

DOCKET NO.: FBT-CV15-6048078-S

: SUPERIOR COURT

JONATHAN SHAPIRO

: JUDICIAL DISTRICT OF
FAIRFIELD

PLAINTIFF

V.

: AT BRIDGEPORT

FRANK DELBOUNO, JR.
and CITY OF BRIDGEPORT

: SEPTEMBER 28, 2016

DEFENDANT

OBJECTION TO MOTION FOR PROTECTIVE ORDER

On September 15, 2016, the defendants, Frank Delbuono and the City of Bridgeport, filed a Motion for Protective Order, asking the Court to prohibit the plaintiff, Jonathan Shapiro, from taking the deposition of the defendants' disclosed expert, Dr. David Brown. The defendants' sparse Motion for Protective Order fails to mention many of the details of this situation, including the fact that they made a prejudicially late disclosure of Dr. Brown—almost two months after defendants' counsel told the Court and plaintiff's counsel that he would—and that plaintiff's counsel has offered alternate dates for the deposition without any response whatsoever from defendants' counsel. For the reasons set forth more fully below, the Court should deny the Motion for

Protective Order. Further, the Court should preclude Dr. Brown from testifying in the trial of this matter when defendants' counsel has refused either to provide a date for Dr. Brown's deposition or to disclose all the materials he relied on to form the basis of his opinion. Finally, the Court should sanction the defendants with an award of attorney's fees to the plaintiff for the time spent on this Objection. See Practice Book § 13-14(a).

On July 21, 2016—only a little over two months before the commencement of trial—the defendants disclosed Dr. Brown as their expert. On September 1, 2016, the plaintiff noticed his deposition for September 23, 2016. See Notice of Deposition, attached as Exhibit A. On September 2, 2016, the assistant for defendants' counsel sent an e-mail to plaintiff's counsel informing him that defendants' counsel was not available on September 23, 2016, and requested that plaintiff's counsel provide alternate dates for the deposition. See 9/2/16 e-mail, attached as Exhibit B. On the same day, plaintiff's counsel provided defendants' counsel with four alternate dates for the deposition. See e-mail chain dated September 2, 2016, attached as Exhibit C. In response to this e-mail, defendants' counsel replied simply, "People are out until 9/6. We will look at it then." See Exhibit C. As of September 8,

2016, plaintiff's counsel still had not heard from defendants' counsel regarding an alternate date for Dr. Brown's deposition and therefore issued a subpoena to Dr. Brown for his deposition on September 23, 2016. Defendants' counsel did not attempt to communicate with plaintiff's counsel after the subpoena was issued but instead filed this Motion for Protective Order on September 15, 2016.

The Court should not grant a protective order here, as the plaintiff is simply attempting to depose the defendants' expert before trial, which is scheduled to commence on October 6, 2016. Plaintiff's counsel has attempted to coordinate with defendants' counsel a mutually agreeable, alternative date for Dr. Brown's deposition, but defendants' counsel has refused to cooperate. There is simply no reason to grant a protective order here, as the plaintiff has every right to depose Dr. Brown prior to trial.

Further, in the e-mail to which the Notice of Deposition was attached, plaintiff's counsel made the following request per our Rules of Court: "In addition to the requests contained in the attached Schedule A, pursuant to Practice Book Section 13-4(b)(3) please produce to us ***no later than September 9, 2016*** all materials obtained, created and/or relied upon by Dr.

Brown in connection with his opinions in the case.” See Exhibit B.

Defendants’ counsel’s assistant responded: “The documents provided to Dr. Brown were all of your client’s medical records which you provided to our Office and a copy of the Complaint. These documents can be provided by Dr. Brown.” See Exhibit C, attached hereto. Plaintiff’s counsel responded by explaining that it is the *party’s* duty to provide the documents pursuant to the Practice Book requirements, and that the representation made by the defendants’ counsel’s assistant regarding what was provided to Dr. Brown does not constitute compliance with the Practice Book. See Exhibit C. Defendants’ counsel did not respond to this e-mail. As such, plaintiff’s counsel followed up on this request for the documents provided to Dr. Brown on September 14, 2016, which also was ignored by defendants’ counsel. See 9/14/16 e-mail, attached as Exhibit D.

