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APPELLATE Court
of the
State of Connecticut

AC 45424
CHRISTOPHER AMBROSE
v.
KAREN AMBROSE

Brief of the Defendants in Error the Honorable Gerard I. Adelman and
the Honorable Thomas G. Moukawsher
with Attached Appendix

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Counterstatement of the issues

- A. Whether the trial court's procedures satisfied federal constitutional due process requirements where they provided detailed oral and written notice to Plaintiff in Error that reminded her of her responsibilities under the Rules of Professional Conduct, detailed the transactions in which she violated those Rules, expressly advised her of the seriousness of the matter, and gave her nearly a month to prepare for a hearing before the trial court imposed any discipline. (pp.[28-38](#))

- B. Whether the First Amendment to the United States Constitution allowed the trial court to disbar Plaintiff in Error, an attorney, for repeatedly lying to the trial court in open court in support of her baseless claims that another sitting trial court Judge was biased in favor of Jewish litigants, against disabled litigants, and against woman litigants. (pp.[38-42](#))

- C. Whether the trial court's findings that Plaintiff in Error violated the Rules of Professional Conduct were supported by clear and convincing evidence where Plaintiff in Error, among other things, admittedly repeatedly lied to the trial court in support of her baseless claims that a sitting trial Judge was biased in favor of Jewish litigants. (pp.[42-47](#))

- D. Whether the trial court abused its broad discretion by disbarring Plaintiff in Error where the Connecticut Supreme Court and multiple other appellate courts have rejected challenges to disbarments based on conduct less egregious than Plaintiff in Error's and the trial court's decision was consistent with both the relevant standards and Chief Disciplinary Counsel's recommendation. (pp.[47-51](#))

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I. Introduction

The Connecticut Supreme Court recognized well over a century ago that “[i]t is not enough for an attorney that he be honest. He must be that, and more. He must be believed to be honest.” *Fairfield County Bar v. Taylor*, 60 Conn. 11, 17 (1891). No matter what learning and skills an attorney may possess, if he comes to the point “where craft and not conscience is the rule, and where falsehood and not truth is the means by which to gain his ends, then he has forfeited all right to be an officer in any court of justice or to be numbered among the members of an honorable profession.” *Id.* at 18. The Supreme Court held that an attorney who reached that nadir could “be disbarred and forever prohibited from practising law before the courts of this state.” *Id.* at 14.

The Courts’ commitment to truth has not changed in the intervening years. In furtherance of that commitment, the trial court disbarred Plaintiff-in-Error Nickola Cunha (“Plaintiff”) after she repeatedly lied in open court in support of claims that a sitting trial Judge is biased in favor of Jewish litigants and against woman litigants. Among other things, she accused the Judge of ignoring substantiated sexual abuse by a father of his children when, in reality, those claims were unsubstantiated.

On appeal, Plaintiff does not dispute the trial court’s findings that she repeatedly lied and that her accusations of substantiated sexual abuse were false. Instead, Plaintiff primarily argues that the trial court deprived her of due process and seeks refuge in the First Amendment.

Plaintiff’s arguments lack merit. The trial court gave Plaintiff more process than she was legally due. And an attorney has no First Amendment right either to lie in open court or to maliciously levy false allegations against Judges. The trial court’s disbarment of Plaintiff was well within the trial court’s broad discretion and consistent with

Supreme Court precedent affirming disbarment based on less egregious conduct. This Court should dismiss the writ of error.

II. Counterstatement of facts

A. Plaintiff's Motion to Disqualify and Recuse Judge Adelman.

This writ of error arises out of Plaintiff's actions in an underlying marital dissolution proceeding. *See* CA 3-25. Plaintiff appeared on behalf of the defendant in the dissolution proceeding (the wife and mother in the marriage). *See id.* at 4.

After extensive litigation and complaints by Plaintiff regarding the trial court, the trial court (Adelman, J.) *sua sponte* ordered a hearing on whether the trial court should recuse itself. The Presiding Judge of the Regional Family Trial Docket (Moukawsher, J.) presided over the hearing.

