

DOCKET NO. FBT-FA 196088163 S

SUPERIOR COURT

AMBROSE, CHRISTOPHER  
FAIRFIELD

JUDICIAL DISTRICT OF

AT BRIDGEPORT COURT

V  
AMBROSE KAREN

11/30/2021

**PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO DISQUALIFY AND  
RECUSE**

Plaintiff Christopher Ambrose, through counsel, opposes Defendant Karen Ambrose's motion to disqualify and recuse the trial judge, Judge Gerard Adelman, from the above-captioned matter.

The Defendant's motion seeks to force the recusal of Judge Adelman after he has already presided over some 30 plus days of trial. In her papers, which at best may be characterized as confusing and unclear, Defendant's counsel, Attorney Cunha, whether expressly or implicitly, accuses Judge Adelman of not being fair and impartial and of displaying personal bias and prejudice against Defendant or her counsel. The motion cites Rules 2.2, 2.3 and 2.11 of the Code of Judicial Conduct. It is unclear whether Attorney Cunha is arguing that this alleged bias and prejudice were directed against her personally (she asks in her motion that Judge Adelman be disqualified "from this matter and any other matter the undersigned appears in on behalf of a party") or against her client, Karen Ambrose.

Whatever Attorney Cunha may be claiming in the motion to recuse, her affidavit, which was filed late and thus in violation of yet another order of the Court, is not an articulation of material subordinate facts supporting the allegations, as Judge Moukawsher directed and as the Practice Book requires. Instead, her affidavit, which is rambling and often lacks coherence, makes a string of generalized and conclusory accusations which lack citation to the record and a recital of alleged underlying facts. For example, Attorney Cunha, levels vague conclusory charges against Judge Adelman (“blatant outright disregard of my client and the minor children’s basic human rights” [Para. 5]; “failed to uphold the integrity of court [sic] by failing to administer the laws of the state” [Para. 12]; issued orders that are in “direct derogation of Public Policy and Federal and State laws” [Para. 52]), but she does not develop her arguments with a recital of facts and she fails even to identify the human rights, public policies and state and federal laws to which she refers. She accuses Judge Adelman of “gender bias” against women (Paras. 18 and 43) but fails completely to cite any facts supporting this charge. It might be noted that Attorney Cunha and the undersigned, the lawyers representing the parties in this case, are both female attorneys, as is the lawyer acting as guardian *ad litem* for the minor children. The undersigned has not detected any gender bias in any of Judge Adelman’s rulings. “It is a fundamental principle that to demonstrate bias sufficient to support a claim of judicial disqualification, the due administration of justice requires that such a demonstration be based on more than opinion or conclusion . . . Vague and unverified assertions of opinion, speculation and conjecture cannot support a motion to recuse.” In re Zen T., 151 Conn. App. 724, 731-732, 95 A. 3d 1258 (2014).

Defendant, as movant, has the burden of proof to establish the bias and prejudice alleged. Indeed, a disqualification of a trial judge after over 30 days of trial can only be justified on persuasive factual evidence of bias and prejudice, because such a recusal would likely result in a mistrial, with the concomitant loss of valuable judicial resources and the visiting of prejudice and financial loss upon the non-moving party. By omitting from her affidavit a recital of material facts supported by the record, Attorney Cunha has done several things. **First**, she has left the undersigned with virtually nothing to rebut. **Second**, she has not made any attempt to meet her burden of proof, which is a concession that there are no material facts to support her reckless accusations against the trial judge. A motion to disqualify a judge must be accompanied by an affidavit by moving counsel "setting forth the facts relied upon to show the grounds for disqualification." Practice Book sec. 1-23. Attorney Cunha's failure to cite facts is a *per se* basis to deny the motion to recuse. There has been absolutely no factual showing of any conduct that would lead a reasonable person knowing all the circumstances to the conclusion that the judge's impartiality might reasonably be questioned, which would be the basis for a judge's disqualification. State v. Shabazz, 246 Conn. 746, 768-69, 719 A.2d 440 (1998), cert. denied, 525 U.S. 1179, 119 S.Ct. 1116, 143 L.Ed.2d 111 (1999). Preparing a recital of the facts and identifying them via citations to the record is the movant's burden, not the Court's. Pryor v. Pryor, 162 Conn. App. 451, 459-460, 133 A.3d 463 (2016) ("There is not a single reference to the transcript, an exhibit or any other document in the record to support these allegations. It is not this court's function to comb through the voluminous trial court file, which contains more than three hundred entries, to determine whether the defendant's claim [for recusal] is supported by the