Not only should the Motion for Protective Order be denied, but Dr. Brown should be precluded from testifying in this matter. “Our trial courts have the inherent authority to impose sanctions against an attorney and his client for a course of claimed dilatory, bad faith and harassing litigation conduct, even in the absence of a specific rule or order of the court that is claimed to have been

violated.” *Millbrook Owners Ass’n Inc. v. Hamilton Standard*, 257 Conn. 1, 9-11 (2001) (internal citations and quotations omitted.) However, “before imposing any such sanctions, the court must afford the sanctioned party or attorney a proper hearing on the... motion for sanctions.” *Maris v. McGrath*, 269 Conn. 834, 844 (2004).

“Practice Book § 13-14(a) provides that, in general terms, if a party fails to comply with certain discovery obligations, the court may, on motion, make such order as the ends of justice require, including entry of an order establishing as a fact the matters in question, prohibiting the entry into evidence of designated matters, entry of a default, nonsuit or dismissal, and an award of costs and attorney’s fees.”¹ *Millbrook Owners Ass’n Inc.*, supra, 257 Conn. at 10-11 (internal citations and quotations omitted).

Further, Practice Book § 13-4(b)(3) requires the party disclosing an expert witness, upon the request of an opposing party, to produce all materials obtained, created and/or relied upon by the expert in connection with his

¹ The *Millbrook* decision “held that as long as the sanctions were not inconsistent with the provisions of P.B. § 13-4(4) imposition of sanctions under PB § 13-14 and the court’s inherent powers were appropriate. Significantly the new sanction language in (h) uses the ‘proportional’ factor set forth in *Millbrook* and other cases applying P.B. §13-14.” Wesley Horton, *Connecticut Practice Series*, Connecticut Superior Court Civil Rules, Volume I (2014-2015 Edition) at 694; see also *Millbrook Owners Ass’n Inc.*, supra, 257 Conn at 11.

opinions in the case to the requesting party within fourteen days prior to that expert's deposition. Practice Book § 13-4(h) permits the court to impose sanctions upon a party for failure to comply with this requirement, including an order precluding the testimony of an expert witness if "(1) the sanction of preclusion, including any consequence thereof on the sanctioned party's ability to prosecute or to defend the case, is proportional to the noncompliance at issue, and (2) the noncompliance at issue cannot be adequately addressed by a less severe sanction or combination of the sanctions." P.B. § 13-4(h).

Moreover, these specific instances in which a trial court may impose sanctions are "provisions and powers [that] operate in conjunction, rather than in conflict with each other," and are not intended to displace the court's inherent power to impose sanctions. *Millbrook Owners Ass'n Inc.*, supra, 257 Conn. at 12-13 (internal citations and quotations omitted).

Precluding the testimony of the defendants' expert witness, Dr. Brown, is not only proportional to the defendants' willful violation of the expert disclosures rules and refusal to cooperate in obtaining a mutually agreeable date for Dr. Brown's deposition, it is the only sanction that can cure the undue prejudice to Mr. Shapiro from the defendants' lack of cooperation and

recalcitrant nondisclosure.

First, at the pretrial with the Court, *Bellis, J.*, and counsel on May 26, 2016, defendants' counsel stated for the first time that he had had a records review conducted by Dr. Brown. Defendants' counsel recited Dr. Brown's conclusions, promising the Court and counsel that he would disclose the expert and his report immediately. Plaintiff's counsel followed up repeatedly that day and over the following week to request the promised disclosure, when defendants' counsel finally claimed that he did not have any such report—directly contrary to his earlier representations to the Court and counsel. See e-mail chain from May 26, 2016 to June 1, 2016 attached as Exhibit E. Remarkably, it was not until *almost two months later*, on July 21, 2016, that the defendants finally disclosed Dr. Brown.

Second, after defendants' counsel reneged on his promise to mediate the case in late August, on September 1, 2016, the plaintiff attempted to notice Dr. Brown's deposition for September 23, 2016, and offered alternative dates when defendants' counsel informed plaintiff's counsel that he could not make that date work. See e-mail chain from August 19, 2016 to August 25, 2016, attached as Exhibit F. Instead of working with plaintiff's counsel to schedule

the deposition on a mutually agreeable date, defendants' counsel has failed to cooperate in any way to schedule this deposition. *Id.*

