

DOCKET NO.: FST CF 15-5014808-S)	SUPERIOR COURT
)	
WILLIAM A. LOMAS,)	JUDICIAL DISTRICT OF
)	STAMFORD/NORWALK
Plaintiff,)	
)	AT STAMFORD
versus)	
)	
PARTNER WEALTH MANAGEMENT, LLC)	
KEVIN G. BURNS, JAMES PRATT-)	AUGUST 31, 2016
HEANEY, AND WILLIAM P. LOFTUS)	
)	
Defendants.)	

PLAINTIFF’S RESPONSES AND OBJECTIONS TO DEFENDANTS’ THIRD SET OF DOCUMENT REQUESTS TO PLAINTIFF

Pursuant to §§ 13-9 and 13-10 of the Connecticut Practice Book, Plaintiff William A. Lomas (“Lomas”), through his attorneys, hereby objects and/or responds to the Document Requests, dated, July 29, 2016 (the “Requests”), served by the defendants, Partner Wealth Management, LLC (“PWM”), Kevin G. Burns, James Pratt-Heaney and William Loftus (the “Individual Defendants” and, together with PWM, “the Defendants”). In addition to his general objections, Lomas specifically objects to Document Requests No. 4, 16, 17, 18, and 19.

Lomas reserves the right to amend and/or supplement his objections/responses to these Requests consistent with further investigation and discovery.

GENERAL OBJECTIONS

1. Lomas objects to these Requests (including the “Definitions” and “Instructions”) to the extent that they purport to impose any obligation beyond that required by the Connecticut Practice Book.

2. Lomas objects to each Request to the extent that it seeks information or documents protected from disclosure by the attorney-client privilege, work product doctrine, marital privilege, or any other rule of privilege or confidentiality provided by law.

3. Lomas objects to each Request to the extent that it seeks the identification or production of “all” information or documents, or the like, on grounds that such a Request is unduly burdensome and overly broad.

4. Lomas objects to each Request to the extent it seeks documents that are as readily available to the Defendants and/or can be obtained by the Defendants with less burden and expense than they can be obtained by Lomas.

5. Lomas objects to each Request to the extent that it seeks information neither relevant to the subject matter of this lawsuit, nor reasonably calculated to lead to the discovery of admissible evidence pursuant to Practice Book § 13-2 and the Code of Evidence § 4-8(a).

6. Lomas objects to each Request insofar as: (a) it seeks information or documents that are unreasonably cumulative or duplicative, or that may be obtained from some other source that is more convenient, less burdensome, or less expensive; and/or (b) compliance would be unduly burdensome or excessively costly.

7. To the extent that Lomas responds to these Requests, such responses should not be construed as a representation or admission that the information provided in the response is relevant or admissible at trial.

8. Lomas objects to the extent that any Request implies the existence of facts or circumstances not of record or that do not exist, and to the extent that any Request assumes a legal conclusion. By responding, Lomas does not admit any factual or legal assumptions contained in any Request.

9. Lomas objects to Instruction Nos. 19 and 20 to the extent they require Lomas to include information on any privilege log or to provide any other information that goes beyond the obligations of a party responding to discovery requests under the Connecticut Practice Book. Lomas has produced a privilege log consistent with his obligations under the Connecticut Practice Book.

10. In responding to these Requests, Lomas does not waive the foregoing general objections, nor does he waive the specific objections that are set forth in the responses to the individual Requests below. By providing information or documents in response to the Requests, Lomas does not concede that the information or documents are reasonably calculated to lead to the discovery of admissible evidence. Lomas expressly reserves the right to object to further discovery into the subject matter of these Requests, to object to the introduction into evidence of any portion thereof, and to supplement or amend his responses.

12. Lomas incorporates by reference the foregoing general objections into each response set forth below.

DOCUMENT REQUESTS

REQUEST NO. 1

All documents, including hand written notes, and communications relating to or concerning the division of the equity or the structure of the equity of PWM.

OBJECTION:

Lomas incorporates his General Objections set forth above as though fully set forth herein. In particular, Lomas objects to this Request to the extent it is vague, overly broad, unduly burdensome and to the extent the documents responsive to this Request are already in the possession of the Defendants. Lomas objects to this Request to the extent it seeks information protected from disclosure by the attorney-client privilege, work product doctrine, marital privilege, or any other applicable privilege or doctrine. The inadvertent disclosure of any information covered by such protects shall not be deemed a waiver thereof.