Before the hearing, Plaintiff filed a Motion to Disqualify and Recuse Judge Adelman ("Motion to Recuse"), with a supporting Affidavit. CA 37-53. In the Affidavit, Plaintiff accused Judge Adelman of "blatant disregard of" the "basic human rights" of Plaintiff's client and her "minor children." *Id.* at 40, ¶ 5. The Affidavit characterized Judge Adelman's actions as "clear acts of gender bias," *id.* at 43 ¶ 18, and testified as an Officer of the Court that "Judge Adelman has established a clear pattern of gender bias against women, against mothers, [sic] against individuals with disabilities." *Id.* at 49 ¶ 43.

B. The Trial Court's Hearing on Plaintiff's Motion to Recuse.

Plaintiff began the December 1, 2021 remote hearing on the Motion to Recuse by calling "the Court's attention to" March 31, 2021, "the first day of trial in this matter." [*12/1/21 Tr.*, p. 3](#). According to Plaintiff, that "first day in and of itself sets the stage" for "the significant bias that Judge Adelman holds against women, against

individuals with disability,” and “against anyone that is not of the Jewish faith.” [Id. at 3-4.](#)

1. Plaintiff’s Unsupported Allegations that Judge Adelman is Biased Against Non-Jews.

Plaintiff opened the hearing by claiming that an “enormous amount of information” had “come to” Plaintiff regarding Judge Adelman’s alleged “bias against individuals that are not . . . of the Jewish faith.” [Id.](#)

The trial court (Moukawsher, J.) carefully and repeatedly questioned Plaintiff as to what took her claims “beyond simply a disagreement with” Judge Adelman’s “ruling towards something that shows bias . . . against women, the disabled, and people who aren’t Jews?” [Id. at 10; see also id. at 18, 33-34, and 38.](#)

In response, Plaintiff acknowledged that Judge Adelman had discretion to rule as he did but claimed that Judge Adelman was “intention[ally]” ruling against Plaintiff’s client as part of a “conspiracy” to allow guardians ad litem to charge fees. [Id. at 14-15.](#) Plaintiff represented that she “wholeheartedly” believed that Judge Adelman was “engaged in racketeering” in violation of the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. § 1961 *et seq.* [Id. at 15-16; see also id. at 21.](#)

The trial court pointed out that Plaintiff accusing Judge Adelman of racketeering in violation of federal law was “a very serious thing to say” and asked what evidence Plaintiff had to support her allegations. [Id. at 17.](#) Plaintiff acknowledged the seriousness of her accusations, and based them on what she claimed a Senator characterized as a “blatant[] lie” by Judge Adelman during a reappointment hearing. [Id.; see also id. at 25.](#)

The trial court responded that Plaintiff's accusation that Judge Adelman "lied to the Judiciary Committee" was "again . . . a very serious thing to say." *Id. at 18*. The trial court reminded Plaintiff:

You're a lawyer. You know I need to have evidence. You can't just assert things. You have to have the evidence.

So, if you're going to claim that one reason I should recuse [Judge Adelman] is that he lied, then what's—what is the support for it? You can't just say people say he lied.

Id. The trial court further noted that Plaintiff was accusing Judge Adelman of "corruption" and reiterated that such an accusation is "a serious thing to say as an Officer of the Court" and asked again to see Plaintiff's evidence. *Id.*

In response, Plaintiff relied on a transcript of the reappointment proceedings where she represented that a Senator accused Judge Adelman of lying but Plaintiff did not have the relevant portion readily available. *See id. at 18-22*. The trial court gave Plaintiff time to locate it. *See id.* Plaintiff was initially unable to identify it, and moved on. *See id. at 22*.¹

The trial court yet again reminded Plaintiff that she was "an officer of the court" and that the specifics of—and evidence for—her allegations against a sitting Judge "matters." *Id. at 23*. In response,

¹ Plaintiff identified the transcript later in the proceeding. *See 12/1/21 Tr. at 106-07*. Contrary to Plaintiff's representation that a Senator "objected to Judge Adelman's reappointment because Judge Adelman had notably blatantly lied . . . under oath to the review committee," *id. at 17*, the transcript indicated that the Senator said that Judge Adelman's statement at issue "might not be a lie and untruth, but it also isn't the truth." *Id. at 106-07*. On appeal, Plaintiff correctly admits "that Sen. Winfield did not say the judge was a liar." *PB 9*.

