

DOCKET NO. LLI CV-15-6013124S : SUPERIOR COURT
RICHARD BLITZ, TRUSTEE OF THE
RICHARD BLITZ DEFINED BENEFIT
PENSION PLAN AND TRUST : J.D. OF LITCHFIELD
VS. : AT LITCHFIELD
GLEN LOVEJOY AND
KATHLEEN RIISKA-LOVEJOY : NOVEMBER 4, 2016

MOTION TO SEAL

Pursuant to Practice Book § 11-20A(c), Defendants respectfully request the Court seal Plaintiff's Exhibits in support of its Memorandum in Opposition to Motion for Summary Judgment (Docket No. 119.00).

During discovery, Defendants produced voluminous records relating to their son's medical treatment. Defendants purposefully and conspicuously redacted the records to delete reference to the medical history of any individual other than the decedent. *See* Privilege Logs, hereto. Despite these efforts, due to an obvious oversight, the records provided to Plaintiff's counsel contained a single reference to Defendants' medical history. Plaintiff's counsel intentionally referenced Defendants' mental health conditions in Plaintiff's Objection and included the unredacted records referencing such conditions in Exhibit 5.

Plaintiff's arguments regarding Defendants' mental health are irrelevant, offensive to the administration of justice and a direct violation of the Connecticut Rules of Professional Conduct.

C.R.P.C. 4.4 states:

(a) In representing a client, a lawyer shall not use means that have no substantial purpose other than to embarrass, delay, or burden a third person, or use methods of obtaining evidence that violate the legal rights of such a person.

(b) A lawyer who receives a document or electronically stored information relating to the representation of the lawyer's client and knows or reasonably should know that the document or electronically stored information was inadvertently sent shall promptly notify the sender.

Plaintiff has no justification for filing the records contained in Exhibit 5. Given that Defendants' Privilege Logs explicitly state that Defendants intended to redact all of their son's medical records containing family history, Plaintiff should have known that the information contained in Exhibit 5 was disclosed inadvertently. Plaintiff did not notify Defendants of the error as required by Rule 4.4(b). Instead, Plaintiff purposely included Exhibit 5 in its Memorandum of Law in order to embarrass Defendants, thereby violating Rule 4.4(a).

Practice Book § 11-20A(c) states, in pertinent part:

Upon written motion of any party . . . the judicial authority may order that files, affidavits, documents, or other materials on file or lodged with the court or in connection with a court proceeding be sealed or their disclosure limited only if the judicial authority concludes that such order is necessary to preserve an interest which is determined to override the public's interest in viewing such materials.

The public has no interest in seeing Plaintiff's Exhibit 5 as the information it contains is irrelevant. On the other hand, Defendants interest in the confidentiality of their health records is paramount. Further, this Court has an interest in preventing Plaintiff's counsel utilizing the judicial record as a mechanism to unduly harass and embarrass Defendants.

Wherefore, for the foregoing reasons Defendants respectfully request the Court grant this Motion to Seal and issue an order sealing Plaintiff's Exhibits in support of his Memorandum in Opposition to Motion for Summary Judgment.

**THE DEFENDANTS,
GLEN LOVEJOY AND
KATHLEEN RIISKA-LOVEJOY**

By: _____

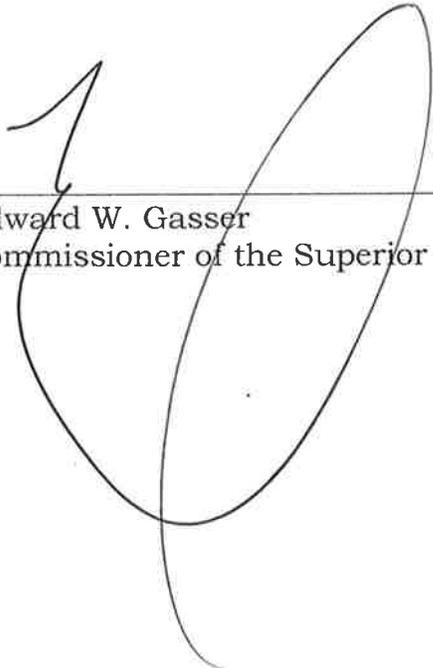
**Edward W. Gasser, Esq.
Gasser Law Firm, LLC
20 East Main Street
Avon, CT 06001-3823
Juris No. 421213
Telephone: 860-674-8342
Facsimile: 860-676-8912
egasser@gasserlaw.com**