RESPONSE:

Subject to and without waiving any of his objections, Plaintiff responds as follows: Plaintiff has produced all relevant, non-privileged documents within his possession or control, to the extent any exist.

REQUEST NO. 2:

All documents, including hand written notes, and communications relating to or concerning the valuation of PWM.

OBJECTION:

Lomas incorporates his General Objections set forth above as though fully set forth herein. In particular, Lomas objects to this Request to the extent it is vague, overly broad, unduly burdensome and to the extent the documents responsive to this Request are already in the possession of the Defendants. Lomas objects to this Request to the extent it seeks information

protected from disclosure by the attorney-client privilege, work product doctrine, marital privilege, or any other applicable privilege or doctrine. The inadvertent disclosure of any information covered by such protects shall not be deemed a waiver thereof.

RESPONSE:

Subject to and without waiving any of his objections, Plaintiff responds as follows: Plaintiff has produced all relevant, non-privileged documents within his possession or control, to the extent any exist.

REQUEST NO. 3:

All documents, including hand written notes, and communications relating to or concerning the 2009 PWM Agreement, including but not limited to all documents and communications concerning the drafting and negotiation of any provision, clause, or term in the 2009 PWM Agreement.

OBJECTION:

Lomas incorporates his General Objections set forth above as though fully set forth herein. In particular, Lomas objects to this Request to the extent it is vague, overly broad, unduly burdensome and to the extent the documents responsive to this Request are already in the possession of the Defendants. Lomas objects to this Request to the extent it seeks information protected from disclosure by the attorney-client privilege, work product doctrine, marital privilege, or any other applicable privilege or doctrine. The inadvertent disclosure of any information covered by such protects shall not be deemed a waiver thereof.

RESPONSE:

Subject to and without waiving any of his objections, Plaintiff responds as follows: Plaintiff has produced all relevant, non-privileged documents within his possession or control, to the extent any exist.

REQUEST NO. 4:

All photographs of Lomas between October 13, 2014 and February 28, 2015.

OBJECTION:

Lomas incorporates his General Objections set forth above as though fully set forth herein. In particular, Lomas objects to this Request to the extent it is vague, overly broad, unduly burdensome and to the extent the documents responsive to this Request are already in the possession of the Defendants. Lomas additionally objects to the extent this Request seeks documents that are not relevant to the claims or the parties at issue and not reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE:

Subject to his objections, Plaintiff responds as follows: Plaintiff will not produce documents responsive to this Request.

REQUEST NO. 5:

All documents, including handwritten notes, relating to or concerning any advice received from, or conversation or discussion with, the Hamburger Law Firm, LLC.

OBJECTION:

Lomas incorporates his General Objections set forth above as though fully set forth herein.

RESPONSE:

Subject to and without waiving any of his objections, Plaintiff responds as follows: Plaintiff does not have any documents in his possession, custody, or control that are responsive to this Request.

REQUEST NO. 6:

All documents, including handwritten notes, relating to or concerning any advice

received from, or conversation or discussion with, MarketCounsel.

OBJECTION:

Lomas incorporates his General Objections set forth above as though fully set forth herein.

RESPONSE:

Subject to and without waiving any of his objections, Plaintiff responds as follows: Plaintiff does not have any documents in his possession, custody, or control that are responsive to this Request.

REQUEST NO. 7:

All communications between You and the Hamburger Law Firm LLC.

OBJECTION:

Lomas incorporates his General Objections set forth above as though fully set forth herein.

RESPONSE:

Subject to and without waiving any of his objections, Plaintiff responds as follows: Plaintiff does not have any documents in his possession, custody, or control that are responsive to this Request.

REQUEST NO. 8:

All communications between You and MarketCounsel.

OBJECTION:

Lomas incorporates his General Objections set forth above as though fully set forth herein.

RESPONSE:

Subject to and without waiving any of his objections, Plaintiff responds as follows:

Plaintiff does not have any documents in his possession, custody, or control that are responsive to this Request.

REQUEST NO. 9:

All documents and communications concerning or relating to the determination to retain a company like or that would perform services similar to those provided by FA Insight, including but not limited to any communications with any competitor of FA Insight.

OBJECTION:

Lomas incorporates his General Objections set forth above as though fully set forth herein.

RESPONSE:

Subject to and without waiving any of his objections, Plaintiff responds as follows: Plaintiff does not have any documents in his possession, custody, or control that are responsive to this Request.

REQUEST NO. 10:

All documents and communications relating to the negotiation or execution of the Management Agreement.