Plaintiff claimed that Judge Adelman “favored Attorney Aldrich” not only in the current case, “but historically in all cases that she has come before him in.” *Id.* at 24. Plaintiff repeatedly represented that she had “a list” of all the cases that supported her allegation that Judge Adelman favored Attorney Aldrich and would “recite off” the “entire list.” *Id.* at 25-27.

The trial court carefully probed Plaintiff as to the bases for her allegations of bias in favor of Jews. The trial court asked Plaintiff whether there was anything in the relevant transcripts of the dissolution proceeding that would reveal who was and was not Jewish. *See id.* at 39. Plaintiff responded that she did “not believe that there is someplace in the transcript that would support that” but Plaintiff—while “admit[ting]” she was “naïve” to the “particular subject”—claimed to “have learned” that Attorney Aldrich (opposing counsel), Attorney Hurwitz (the guardian ad litem), Dr. Biren Caverly (“the custody evaluator”), and Dr. Horowitz (“the supposed reunification therapist”) all were Jewish. *Id.*; *see also id.* at 56.

The trial court asked Plaintiff the basis for her representation that “somehow outside of the record” Judge Adelman “secretly knows that certain people are Jews and not Jews.” *Id.* at 40. Plaintiff responded that she “didn’t think it’s some secret knowledge,” and that “it’s well-known within the Jewish community who the Jewish professionals are.” *Id.* The trial court responded that it was “dangerous” for Plaintiff to allege without evidence that there is “a universal understanding among the Jewish community as to what professionals are Jewish or not.” *Id.*

Plaintiff responded that she understood. *See id.* Plaintiff proceeded to expand her allegations to include allegations that Judge Grossman—in addition to Judge Adelman—conspired to rule in favor of Attorneys Aldrich and Hurwitz because (according to what Plaintiff

had heard) those attorneys are Jewish. [See id. at 41-44](#). The trial court asked Plaintiff why she believed the Jewish conspiracy existed, and Plaintiff responded *inter alia* “[b]ecause it’s a money thing.” [Id. at 44-46](#). Plaintiff proceeded to support her claims of an alleged Jewish conspiracy largely with rulings in the dissolution action that Plaintiff disagreed with that were in favor of attorneys she had heard were Jews. [See id. at 46-54](#).

The trial court questioned Plaintiff as to the basis for her claims that Judge Adelman knew the people he was alleged to have discriminated in favor of were Jewish. In response, Plaintiff admitted that she did “not know any specifics about Judge Adelman’s connections” and that she could not “prove that Judge Adelman knew that” any of the people involved were, in fact, Jewish. [Id. at 57-58](#). Despite that, Plaintiff again represented to the trial court that she had “a list of cases” that would support her allegations of pro-Jewish bias. [Id. at 58](#); [see also id. at 25-27](#).

When Plaintiff was unable to immediately provide the list, the trial court noted that it assumed that Plaintiff had the list already and Plaintiff represented that she did. [See id. at 59-60](#). When Plaintiff claimed to be continuing to have difficulty “pul[ling] the list up,” she asked if she could print it “during the break” and said that “then, we can go over the names.” [Id. at 60](#). The trial court offered to take a 15-minute break to allow Plaintiff time to get the list. [See id.](#) Plaintiff responded “[p]erfect,” and thanked the trial court. [Id. at 61](#).

After the break, Plaintiff admitted that she did “not” actually have the list of cases to support her claim of pro-Jewish bias that Plaintiff previously and repeatedly represented to the trial court she had. [Id. at 71](#). Plaintiff further told the trial court that she wanted to make “very clear” to the trial court that she did “not have a specific evidentiary trail to support the Jewish faith biasness [sic].” [Id.](#)

2. Plaintiff's Unsupported Allegations that Judge Adelman is Biased Against Women.

After Plaintiff admitted that she neither had the promised list of cases nor a “specific evidentiary trail” to support her claims of pro-Jewish bias, Plaintiff agreed that she was “done with that question” and that she “want[ed] to move on to the gender issue.” [12/1/21 Tr., pp. 71-72](#). Plaintiff claimed that the underlying dissolution case was one of a “pattern of cases” that would show that Judge Adelman was biased against a category Plaintiff referred to as “[p]rotective mothers.” [Id. at 73-76](#).