CERTIFICATION

I hereby certify that a copy of the foregoing has been sent this date via electronic delivery to the following counsel of record accepting electronic delivery:

Zisca St. Clair, Esq.
Rome McGuigan PC
1 State Street
Hartford, CT 06103
zstclair@rms-law.com

Thomas G. Benneche, Esq.
885 Hopmeadow Street
Simsbury, CT 06070
tom@benneche.com



Edward W. Gasser
Commissioner of the Superior Court

DOCKET NO. LLI CV-15-6013124S : SUPERIOR COURT

RICHARD BLITZ, TRUSTEE OF THE
RICHARD BLITZ DEFINED BENEFIT
PENSION PLAN AND TRUST : J.D. OF LITCHFIELD

VS. : AT LITCHFIELD

GLEN LOVEJOY AND
KATHLEEN RIISKA-LOVEJOY : AUGUST 12, 2016

PRIVILEGE LOG

Pursuant to Practice Book § 13-3, Defendants assert privilege with regard to the following documents that were produced to Plaintiff with appropriate redaction:

General Subject Matter	Document Type	Document Date	Author	Recipient	Privilege
PHP/IOP Adolescent Comprehensive Assessment - Family History	Medical Records of Owen Lovejoy produced by Keeper of Records of Charlotte Hungerford Hospital	09/04/13	Charlotte Hungerford Hospital	N/A	The redacted portion relates to Defendant Glen Lovejoy's medical history which is immaterial, irrelevant, and not reasonably calculated to

					lead to the discovery of admissible evidence. Disclosure may also violate HIPPA.
Intensive Service Program - Family History	Medical Records of Owen Lovejoy produced by Keeper of Records of Charlotte Hungerford Hospital	09/06/13	Charlotte Hungerford Hospital	N/A	The redacted portion relates to Defendant Glen Lovejoy's medical history which is immaterial, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. Disclosure may also violate HIPPA.

Intensive Service Program - Family History	Medical Records of Owen Lovejoy produced by Keeper of Records of Charlotte Hungerford Hospital	09/19/13	Charlotte Hungerford Hospital	N/A	The redacted portion relates to Defendant Glen Lovejoy's medical history which is immaterial, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. Disclosure may also violate HIPPA.
Suicide Assessment - Family History	Medical Records of Owen Lovejoy produced by Keeper of Records of Charlotte Hungerford Hospital	08/24/13	Hartford Hospital	Charlotte Hungerford Hospital	The redacted portion relates to the medical history of Defendant Glen Lovejoy as well as one of Owen Lovejoy's cousins. Such information is immaterial,

					irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. Disclosure may also violate HIPPA.
Psychosocial Assessment - Family History	Medical Records of Owen Lovejoy produced by Keeper of Records of Charlotte Hungerford Hospital	03/16/14	Natchaug Hospital	Charlotte Hungerford Hospital	The redacted portion relates to the medical history of several of Owen Lovejoy's maternal and paternal family members. Such information is immaterial, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence.

					Disclosure may also violate HIPPA.
Psychosocial Assessment (Formulation) - Family History	Medical Records of Owen Lovejoy produced by Keeper of Records of Charlotte Hungerford Hospital	03/16/14	Natchaug Hospital	Charlotte Hungerford Hospital	The redacted portion relates to the medical history of Plaintiff's family members. Such information is immaterial, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. Disclosure may also violate HIPPA.