OBJECTION:

Lomas incorporates his General Objections set forth above as though fully set forth herein. In particular, Lomas objects to this Request to the extent it is vague, overly broad, unduly burdensome and to the extent the documents responsive to this Request are already in the possession of the Defendants. Lomas objects to this Request to the extent it seeks information protected from disclosure by the attorney-client privilege, work product doctrine, marital privilege, or any other applicable privilege or doctrine. The inadvertent disclosure of any information covered by such protects shall not be deemed a waiver thereof.

RESPONSE:

Subject to and without waiving any of his objections, Plaintiff responds as follows:
Plaintiff has produced all relevant, non-privileged documents within his possession or control, to the extent any exist.

REQUEST NO. 11:

All documents and communications concerning or relating to the APA.

OBJECTION:

Lomas incorporates his General Objections set forth above as though fully set forth herein. In particular, Lomas objects to this Request to the extent it is vague, overly broad, unduly burdensome and to the extent the documents responsive to this Request are already in the possession of the Defendants. Lomas objects to this Request to the extent it seeks information protected from disclosure by the attorney-client privilege, work product doctrine, marital privilege, or any other applicable privilege or doctrine. The inadvertent disclosure of any information covered by such protects shall not be deemed a waiver thereof.

RESPONSE:

Subject to and without waiving any of his objections, Plaintiff responds as follows:
Plaintiff has produced all relevant, non-privileged documents within his possession or control, to the extent any exist.

REQUEST NO. 12:

All documents and communications concerning or relating to the formation of LLBH Group.

OBJECTION:

Lomas incorporates his General Objections set forth above as though fully set forth herein. In particular, Lomas objects to this Request to the extent it is vague, overly broad,

unduly burdensome and to the extent the documents responsive to this Request are already in the possession of the Defendants. Lomas objects to this Request to the extent it seeks information protected from disclosure by the attorney-client privilege, work product doctrine, marital privilege, or any other applicable privilege or doctrine. The inadvertent disclosure of any information covered by such protects shall not be deemed a waiver thereof.

RESPONSE:

Subject to and without waiving any of his objections, Plaintiff responds as follows: Plaintiff has produced all relevant, non-privileged documents within his possession or control, to the extent any exist.

REQUEST NO. 13:

All documents, including hand written notes, and communications concerning or relating to Your role at LLBH Group.

OBJECTION:

Lomas incorporates his General Objections set forth above as though fully set forth herein. In particular, Lomas objects to this Request to the extent it is vague, overly broad, unduly burdensome and to the extent the documents responsive to this Request are already in the possession of the Defendants. Lomas objects to this Request to the extent it seeks information protected from disclosure by the attorney-client privilege, work product doctrine, marital privilege, or any other applicable privilege or doctrine. The inadvertent disclosure of any information covered by such protects shall not be deemed a waiver thereof.

RESPONSE:

Subject to and without waiving any of his objections, Plaintiff responds as follows: Plaintiff has produced all relevant, non-privileged documents within his possession or control, to the extent any exist.

REQUEST NO. 14:

All documents, including hand written notes, and communications concerning or relating to Your role at LLBH.

OBJECTION:

Lomas incorporates his General Objections set forth above as though fully set forth herein. In particular, Lomas objects to this Request to the extent it is vague, overly broad, unduly burdensome and to the extent the documents responsive to this Request are already in the possession of the Defendants. Lomas objects to this Request to the extent it seeks information protected from disclosure by the attorney-client privilege, work product doctrine, marital privilege, or any other applicable privilege or doctrine. The inadvertent disclosure of any information covered by such protects shall not be deemed a waiver thereof.

RESPONSE:

Subject to and without waiving any of his objections, Plaintiff responds as follows: Plaintiff has produced all relevant, non-privileged documents within his possession or control, to the extent any exist.

REQUEST NO. 15:

All documents, including hand written notes, and communications concerning or relating to Your role at PWM.

OBJECTION:

Lomas incorporates his General Objections set forth above as though fully set forth herein. In particular, Lomas objects to this Request to the extent it is vague, overly broad, unduly burdensome and to the extent the documents responsive to this Request are already in the possession of the Defendants. Lomas objects to this Request to the extent it seeks information protected from disclosure by the attorney-client privilege, work product doctrine, marital

privilege, or any other applicable privilege or doctrine. The inadvertent disclosure of any information covered by such protects shall not be deemed a waiver thereof.

RESPONSE:

Subject to and without waiving any of his objections, Plaintiff responds as follows: Plaintiff has produced all relevant, non-privileged documents within his possession or control, to the extent any exist.