Third, the defendants have refused to provide the documents required by Practice Book § 13-4(b)(3) to be provided prior to the expert's deposition, stating instead that Dr. Brown could provide them at his deposition. Clearly, Mr. Shapiro is entitled to a fair exploration of what forms the basis of Dr. Brown's opinions, and the defendants' unseemly attempt to keep him in the dark until trial is a deliberate disregard for this Court's authority—not to mention a modicum of professional courtesy—that should not be countenanced. See *McVerry v. Charash*, 2004 WL 1730176 at *3 (Conn. Super. July 7, 2004) (*Alvord, J.*) (“[T]he sanction imposed must be proportional to the violation... In exercising such discretion the court must be mindful that our discovery rules are designed to facilitate trial proceedings and to make a trial less a game of blind-man's bluff and more a fair contest with the basic issues of fact disclosed to the fullest practical extent.”) (internal citations and quotations omitted); see also *Perez v. Mount Sinai Hospital*, 7 Conn. App. 514, 519 (1986); *United States v. Procter & Gamble*, 356 U.S. at 677, 682 (1958).

Finally, jury selection in this case is scheduled to commence on October

6, 2016, and any continuance of the trial as a sole result of the defendants' willful disregard of mandatory discovery obligations is fundamentally unfair to the plaintiff and is at odds with the underlying policy of this Court's constitutional authority. See *Nelson v. Dettmer*, 2009 WL 1874021 at *3 (Conn. Super. June 4, 2009)(*Berger, J.*) ("The Superior Court is empowered to adopt and promulgate rules regulating pleading, practice and procedure in judicial proceedings in courts in which they have the constitutional authority to make rules, for the purpose of... promoting the speedy and efficient determination of litigation upon its merits..."). Simply put, the defendants' improper attempt to continue trial through a willful disregard of obligations mandated by the Practice Book should not be countenanced. Indeed, not only does the plaintiff have a right to depose Dr. Brown, but he also has a right to obtain all materials obtained, created and/or relied upon by Dr. Brown in connection with his opinion. See Practice Book §§ 13-4(c) and 13-4(b)(3).

Accordingly, because trial is only weeks away and the plaintiff is unable to obtain a date to depose Dr. Brown and is still without any knowledge as to what forms the basis of Dr. Brown's opinions, precluding the testimony of Dr. Brown is the only sanction that can cure the undue prejudice that will be

suffered by Mr. Shapiro if the defendants are permitted to intentionally violate the expert disclosure rules set out in Practice Book § 13-4. Further, the Court should sanction the defendants with an award of attorney's fees to the plaintiff for the time spent by the plaintiff's counsel on this Objection. See Practice Book § 13-14(a).

WHEREFORE, for all the foregoing reasons and in the interest of justice, the plaintiff respectfully submits that this Court should preclude the defendants from calling Dr. Brown as an expert witness at trial.

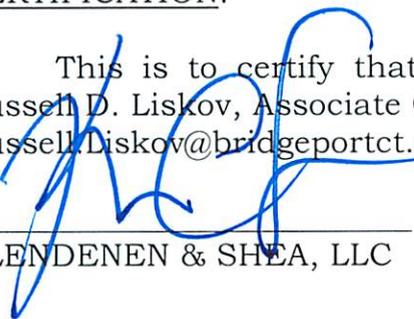
THE PLAINTIFF

BY 

Kevin C. Shea
Clendenen & Shea, LLC
400 Orange St.
New Haven, CT 06511
203/787-1183

CERTIFICATION:

This is to certify that a copy of the foregoing was sent via e-mail to Russell D. Liskov, Associate City Attorney, Office of the City Attorney at Russell.Liskov@bridgeportct.gov on this 28th day of September, 2016.



CLENDENEN & SHEA, LLC

EXHIBIT A

400 ORANGE STREET • NEW HAVEN, CT 06511 • (203) 787-1183 • JURIS NO. 09775

DOCKET NO.: FBT-CV15-6048078-S : SUPERIOR COURT
JONATHAN SHAPIRO : JUDICIAL DISTRICT OF
PLAINTIFF : FAIRFIELD
V. : AT BRIDGEPORT
FRANK DELBOUNO, JR. : SEPTEMBER 1, 2016
and CITY OF BRIDGEPORT
DEFENDANT

NOTICE OF DEPOSITION

PLEASE TAKE NOTICE that plaintiff, through counsel, will take the deposition of defendants' expert Dr. David B. Brown, pursuant to Section 13-26 et. seq. of the Connecticut Practice Book on Friday, September 23, 2016 at 10:00 a.m., at the offices of Ortho Care Specialists, 4747 Main Street, Bridgeport, CT 06606 before Bonita Cohen or other officer authorized by law to administer oaths, which deposition shall continue until completed.