Psychosocial Assessment - Family History	Medical Records of Owen Lovejoy produced by Keeper of Records of Charlotte Hungerford Hospital	03/16/14	Natchaug Hospital	Charlotte Hungerford Hospital	The redacted portion relates to the medical history of Owen Lovejoy's maternal and paternal family members. Such information is immaterial, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. Disclosure may also violate HIPPA.
Suicide Assessment - Family History	Medical Records of Owen Lovejoy produced by Keeper of Records of Hartford Hospital	08/24/13	Institute of Living	N/A	The redacted portion relates to the medical history of Defendant Glen Lovejoy as well as one of Owen

					Lovejoy's cousins. Such information is immaterial, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. Disclosure may also violate HIPPA.
--	--	--	--	--	--

Admission Database - Family History	Medical Records of Owen Lovejoy produced by Keeper of Records of Hartford Hospital	08/25/13	Institute of Living	N/A	The redacted portion relates to the medical history of Owen Lovejoy's maternal and paternal family members. Such information is immaterial, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. Disclosure may also violate HIPPA.
Suicide Assessment - Family History	Medical Records of Owen Lovejoy produced by Keeper of Records of Hartford Hospital	08/25/13	Institute of Living	N/A	The redacted portion relates to the medical history of Defendant Glen Lovejoy as well as one of Owen

					Lovejoy's cousins. Such information is immaterial, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. Disclosure may also violate HIPPA.
--	--	--	--	--	--

Medical History and Physical Examination - Family History	Medical Records of Owen Lovejoy produced by Keeper of Records of Hartford Hospital	08/25/13	Institute of Living	N/A	The redacted portion relates to the medical history of Owen Lovejoy's maternal and paternal family members. Such information is immaterial, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. Disclosure may also violate HIPPA.
Suicide Assessment - Family History	Medical Records of Owen Lovejoy produced by Keeper of Records of Hartford Hospital	08/24/13	Institute of Living	N/A	The redacted portion relates to the medical history of Defendant Glen Lovejoy as well as one of Owen

					Lovejoy's cousins. Such information is immaterial, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. Disclosure may also violate HIPPA.
Family Support Plan – Defendants' Home and Cellular Telephone Numbers	Medical Records of Owen Lovejoy produced by Keeper of Records of Hartford Hospital	08/25/13	Institute of Living	N/A	Defendant's cellular and home phone numbers are immaterial, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence.
Progress Notes – Family History	Medical Records of Owen Lovejoy produced	08/26/13	Institute of Living	N/A	The redacted portion relates to/and is immaterial,

	by Keeper of Records of Hartford Hospital				irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. Disclosure may also violate HIPPA.
Progress Notes – Family History	Medical Records of Owen Lovejoy produced by Keeper of Records of Hartford Hospital	08/27/13	Institute of Living	N/A	The redacted portion relates to the medical history of Plaintiff’s family members. Such information is immaterial, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. Disclosure may also violate HIPPA.

Progress Notes – Family History	Medical Records of Owen Lovejoy produced by Keeper of Records of Hartford Hospital	08/28/13	Institute of Living	N/A	The redacted portion relates to the medical history of Plaintiff's family members. Such information is immaterial, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. Disclosure may also violate HIPPA.
Progress Notes – Family History	Medical Records of Owen Lovejoy produced by Keeper of Records of Hartford Hospital	08/29/13	Institute of Living	N/A	The redacted portion relates to the medical history of Plaintiff's family members. Such information is immaterial, irrelevant,

					and not reasonably calculated to lead to the discovery of admissible evidence. Disclosure may also violate HIPPA.
--	--	--	--	--	---

**THE DEFENDANTS,
 GLEN LOVEJOY AND
 KATHLEEN RYSKA-LOVEJOY**

By: _____

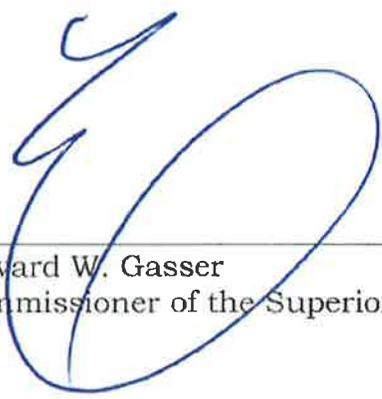
**Edward W. Gasser, Esq.
 Gasser Law Firm, LLC
 20 East Main Street
 Avon, CT 06001-3823
 Juris No 421213
 Telephone: 860-674-8342
 Facsimile: 860-676-8912
egasser@gasserlaw.com**