REQUEST NO. 16:

All documents, including hand written notes, and communications relating to your actual or expected compensation.

OBJECTION:

Lomas incorporates his General Objections set forth above as though fully set forth herein. In particular, Lomas objects to this Request to the extent it is vague, overly broad, unduly burdensome and to the extent the documents responsive to this Request are already in the possession of the Defendants. Lomas objects to this Request to the extent it seeks information protected from disclosure by the attorney-client privilege, work product doctrine, marital privilege, or any other applicable privilege or doctrine. The inadvertent disclosure of any information covered by such protects shall not be deemed a waiver thereof.

RESPONSE:

Subject to and without waiving any of his objections, Plaintiff responds as follows: Plaintiff does not understand what “relating to your actual or expected compensation” means as the term is vague, ambiguous, not related to a specific entity and not related to a specific time. Consequently, Plaintiff will not produce responsive documents.

REQUEST NO. 17:

All engagement letters or retainer agreements for any person, firm, or company identified in

response to Defendants' Third Set of Interrogatories to Plaintiff dated July 29, 2016.

OBJECTION:

Lomas incorporates his General Objections set forth above as though fully set forth herein. In particular, Lomas objects to this Request to the extent it is vague, overly broad, unduly burdensome and to the extent the documents responsive to this Request are already in the possession of the Defendants. Lomas objects to this Request to the extent it seeks information protected from disclosure by the attorney-client privilege, work product doctrine, marital privilege, or any other applicable privilege or doctrine. The inadvertent disclosure of any information covered by such protects shall not be deemed a waiver thereof.

RESPONSE:

Subject to and without waiving any of his objections, Plaintiff responds as follows: Plaintiff does not understand what "engagement letters or retainer agreements" this Request is related to as the Request is vague, ambiguous, not related to a specific entity, not related to a specific time, and not related to a specific Interrogatory previously served. Consequently, Plaintiff will not produce responsive documents.

REQUEST NO. 18:

All documents, including notes and memoranda, relating to or concerning any communication identified in response to Defendants' Third Set of Interrogatories to Plaintiff dated July 29, 2016.

OBJECTION:

Lomas incorporates his General Objections set forth above as though fully set forth herein. In particular, Lomas objects to this Request to the extent it is vague, overly broad, unduly burdensome and to the extent the documents responsive to this Request are already in the possession of the Defendants. Lomas objects to this Request to the extent it seeks information

protected from disclosure by the attorney-client privilege, work product doctrine, marital privilege, or any other applicable privilege or doctrine. The inadvertent disclosure of any information covered by such protects shall not be deemed a waiver thereof.

RESPONSE:

Subject to and without waiving any of his objections, Plaintiff responds as follows: Plaintiff does not understand what communications this Request is related to as the Request is vague, ambiguous, not related to a specific entity, not related to a specific time, and not related to a specific Interrogatory previously served. Consequently, Plaintiff will produce copies of any documents related to communications specifically identified in response to the Defendants' Third Set of Interrogatories, but will not otherwise produce any documents responsive to this Request.

REQUEST NO. 19:

For all communications identified in response to Defendants' Third Set of Interrogatories to Plaintiff dated July 29, 2016, produce any communication that was written or otherwise memorialized.

OBJECTION:

Lomas incorporates his General Objections set forth above as though fully set forth herein. In particular, Lomas objects to this Request to the extent it is vague, overly broad, unduly burdensome and to the extent the documents responsive to this Request are already in the possession of the Defendants. Lomas objects to this Request to the extent it seeks information protected from disclosure by the attorney-client privilege, work product doctrine, marital privilege, or any other applicable privilege or doctrine. The inadvertent disclosure of any information covered by such protects shall not be deemed a waiver thereof.

RESPONSE:

Subject to and without waiving any of his objections, Plaintiff responds as follows:
Plaintiff does not understand what communications this Request is related to as the Request is vague, ambiguous, not related to a specific entity, not related to a specific time, and not related to a specific Interrogatory previously served. Consequently, Plaintiff will produce copies of any communication specifically identified in response to the Defendants' Third Set of Interrogatories, but will not otherwise produce any documents responsive to this Request.

Dated: August 31, 2016

THE PLAINTIFF,
WILLIAM A. LOMAS

By: /s/ Thomas J. Rechen
Thomas J. Rechen
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CERTIFICATE OF SERVICE

This is to certify that on August 31, 2016, a copy of the foregoing was served by e-mail and first class mail, postage prepaid, to all counsel of record as follows:

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/s/Thomas J. Rechen
Thomas J. Rechen