PLEASE TAKE FURTHER NOTICE that the said deponent is instructed to produce at the time and place of his deposition any and all documents described in Schedule A attached.

You are invited to attend and cross-examine.

THE PLAINTIFF

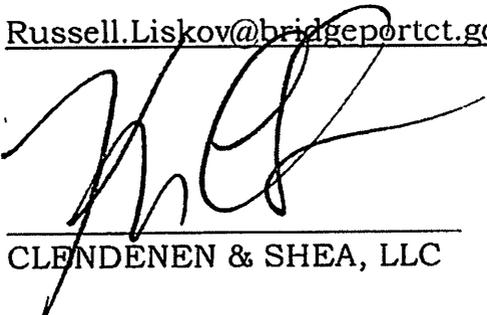
By: 

Keyin C. Shea
Clendenen & Shea, LLC
400 Orange Street
New Haven, Connecticut 06511
203/787-1183

CERTIFICATION:

This is to certify that a copy of the foregoing was sent, September 1, 2016, via e-mail to Russell D. Liskov, Associate City Attorney, Office of the City Attorney at:

Russell.Liskov@bridgeportct.gov


CLENDENEN & SHEA, LLC

SCHEDULE A

"Document" means the original and any non-original copy, regardless of origin or location, of any book, pamphlet, diary, calendar, periodical, letter, telegram, cable, telex, correspondence, report, record, study, notebook, note, handwritten note, contract, minutes, memorandum, notice, working paper, diary, chart, paper, graph, sketch, drawing, photograph, telephone record, microfilm, index, data sheet, data processing card, sound recording or any other written, recorded, transcribed, filmed or graphic material, and/or other data compilations from which information can be obtained, translated, if necessary, by the respondent through detection devices into reasonably usable form, however produced or reproduced, to which deponent has or has had access.

"Concerning" means relating to, referring to, describing, evidencing or constituting.

"You" or "Your" means David B. Brown, M.D., or any agents, assistants, employees, representatives, partners or any persons acting on behalf of David B. Brown, M.D..

1. A copy of your current professional resume and curriculum vitae;
2. A listing of all publications you have authored;
3. All publications, whether authored by you or not, on which you intend to rely in whole or in part for any of your opinions in this matter, or to which you have referred in connection with your work on this matter;
4. All time records, diaries and bills maintained, prepared, and/or rendered in connection with your retention in this matter and/or your investigation and evaluation of this case;
5. Any and all documents, records, reports, analyses, file materials, correspondence and any other pertinent information concerning your work on

the above-captioned matter, including all correspondence with the defendants or the defendants' counsel in connection with this matter and all agreements between you and the defendants or the defendants' counsel in connection with your work on this matter;

6. A listing of all court cases or arbitrations from January 2010 through the present in which you have served as an expert witness and/or consultant, whether or not you have testified at trial or during a deposition;

7. Your entire file regarding this matter, your investigation, evaluation, and opinions, including but not limited to, any and all documents, correspondence, records, research materials, the file itself, and any documents on which you base your opinions, including but not limited to the following:

(a) all documents and other tangible things furnished to you by the defendants, defendants' counsel, or any third person including specifically all correspondence, notes of conversations, memoranda, and the like;

(b) all documents obtained or created by you or any person acting on your behalf;

(c) all documents you reviewed, referred to, or relied upon in reaching any opinion or conclusion in this matter and a list of those materials, including but not limited to all treatises, books, articles, publications, codes, standards, and other literature;

(d) all documents you reviewed which are, in whole or in part, not consistent with the opinions or conclusions you arrived at in this matter and a list of those materials, including but not limited to all treatises, books, articles, publications, codes, standards, and other literature;

(e) all illustrations, charts, graphics, or other tangible things, exhibits or documents of any kind which you intend or contemplate using to explain, illustrate, or support your testimony in this matter, if you are called to testify.

8. Any and all work papers obtained or created by you concerning your expected testimony in this matter if you are called to testify.

9. All Form 1099 documents showing your income from January 2010 to the present time from (i) performing Independent Medical Examinations ("IMEs"); (ii) performing Medical Records Reviews ("MRRs"); (iii) testifying in Court; and (iv) testifying in depositions.