Plaintiff again represented that she had a list of cases that would show bias. [See id. at 84](#). In contrast to the list of cases Plaintiff claimed to have showing Judge Adelman’s pro-Jewish bias (which Plaintiff eventually admitted never existed), after the lunch break Plaintiff produced a list of five cases she claimed would show that Judge Adelman was biased against a category of women. [See id. at 108-09](#). The trial court said it would look at the cases on the list. [See, e.g., id. at 157-58](#).

A primary allegation underlying Plaintiff’s bias allegation was her representation that Judge Adelman had “ignored” complaints “of sexual assault” against the plaintiff husband and father in the dissolution action, and that “[i]t has been established that the complaints have been substantiated by a multidisciplinary taskforce team.” [Id. at 96-97](#); [see also id. at 100](#). Plaintiff initially had difficulty identifying what evidence she relied on for that allegation, but ultimately told the trial court “[i]t’s Exhibit Number 71.” [Id. at 101](#). The trial court told Plaintiff that it took her “claim seriously” and was going to “look at” Exhibit 71 to determine whether it supported Plaintiff’s allegations of bias. [Id. at 102](#).

3. Plaintiff's Allegations that Judge Adelman is Biased Against People with Disabilities.

Plaintiff represented that Plaintiff's client had "a diagnosed learning disability which is documented in the custody evaluation" and accused Judge Adelman of "attack[ing]" her client for not responding quickly enough during testimony. [12/1/21 Tr., pp. 103-04.](#)

When the trial court asked whether Plaintiff raised her client's claimed disability with Judge Adelman, Plaintiff responded that she did not "believe that" she "was able to articulate on the record the aspect relating to the disability." [Id at 104.](#) The trial court gave Plaintiff additional time and opportunities to provide further support for her allegation that Judge Adelman was biased against people with disabilities. Plaintiff ultimately relied solely on the above exchange as well as "elements" of the cases on Plaintiff's list supporting her claim of bias against a specific category of women. [See id. at 116-17.](#)

C. The Trial Court Denies Plaintiff's Recusal Motion.

The trial court denied Plaintiff's Motion to Recuse in a written decision issued after the hearing. CA 54-72. The trial court began by noting that Plaintiff was "free to" disagree with the rulings by Judges Adelman and Grossman. [See id. at 55.](#)

However, Plaintiff went far beyond proper disagreement with judicial rulings and made the dissolution action "a case about a case," by "clogg[ing] the docket, delay[ing] the trial, and cost[ing] the parties a fortune by repeatedly hurling baseless personal allegations against lawyers, judges, the guardian, and many others." [Id.](#) "Indeed," Plaintiff's "behavior ha[d] become the biggest problem in the case." [Id.](#)

1. The Trial Court Finds Plaintiff's Claims of Bias Against Non-Jewish People Baseless.

The trial court began by addressing Plaintiff's allegations that Judge Adelman is biased against non-Jews and "part of a Jewish

conspiracy” engaged in racketeering, saying Plaintiff’s allegations took “the court flat aback.” CA 56. The trial court noted that, while some members of the public might embrace conspiracy theories,

[L]awyers are different. They are officers of this court. They are bound by a Code of Professional Responsibility. It charges them with a duty to truth. The Code warns that they may be punished if they frivolously make false claims in court. The Code makes a lawyer both “an officer of the legal system” and “a public citizen having special responsibility for the quality of justice.”

Id. Unlike members of the public, lawyers in the courtroom have an obligation to the truth and to support their allegations with evidence. *Id.* at 57-59.

The trial court found that Plaintiff failed in that obligation by making “baseless claims about a Jewish conspiracy.” *Id.* at 59. The trial court noted that Plaintiff “professed no actual knowledge of Judge Adelman’s specific community activity.” *Id.* And Plaintiff’s claims that that “everyone knows” who is and is not Jewish “suggested that” Plaintiff “had swallowed and asserted in court a typical racist canard— Jews all know each other and are in touch.” *Id.*

The trial court noted that when it asked Plaintiff for the evidence to support her claims that Judge Adelman was part of a Jewish conspiracy, she “said she had a list of cases” showing a pattern “and that when the court examined them the conspiracy would be revealed.” *Id.* However, Plaintiff “didn’t have the list handy.” *Id.* at 60. Plaintiff “fumbled with some papers for a bit” and the “court offered to take its fifteen-minute morning recess early so she could find this documentation of the Jewish conspiracy.” *Id.* Plaintiff agreed, came back fifteen minutes late from the recess, and finally “admitted that she had no list of cases showing the Jewish conspiracy she alleged.” *Id.*

