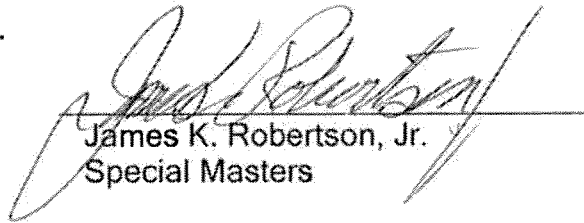
RULING AND ORDER:

The plaintiff's objection to the production of tax returns is overruled and his objection to the production of an authorization for the defendant to obtain those tax returns is sustained. The plaintiff shall obtain copies of his own tax returns for the years in question (1985 to present) and shall redact to the extent practicable from those records any references to his ex-wife's separate income and expenses. The redacted records shall then be produced to the defendant. Since the defendant will be obtaining in this manner the pertinent information about the plaintiff's earnings, there is no reasonable basis to compel the execution of an authorization.

The plaintiff's objection to the production of "employment records" is sustained based upon the representation of plaintiff's counsel that there are no evaluative employment records and that his records pertaining to plaintiff's earnings and the identity of his employers is otherwise being disclosed through the tax records.

With respect to the defendant's deposition of plaintiff's co-worker(s), counsel are to continue to work cooperatively in an effort to arrange the deposition of at least one co-worker without the necessity of a subpoena and, in the conduct of that deposition, to

take all reasonable precautions to avoid references to the underlying litigation. This order is without prejudice to the rights of both parties to seek affirmative relief if this cooperative effort is not successful.



James K. Robertson, Jr.
Special Masters

Post Office Box 1110
Warbury, CT 06721-1110
Telephone: 203-573-1290

Attorneys at Law
Juris No. 08512

Doug Mahoney

From: Mattei, Ernest J. [ejmattei@daypitney.com]
Sent: Saturday, March 05, 2011 1:50 PM
To: Mattei, Ernest J.; jrobertson@carmodylaw.com
Cc: Doug Mahoney
Subject: RE: Request for Permission to Notice deposition

Attachments: PDF FOR ERNIE.pdf



PDF FOR ERNIE.pdf
(45 KB)

Sorry guys. Here is the motion. Ernie

-----Original Message-----

From: Mattei, Ernest J.
Sent: Saturday, March 05, 2011 11:31 AM
To: 'jrobertson@carmodylaw.com'
Cc: Douglas Mahoney, Esq. (dmahoney@tremont-sheldon.com)
Subject: Request for Permission to Notice deposition

Jim and Doug: This is the pleading I propose to file regarding Mr. [REDACTED] immediate supervisor. It doesn't include a subpoena. However, I am sure that I can work with Doug to do as much as possible to avoid Mr. Christy knowing about the underlying litigation. Ernie

Ernest J. Mattei
Attorney at Law
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DOCKET NO. STF-CV-08-5008551-S : SUPERIOR COURT
TIM DOE :
 : COMPLEX LITIGATION DOCKET
V. :
 : AT WATERBURY
 :
SAINT FRANCIS HOSPITAL AND MEDICAL : FEBRUARY 25, 2011
CENTER, INC.

**MOTION FOR PERMISSION TO TAKE THE DEPOSITION
OF BILL CHRISTY**

Defendant Saint Francis Hospital and Medical Center, through its attorneys, requests permission to take the deposition of Bill Christy of as to Plaintiff Tim Doe #1, on Tuesday, March 15, 2011 at 10:00 a.m., at Day Pitney LLP, 242 Trumbull Street, Hartford, CT 06103. This request for permission is made because the deposition of Bill Christy will not be completed by February 28, 2011 in accordance with the Case Management Order.

For the foregoing reason, Saint Francis Hospital and Medical Center, Inc. respectfully requests that its Motion for Permission be granted.

DEFENDANT, SAINT FRANCIS HOSPITAL
AND MEDICAL CENTER

By: _____
Ernest J. Mattei
for Day Pitney LLP
242 Trumbull Street
Hartford, Connecticut 06103-1212
(860) 275-0100
Juris No. 14229
Its Attorneys

**ORAL ARGUMENT NOT REQUESTED
TESTIMONY NOT REQUIRED**

ORDER

The foregoing motion having been presented to the Court, it is hereby ORDERED:
GRANTED/DENIED.

BY THE COURT

JUDGE/Clerk

CERTIFICATION

This is to certify that a copy of the foregoing was e-mailed, this 25th day of February, 2011 to the following:

Richard J. Kenny, Esq.
Plaintiffs' Liaison Counsel
Kenny, O'Keefe & Usseglio, P.C.
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Douglas Mahoney, Esq
Tremont & Sheldon, P.C.
64 Lyon Terrace
Bridgeport, CT 06604
E-mail: dmahoney@tremont-sheldon.com

By _____
Ernest J. Mattei

EXHIBIT C

DOCKET NO. STF-CV-08-5008551-S : SUPERIOR COURT
TIM DOE :
 : COMPLEX LITIGATION DOCKET
V. :
 : AT WATERBURY
 :
SAINT FRANCIS HOSPITAL AND MEDICAL : MAY 13, 2011
CENTER, INC.

NOTICE OF DEPOSITION

TO: Bill Christy

PLEASE TAKE NOTICE that pursuant to Practice Book Section 13-26 *et seq.*, Defendants, St. Francis Hospital and Medical Center, through their attorneys, will take the deposition upon oral examination of Bill Christy of _____ as to Plaintiff Tim Doe #1, on Friday, May 27, 2011 at 10:00 a.m., at Day Pitney LLP, 242 Trumbull Street, Hartford, CT 06103, before a notary public or other person authorized to administer oaths. The deposition will be recorded stenographically and will continue from day-to-day until completed. You are invited to attend and cross-examine.

PLEASE TAKE FURTHER NOTICE that you are hereby requested to produce and permit the defendants to inspect and copy at the time of the deposition, or prior thereto, all of the following documents in your possession or custody or control:

1. Any and all documents regarding Tim Doe #1 including but not limited to employment records, notes, memoranda, correspondence, evaluations and recommendations.

DEFENDANT, SAINT FRANCIS HOSPITAL
AND MEDICAL CENTER

By: /s/ Ernest J. Mattei
Ernest J. Mattei
for Day Pitney LLP
242 Trumbull Street
Hartford, Connecticut 06103-1212
(860) 275-0100
Juris No. 14229
Its Attorneys

CERTIFICATION

This is to certify that a copy of the foregoing was e-mailed, this 13th day of May, 2011 to the following:

Richard J. Kenny, Esq.
Plaintiffs' Liaison Counsel
Kenny, O'Keefe & Usseglio, P.C.
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By /s/ Ernest J. Mattei