10. A document evidencing the number of times, from January 2010 to the present, that you have (i) testified in Court; and (ii) testified at depositions, including the names of the cases in which such testimony was given.

11. A list identifying (i) the number of IMEs performed by you at the request of the defendants from January 2010 to the present; and (ii) the number of MRRs performed by you at the request of the defendants from January 2010 to the present.

12. A list identifying the cases in which you have consulted with the defendants (including related entities such as its Office of the City Attorney) from January 2010 to the present.

13. All correspondence between you and any member of the Bridgeport Office of the City Attorney and/or the defendants regarding Jonathan Shapiro.

These Requests are intended to reach materials and things in your possession, care, custody, or control, and that of your agents, servants, and employees. They are also intended to reach materials, which you have provided to other individuals, including defendants' counsel, not presently in your possession but subject to your control.

EXHIBIT B

From: Ranger, Kathleen [<mailto:Kathleen.Ranger@Bridgeportct.gov>]
Sent: Friday, September 02, 2016 8:32 AM
To: Kevin Shea
Subject: RE: Shapiro v. Delbuono

Attorney Shea:

Attorney Liskov is not available on September 23, 2016. He has four status conferences in Bridgeport Superior Court and a Hearing on a Motion to Dismiss. Can you provide other dates for this deposition?

Many thanks.

Kitty Ranger
Secretary to Russell D. Liskov

From: Kevin Shea [<mailto:kcs@clenlaw.com>]
Sent: Thursday, September 01, 2016 4:59 PM
To: Liskov, Russell
Cc: Ranger, Kathleen; Maura Mastrony; Beverley Ostrosky; Bill Clendenen
Subject: Shapiro v. Delbuono
Importance: High

Russell: Please find attached a notice for the deposition of your expert, Dr. Brown, on September 23, 2016.

In addition to the requests contained in the attached Schedule A, pursuant to Practice Book Section 13-4(b)(3) please produce to us ***no later than September 9, 2016*** all materials obtained, created and/or relied upon by Dr. Brown in connection with his opinions in the case.

If you wish to have the deposition at a location other than Dr. Brown's office as noticed, please advise.

Thank you.

Kevin

Kevin C. Shea, Esq.
Clendenen & Shea, LLC
400 Orange Street
New Haven, CT 06511
Telephone: 203-787-1183
Fax: 203-787-2847
Email: kcs@clenlaw.com

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EXHIBIT C

From: Kevin Shea
Sent: Friday, September 02, 2016 10:28 AM
To: 'Liskov, Russell'; Ranger, Kathleen
Cc: Maura Mastrony; Beverley Ostrosky; Bill Clendenen
Subject: RE: Shapiro v. Delbuono

We will hold the September 23rd date as noticed until a proximal one is provided. Thank you. Enjoy your long holiday. Kevin

Kevin C. Shea, Esq.
Clendenen & Shea, LLC
400 Orange Street
New Haven, CT 06511
Telephone: 203-787-1183
Fax: 203-787-2847
Email: kcs@clenlaw.com

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From: Liskov, Russell [mailto:Russell.Liskov@Bridgeportct.gov]
Sent: Friday, September 02, 2016 10:23 AM
To: Kevin Shea; Ranger, Kathleen
Cc: Maura Mastrony; Beverley Ostrosky; Bill Clendenen
Subject: RE: Shapiro v. Delbuono

People are out until 9/6. We will look at it then.

From: Kevin Shea [mailto:kcs@clenlaw.com]
Sent: Friday, September 02, 2016 10:13 AM
To: Ranger, Kathleen; Liskov, Russell
Cc: Maura Mastrony; Beverley Ostrosky; Bill Clendenen
Subject: RE: Shapiro v. Delbuono

Thank you for your replies.

Practice Book Section 13-4(b)(3) requires the *party* disclosing an expert witness to produce the materials directly to the other party upon request, and we will require that you do so here. It

is a matter of having a concise record of exactly what the documents are, and your representation below, although appreciated, does not comply. Please produce the materials as required.

As to your request for other deposition dates per your immediately preceding e-mail, I could do the afternoon of Thursday, September 22, or the 14th, 15th or 16th of September. Please advise asap so that we can secure the new date and release the one noticed.