The trial court went on to discuss and reject Plaintiff's remaining assertions in support of the claimed Jewish conspiracy. *See id.* at 60-61. The trial court found Plaintiff's baseless claims to be "a very serious matter," noting that history shows that "empty claim[s] about secret religious cabals of any faith can breed mindless hatred, and mindless hatred breeds violence" that "has dug millions of graves." *Id.* at 61. "[H]ere a lawyer is shoveling, in a place devoted to the peaceful resolution of disputes, the same fear of the 'other' that has taken so many lives." The trial court found that "[a] lawyer making baseless claims in court against a judge based on his religion sets off the loudest alarm bells in the lawyers' Code of Professional Responsibility." *Id.* at 62.

2. The Trial Court Finds Plaintiff's Claims of Bias Against Disabled People Baseless.

The trial court found Plaintiff's claim that Judge Adelman was biased against disabled people to be "made up of thin air." CA 62. Plaintiff failed to "show that she or anyone else ever told Judge Adelman that [Plaintiff's client] was disabled." *Id.* "Of equal importance," Plaintiff could "hardly say with any respect for truth that Judge Adelman has a general bias against the disabled based on the single incident she allege[d]." *Id.*

3. The Trial Court Finds Plaintiff's Claims of Bias Against Women Baseless and Rooted in a Lie.

As to Plaintiff's claim that Judge Adelman is biased against women, the trial court began by noting that Plaintiff "claimed she could prove in two ways that Judge Adelman was biased against women who claim abuse": (1) Judge Adelman's actions in connection with the cases on the list Plaintiff provided; and (2) Plaintiff's representation that Judge Adelman ignored findings by a multi-

disciplinary task force that the plaintiff in the dissolution action had sexually abused his children. The trial court found that Plaintiff “expressly and emphatically staked her credibility on the second claim.” CA 63.

With regard to Judge Adelman’s actions in other cases involving women who claimed abuse, the trial court “examined aspects of each of” the five cases Plaintiff identified on her list “for signs of bias against women claiming abuse.” *Id.* The trial court found none. *See id.* “To do a thorough job,” the trial court did not “stop at studying the small number of instances from years ago” that Plaintiff relied on. *Id.* at 65. Rather, the trial court “also chose to study a sample of decisions from thirteen recent cases as well.” *Id.* That review “did nothing” to raise concerns of bias. *Id.* at 66. Indeed, “[f]ar from any bias against women or women claiming abuse, the decisions showed that the evidence led Judge Adelman to lean toward the women in these cases more than the men.” *Id.* Therefore, Plaintiff presented—and the trial court found—no basis in other cases to support Plaintiff’s claim that Judge Adelman was biased.

That left Plaintiff’s representation that Judge Adelman’s bias showed when he ignored DCF’s substantiation of sexual abuse allegations against Christopher Ambrose, the plaintiff in the dissolution action. *Id.*

The trial court found that Plaintiff’s representation regarding the DCF report was false. *See id.* at 67. The trial court noted that it “looked carefully at the document at issue” and “read all of” its “over 90 pages.” *Id.* It was clear “in black and white” and beyond “debate” that neither the DCF nor a multi-disciplinary panel of experts concluded that the plaintiff in the dissolution action “abused his children in any way.” *Id.*

To the contrary, the report showed “that over a half dozen DCF experts and supervisors studied the abuse claims,” including “repeatedly” speaking “with the children” and the plaintiff in the dissolution action (their father), speaking with “one of the children’s therapists, two other therapists, the guardian ad litem . . . a custody evaluator,” “the children’s mother, her therapist, and her lawyer.” *Id.* at 67-68. Notably, “[a]ll three experts involved with the children said they had no concerns about the father’s behavior and that no child made any abuse claim to them.” *Id.* at 68. Based on that review, the report expressly stated “that as of February 5, 2021, DCF had declared the abuse claims to be ‘unsubstantiated’” and that conclusion “was reviewed and confirmed by DCF managers.” *Id.* The trial court further found that the report “shows that on page 67 that the Madison Police Department studied the matter and decided not to accuse” the children’s father “of child abuse or anything else.” *Id.*

Based on its careful review of the report, the trial court found that Plaintiff, “a court officer, lied to a judge emphatically, repeatedly, and with ample warning that the judge would check for the truth.” *Id.* at 69.