record.”). **Third**, this absence of facts also raises the clear inference that her recusal motion was not made in good faith.<sup>1</sup> A motion to disqualify a judge must always be accompanied by a certificate of the moving counsel that the motion is made in good faith. Practice Book sec. 1-23. The failure to attach the required certificate of good faith here, in addition to providing an additional independent ground to deny the motion to recuse, is another indication that Attorney Cunha is unable to follow the basic rules as has been evidenced throughout the trial. **Fourth**, by devoting the lion’s share of her affidavit to example after example of adverse rulings, she has demonstrated that the gravamen of her recusal claim is her disagreement with rulings on motions and objections made on the merits during the trial. A motion to recuse is clearly not an appropriate vehicle to attempt to re-litigate rulings made on the merits “without fear or favor.” (“It is axiomatic, however, that an adverse or unfavorable ruling is not, in itself, evidence of judicial bias against a litigant.” Traystman v. Traystman, 141 Conn.App. 789, 803, 62 A.3d 1149 (2013); Rozbicki v. Gisselbrecht, 152 Conn. App. 840, 852, 100 A.3d 909 (2014).) Indeed, the ruling which has rendered Attorney Cunha most incandescent is the Order of the Court awarding Plaintiff interim sole legal custody of the children and barring Attorney Cunha’s client, Karen Ambrose, from any contact with the minor children, whether physical contact or communication by telephone or computer. It was Judge Grossman, however, who made those rulings, not Judge Adelman. **Finally**, the affidavit’s lack of factual content shows that the motion to recuse

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<sup>1</sup> Plaintiff asks not only that the recusal motion be denied but also that attorney’s fees be awarded to the undersigned for time spent responding to the motion, as a sanction for Attorney Cunha’s bad faith in filing the motion to recuse.

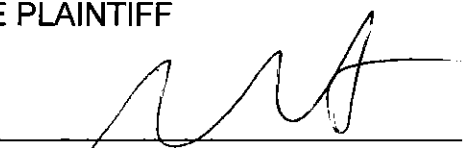
is an attempt to try to secure a backdoor mistrial, after Attorney Cunha's formal motion for mistrial was denied on April 1, 2021 (No. 311.1).

The motion to recuse also puts squarely in issue another subject: Attorney Cunha's reprehensible behavior during the trial. Judge Adelman's leniency towards Attorney Cunha in the face of unceasing disrespectful comments, unprofessional conduct, dilatory tactics and other provocations by the latter is relevant to the motion to recuse. This trial, which has already lasted over 30 days, should have been completed in less than two weeks. Many judges would not have had the patience to tolerate the behavior exhibited by Defendant's counsel. Judge Adelman did. In fact, he has treated Attorney Cunha with the leniency and indulgence that judges often display to a *pro se* party. See Hoffkins v. Hart-D'Amato, 187 Conn. App. 227, 235, 201 A.3d 1053 (2019) (Appellate Court in finding the trial court's denial of a recusal motion was not an abuse of discretion took into account the fact that "the trial court consistently labored to assist the defendant throughout the trial process"). Because there have been so many instances of such behavior during this long trial, the undersigned's affidavit will necessarily limit itself to several representative examples.

For the foregoing reasons, Plaintiff asks that the motion to recuse be denied and that, as a sanction for the movant's bad faith, the undersigned be awarded attorney's fees for the time spent in responding to this motion.

THE PLAINTIFF

By



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Nancy Aldrich #409128  
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**ORDER**

The foregoing motion having been heard, it is hereby ORDERED:

THE COURT

By \_\_\_\_\_  
Judge/Clerk

Date:

**CERTIFICATION**

This is to certify that a copy of the foregoing was emailed, this 30<sup>th</sup> day of November 2021 to the following counsel of record:

Nicola Cunha

Jocelyn Hurwitz

\_\_\_\_\_  
Nancy Aldrich