Please note that we are trying to be reasonable given the time constraints, but this deposition needs to take priority even if another attorney from your office needs to cover it. We are attempting to minimize the prejudice caused by the exceedingly late disclosure of the expert and the questionable circumstances (i.e., almost two months following the pretrial at which Attorney Liskov recited the expert's conclusions to the court and counsel and incorrectly claimed that his report had already been disclosed), as well as the defendants' refusal to mediate or negotiate in good faith despite Attorney Liskov's representations to the contrary. We are trying to avoid moving to preclude the expert, but if we are unable to secure a proximal deposition date we will be constrained to do so, as well as to subpoena the expert. We would prefer not to waste any more of the court's or the parties' time and resources if possible.

We look forward to your reply and compliance.

Thank you.

Kevin

Kevin C. Shea, Esq.
Clendenen & Shea, LLC
400 Orange Street
New Haven, CT 06511
Telephone: 203-787-1183
Fax: 203-787-2847
Email: kcs@clenlaw.com

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From: Ranger, Kathleen [<mailto:Kathleen.Ranger@Bridgeportct.gov>]

Sent: Friday, September 02, 2016 8:39 AM

To: Kevin Shea

Subject: Shapiro v. Delbuono

Attorney Shea:

The documents provided to Dr. Brown were all of your client's medical records which you provided to our Office and a copy of the Complaint. These documents can be provided by Dr. Brown.

Thank you.

Kitty Ranger
Secretary to Russell D. Liskov
Office of the City Attorney

EXHIBIT D

From: Kevin Shea
Sent: Wednesday, September 14, 2016 11:37 AM
To: 'Liskov, Russell'
Cc: 'Ranger, Kathleen'; Maura Mastrony; Beverley Ostrosky; Bill Clendenen
Subject: RE: Shapiro v. Delbuono

Importance: High

Russell: We have yet to receive the materials that you were required to produce to us by last Friday, September 9, 2016, per the below and our deposition of Dr. Brown next Friday. Please advise ASAP so we take the appropriate action and advise the Court accordingly. Thank you. Kevin

Kevin C. Shea, Esq.
Clendenen & Shea, LLC
400 Orange Street
New Haven, CT 06511
Telephone: 203-787-1183
Fax: 203-787-2847
Email: kcs@clenlaw.com

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From: Kevin Shea
Sent: Thursday, September 01, 2016 4:59 PM
To: 'Liskov, Russell'
Cc: 'Ranger, Kathleen'; Maura Mastrony; Beverley Ostrosky; Bill Clendenen
Subject: Shapiro v. Delbuono
Importance: High

Russell: Please find attached a notice for the deposition of your expert, Dr. Brown, on September 23, 2016.

In addition to the requests contained in the attached Schedule A, pursuant to Practice Book Section 13-4(b)(3) please produce to us **no later than September 9, 2016** all materials obtained, created and/or relied upon by Dr. Brown in connection with his opinions in the case.

If you wish to have the deposition at a location other than Dr. Brown's office as noticed, please advise.

Thank you.

Kevin

Kevin C. Shea, Esq.
Clendenen & Shea, LLC
400 Orange Street
New Haven, CT 06511
Telephone: 203-787-1183
Fax: 203-787-2847
Email: kcs@clenlaw.com

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EXHIBIT E

From: Liskov, Russell [mailto:Russell.Liskov@Bridgeportct.gov]
Sent: Wednesday, June 01, 2016 11:57 AM
To: Kevin Shea
Cc: Pamela A. LeBlanc; Beverley Ostrosky; Bill Clendenen
Subject: RE: Shapiro v. Delbuono

Thought I had it. I was in error.

From: Kevin Shea [mailto:kcs@clenlaw.com]
Sent: Wednesday, June 01, 2016 11:43 AM
To: Liskov, Russell
Cc: Pamela A. LeBlanc; Beverley Ostrosky; Bill Clendenen
Subject: RE: Shapiro v. Delbuono

Thank you. I am sorry for the confusion, but when we were before Judge Bellis last week you referred to his records review report and stated that you thought it had been sent to me already; and you also spoke about the contents of his record review so it was obviously my understanding that you had already seen a report. Kevin

Kevin C. Shea, Esq.

Clendenen & Shea, LLC
400 Orange Street
New Haven, CT 06511
Telephone: 203-787-1183
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From: Liskov, Russell [<mailto:Russell.Liskov@Bridgeportct.gov>]
Sent: Wednesday, June 01, 2016 11:40 AM
To: Kevin Shea
Cc: Pamela A. LeBlanc; Beverley Ostrosky
Subject: RE: Shapiro v. Delbuono

It is being sent from Dr. Brown. When I receive it, it will be sent.