4. The Trial Court Sets a Hearing to Decide what, if any, Action to Take Against Plaintiff and Expressly Advises Plaintiff that the Matter Is Serious.

The trial court denied Plaintiff’s Motion to Recuse “because it was entirely unsupported and frivolous.” CA 70. The final part of the trial court’s decision detailed various actions Plaintiff had taken in or related to the dissolution action and found that Plaintiff “capped all this off with lies before this court on this motion, not just about what a document said but with false claims of a judge’s bias against people based upon race, disability, and gender.” *Id.* at 69.

The trial court noted that “judges have primary jurisdiction over lawyers who do not meet their obligations as officers of the court” and that the trial court was “obliged to act on the matters that happen before it on the record.” *Id.* at 70 & n.2 (citing Practice Book § 2-45). The trial court detailed the various possible sanctions it could impose, including disbarment. *See id.* The trial court set a hearing “on whether to act against Attorney Cunha, and, if action is warranted, what action to take” for January 10, 2022, at 10:00 a.m. *Id.* The trial court explicitly warned Plaintiff that she “should have no illusions,” that “[t]he matter is of the utmost seriousness,” and that Plaintiff “would be well advised to be represented at the hearing by an attorney.” *Id.*²

D. The Trial Court Holds a Hearing on what, if Any, Action to Take Against Plaintiff

Plaintiff represented herself at the hearing. At the outset, the trial court noted that in its decision it had “strongly” urged Plaintiff to retain counsel, noted that Plaintiff’s representation of herself “probably” was “not” in her “best interest” and advised Plaintiff that anything she said could “be used” against her. [1/10/22 Tr., p. 2.](#) Plaintiff indicated she understood “quite well” and that she was “fully aware and understand[s] what the nature of these proceedings are.” [Id. at 2-3.](#)

The trial court informed Plaintiff that it had “already concluded that” Plaintiff had “made material misrepresentations to the Court” and that the hearing was for the trial court “to consider what measures that may be taken against” Plaintiff “with respect to those

² The trial court further directed the clerk to “send a copy of this ruling to the chief disciplinary counsel” and indicated that the trial court “would welcome participation by any appropriate disciplinary entity to appear as a friend of the court for the upcoming hearing.” CA 71.

misrepresentations.” [Id. at 3](#). Plaintiff responded that the trial court’s “findings are clearly erroneous,” and levied various accusations and insults against the trial court that will be discussed in more detail in the below section on the trial court’s written decision. [See id. at 4-5](#).

The trial court responded by reminding Plaintiff that the only issue before the trial court was “the misstatements and the false claims that” Plaintiff made before the trial court in its December 1, 2021 hearing. [Id. at 5](#). The trial court told Plaintiff that before it decided what, if any, action to take against her, the trial court wanted to give Plaintiff “the opportunity” to tell the trial court “any reasons in support of why” the trial court should not “take any action to you, or against you, or that” the trial court “should take some less[e]r action against you” and suggested various potential mitigating factors. [Id. at 5-6](#); [see also id. at 7-10](#).

Plaintiff replied that Judge Moukawsher should disqualify himself. In response, the trial court noted that its opinion cited authority establishing that it is the trial Judge’s “responsibility to take disciplinary action against a lawyer” who does what Plaintiff had done. [Id. at 11](#). The trial court then heard from Plaintiff’s opposing counsel, [see id. at 11-14](#), as well as Disciplinary Counsel. [See id. at 14-39](#). To assist the Court, Disciplinary Counsel analyzed the Rules of Professional Conduct and other relevant authorities in detail. [See id.](#) Based on that analysis, Disciplinary Counsel concluded that the “appropriate sanction” would be that Plaintiff “be disbarred for a period of five years and that she be required to apply for reinstatement pursuant to section 2-53 of the Practice Book.” [Id. at 38-39](#).