CERTIFICATION

I hereby certify that a copy of the foregoing has been sent this date via electronic delivery to the following counsel of record accepting electronic delivery:

Zisca St. Clair, Esq.
Rome McGuigan PC
1 State Street
Hartford, CT 06103
zstclair@rms-law.com

Thomas G. Benneche, Esq.
885 Hopmeadow Street
Simsbury, CT 06070
tom@benneche.com



Edward W. Gasser
Commissioner of the Superior Court

DOCKET NO. LLI CV-15-6013124S : SUPERIOR COURT

RICHARD BLITZ, TRUSTEE OF THE
RICHARD BLITZ DEFINED BENEFIT
PENSION PLAN AND TRUST : J.D. OF LITCHFIELD

VS. : AT LITCHFIELD

GLEN LOVEJOY AND
KATHLEEN RIISKA-LOVEJOY : AUGUST 29, 2016

PRIVILEGE LOG

Pursuant to Practice Book § 13-3, Defendants assert privilege with regard to the following documents that were produced to Plaintiff on the above-captioned date with appropriate redaction:

General Subject Matter	Document Type	Document Date	Author	Recipient	Privilege
Treatment Notes – Family History	Medical Records of Owen Lovejoy produced by Keeper of Records of Community Mental Health Affiliates	04/30/14 Redaction located at Page 7 of 13	Community Mental Health Affiliates	N/A	The redacted portion relates to Defendant Glen Lovejoy’s medical history which is immaterial, irrelevant, and not reasonably

					calculated to lead to the discovery of admissible evidence. Disclosure may also violate HIPPA.
Treatment Notes - Family History	Medical Records of Owen Lovejoy produced by Keeper of Records of Community Mental Health Affiliates	04/30/14 Redaction located at Page 8 of 13	Community Mental Health Affiliates	N/A	The redacted portion relates to Defendant Glen Lovejoy's medical history which is immaterial, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. Disclosure may also violate HIPPA.

Treatment Notes - Family History	Medical Records of Owen Lovejoy produced by Keeper of Records of Community Mental Health Affiliates	05/5/14 Redaction located at Page 2 of 6	Community Mental Health Affiliates	N/A	The redacted portion relates to Defendants' medical history which is immaterial, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. Disclosure may also violate HIPPA.
----------------------------------	---	---	------------------------------------	-----	--

**THE DEFENDANTS,
GLEN LOVEJOY AND
KATHLEEN RIISKA-LOVEJOY**

By: _____

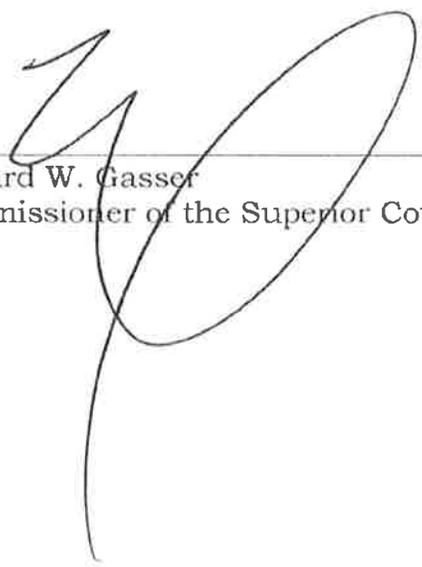
**Edward W. Gasser, Esq.
Gasser Law Firm, LLC
20 East Main Street
Avon, CT 06001-3823
Juris No. 421213
Telephone: 860-674-8342
Facsimile: 860-676-8912
egasser@gasserlaw.com**

CERTIFICATION

I hereby certify that a copy of the foregoing has been sent this date via electronic delivery to the following counsel of record accepting electronic delivery:

Zisca St. Clair, Esq.
Rome McGuigan PC
1 State Street
Hartford, CT 06103
zstclair@rms-law.com

Thomas G. Benneche, Esq.
885 Hopmeadow Street
Simsbury, CT 06070
tom@benneche.com



Edward W. Gasser
Commissioner of the Superior Court