From: Kevin Shea [<mailto:kcs@clenlaw.com>]
Sent: Wednesday, June 01, 2016 11:39 AM
To: Liskov, Russell
Cc: Pamela A. LeBlanc; Beverley Ostrosky
Subject: RE: Shapiro v. Delbuono

Russell: Please advise on the status of the below. Thank you. Kevin

Kevin C. Shea, Esq.
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From: Kevin Shea
Sent: Thursday, May 26, 2016 4:26 PM
To: Liskov, Russell
Cc: Pamela A. LeBlanc; Beverley Ostrosky
Subject: Shapiro v. Delbuono

Russell: Hi. Please forward the records review report by Dr. Brown that you referred to today; and please file your disclosure of him as discussed so that we may review the same and proceed appropriately. Thank you. Kevin

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EXHIBIT F

From: Kevin Shea
Sent: Thursday, August 25, 2016 8:37 AM
To: 'Liskov, Russell'
Cc: Maura Mastrony; Beverley Ostrosky; Bill Clendenen
Subject: RE: Shapiro v. Bridgeport

Good morning Russell. Since you have confirmed that the City remains unprepared/unwilling to negotiate, we instead plan to move for an indefinite continuance (effectively a cancellation) of the pretrial scheduled for September 8th and will not proceed to mediation, so that we do not waste the court's time, our time or our client's time yet again. Do you consent to an indefinite continuance, and then we'll just keep the trial date? Please advise so that we may note the same in the motion. Thank you. Kevin

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From: Kevin Shea
Sent: Wednesday, August 24, 2016 10:44 AM
To: 'Liskov, Russell'
Cc: Maura Mastrony; Beverley Ostrosky; Bill Clendenen
Subject: RE: Shapiro v. Bridgeport

Thanks!

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From: Liskov, Russell [<mailto:Russell.Liskov@Bridgeportct.gov>]
Sent: Wednesday, August 24, 2016 10:44 AM
To: Kevin Shea
Cc: Maura Mastrony; Beverley Ostrosky; Bill Clendenen
Subject: RE: Shapiro v. Bridgeport

You will hear from me today. Almost there.

From: Kevin Shea [<mailto:kcs@clenlaw.com>]
Sent: Wednesday, August 24, 2016 10:43 AM
To: Liskov, Russell
Cc: Maura Mastrony; Beverley Ostrosky; Bill Clendenen
Subject: RE: Shapiro v. Bridgeport

<https://www.youtube.com/watch?v=VQFxmAdyKcg>

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From: Liskov, Russell [<mailto:Russell.Liskov@Bridgeportct.gov>]
Sent: Tuesday, August 23, 2016 10:17 AM

To: Kevin Shea
Cc: Maura Mastrony; Beverley Ostrosky; Bill Clendenen
Subject: RE: Shapiro v. Bridgeport

Depositions all day. I will respond as soon as I get a chance. I was away for a few days.

From: Kevin Shea [mailto:kcs@clenlaw.com]
Sent: Tuesday, August 23, 2016 9:01 AM
To: Liskov, Russell
Cc: Maura Mastrony; Beverley Ostrosky; Bill Clendenen
Subject: RE: Shapiro v. Bridgeport

Russell: Do you have a response to the below please? Thank you. Kevin

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From: Kevin Shea
Sent: Friday, August 19, 2016 4:06 PM
To: 'Liskov, Russell'
Cc: Maura Mastrony; Beverley Ostrosky; Bill Clendenen
Subject: Shapiro v. Bridgeport
Importance: High

Russell: Hi. As we discussed, we are preparing the form for the request for judicial mediation for this case. I know that you and I both agreed on Judge Kamp, but the form requires us to list at least three judges. In Bridgeport, Judge Mary Sommer is also available and we would agree to her. Otherwise, Judge Tyma is also available and close by in Milford, and we would also agree to him. Do you agree to those two in addition to Judge Kamp? If not, please provide other judges whom you would accept from the list of available mediators: <https://www.jud.ct.gov/external/super/MediatorList.pdf>. Also, we need to provide three dates on which parties and counsel are available. I know September 8th is one of the dates; can you please provide your other available or unavailable dates between 8/29 and 9/16 so that we can find two other mutually available dates and complete the form for filing? Thank you. Kevin

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