The trial court then gave Plaintiff an opportunity to respond. [See id. at 39](#). Plaintiff apologized in part “to the Jewish Americans of this state and of this country,” [id. at 40](#), in part to the trial court, and in part to her client, her client’s children, and others whom Plaintiff

believes are subject to “the abuse of professionals.” [Id. at 40-41](#); [see also id. at 74-76, 81](#). Plaintiff said she has “never, ever made a misrepresentation to a court, or anyone else, knowingly, or intentionally.” [Id. at 43](#). Plaintiff made no effort to reconcile her representation during the disciplinary hearing that she had never made a knowing or intentional misrepresentation to a court with her repeated false representations during the Motion to Recuse hearing that she had a list of cases to support her allegations of pro-Jewish bias. [12/1/21 Tr., p. 71](#); [see also CA 59-60](#). Plaintiff also accused her opposing counsel and others involved in the dissolution action of making “material knowing misrepresentations to this Court.” [1/10/22 Tr., p. 43](#).

The trial court made clear that it was concerned about Plaintiff’s “claim that the DCF report reported a multidisciplinary team had found” the plaintiff in the dissolution action “had sexually assaulted his children,” which the trial court had found to be false based on its review of the relevant report (trial Exhibit 71). [Id. at 49](#). Plaintiff claimed that she had “read that report” and had taken “very clear notes because” she claimed “there was not enough time to make copies.” [Id. at 51](#). Plaintiff told the trial court that to the extent the trial court’s conclusion based on its review of the exhibit was inconsistent with Plaintiff’s notes, Plaintiff said that she believed the trial court “now has a problem that needs to be investigated with somebody tampering with the evidence in the court’s file because” Plaintiff “can read” and her “notes are clear.” [Id. at 55](#). Plaintiff did not introduce her notes into evidence. Nor did Plaintiff indicate that she sought to obtain a copy of the report in the month between the trial court’s scheduling of the disciplinary hearing and the hearing itself to confirm the accuracy of her notes. The trial court carefully questioned

Plaintiff on the issue and Plaintiff maintained her position. [See id. at 55-61.](#)

The trial court then asked Plaintiff about mitigating circumstances. Plaintiff represented that she had no disciplinary history, but that she believed there were four claims pending against her. [See id. at 62-65.](#) The trial court made clear that it would not consider those against Plaintiff because they had not been fully adjudicated. [See id.](#)

As to Plaintiff's claims that Judge Adelman was biased in favor of Jews, Plaintiff indicated that after lunch break for the December 1, 2021 hearing she had sought to focus on "the claims that were raised in" Plaintiff's written motion (those of gender and disability bias) and said that the trial court "completely misunderstood, and misconstrued," Plaintiff's "statements with respect to the Jewish faith." [Id. at 70.](#) In response, the trial court quoted the portion of the transcript in which Plaintiff claimed to have an "enormous amount" of information to support her claims of pro-Jewish bias. [Id. at 71.](#) Plaintiff initially claimed that based on her past experience she prefers to rely on audio recordings rather than transcripts, but eventually said that though she did "not recall specifically saying verbatim" what the trial court had read, "absent information that I said something different" Plaintiff had "to agree with the transcript." [Id. at 73-74.](#)

E. The Trial Court's Order Disbarring Plaintiff

The trial court disbarred Plaintiff. [See CA 73-92.](#) The trial court found that Plaintiff's "offenses were particularly rank" given that they "not only involved a fraud on the court, but a scurrilous assault on the integrity of a judge." [Id. at 73-74.](#) Plaintiff's "offense was aggravated by its context and by" Plaintiff's "behavior at the hearing on potential punishment." [Id. at 74.](#)

The trial court found that Plaintiff's "**offenses were most serious.**" *Id.* (bolding in the original). As to Plaintiff's claim that Judge Adelman was biased against non-Jews, the trial court recounted Plaintiff's allegations of racketeering and conspiracy. *See id.* at 75-76. The trial court found that "[o]f particular concern" was Plaintiff's "claim that her allegation about favoring Jews was based on 'the enormous amount of information and evidence'" that Plaintiff claimed had come to her. *Id.* at 76 (quoting the transcript). The trial court noted that Plaintiff based her claim on "a list of cases where the bias would appear." *Id.* at 76-77. The trial court found that after the trial court "waited for half an hour while" Plaintiff "said she was 'looking' for the list" and gave Plaintiff "every chance to produce it," Plaintiff ultimately "admitted the list she said existed in fact never existed." *Id.* at 77-78.

The trial court found that Plaintiff made "a baseless charge of racism against a judge," and that "is a monstrous claim to make without thought, without evidence, without restraint, repeatedly, on the record, in court, with a specific claim about a list—that proves not to exist." *Id.* at 78. Plaintiff's "lies about a Jewish conspiracy are particularly reprehensible" because she made them as an attorney with a professional obligation to be truthful. *Id.* at 78-79. "Without the court exposing" Plaintiff's claims "as lies, the public might give them some credit when they deserve none." *Id.* at 79.

As to Plaintiff's claim that Judge Adelman was biased against women because he ignored a finding that the plaintiff in the dissolution action had sexually abused his children, the trial court again referenced the transcript of the December 1, 2021 hearing and confirmed that Plaintiff's representations that a multidisciplinary taskforce team substantiated the allegations of sexual assault were false. *See id.* at 79-80. The trial court further found that Plaintiff made

false statements regarding DCF's investigation during the January 10, 2022 disciplinary hearing. *See id.* at 81-83. The trial court found that “[t]he reality of what DCF did shows that” Plaintiff’s “disrespect for the truth is glaring and makes her offenses of the most serious kind.” *Id.*

The trial court found that Plaintiff’s “wrongdoing” was particularly “serious” given that “[p]rior to the” disciplinary “hearing the court gave” Plaintiff “almost a month’s warning.” *Id.* at 83. The trial court told Plaintiff “she faced serious potential consequences,” “urged” Plaintiff “to hire a lawyer,” and “warned” Plaintiff that “it was giving leave for the chief disciplinary counsel’s office to appear as *amicus curiae*—as friend and advisor to the court.” *Id.*

In light of all that, the trial court had “hoped that” Plaintiff “would reconsider her claims,” and “expected” Plaintiff “might say how she came in good faith to believe things that proved false.” *Id.* Instead, Plaintiff opened the disciplinary hearing by saying she found the “**proceedings to be intentionally harassing and intimidation**” intended to shut Plaintiff down for raising claims of “**corruption.**” *Id.* at 84 (quoting the transcript, emphasis by the trial court). Plaintiff accused the trial court of engaging in “**gross malfeasance,**” called the trial court’s Memorandum of Decision denying Plaintiff’s Motion to Recuse “**a joke**” and “**pathetic,**” and said the trial Judge “**should be ashamed**” of himself. *Id.* (quoting the transcript, emphasis by the trial court). Plaintiff further said she was “**ashamed to even be sitting before**” the trial court and accused it of “**engaging in material misrepresentation**” and “**l[ying] to the public.**” *Id.* (quoting the transcript, emphasis by the trial court). Based on those and other examples, the trial court concluded that Plaintiff’s “behavior at the [disciplinary] hearing highlights the seriousness of her misconduct and is one of the aggravating circumstances the court considered under the Rules of Professional Conduct. *Id.*

The trial court found that Plaintiff “violated at least seven” of the Rules of Professional Conduct: Rule 3.1 (Meritorious Claims and Contentions), Rule 3.2 (Expediting Litigation), Rule 3.3 (Candor toward the tribunal), Rule 3.5 (Impartiality and Decorum); Rule 8.2 (Judicial and Legal Officials), Rule 8.4(3) (providing that it is misconduct for a lawyer to “[e]ngage in conduct involving dishonesty, fraud, deceit or misrepresentation”), and Rule 8.4(4) (providing that it is misconduct for a lawyer to “[e]ngage in conduct that is prejudicial to the administration of justice”). CA 85.

As to the Rules “involving dishonesty,” Rules 3.1, 3.3. and 8.4(3), the trial court found by clear and convincing evidence that Plaintiff “intentionally and persistently misrepresented the facts to the court . . . to continue to pursue a false narrative about sexual abuse conclusions that she has maintained throughout her time in” the dissolution action “against judges, lawyers, guardians, evaluators,” and the opposing party. CA 85. Relatedly, the trial court found that Plaintiff’s “false narrative” was “part of a tactic of stalling and diverting this case” and of a piece with other dilatory conduct that violated Rule 3.2. *Id.* The trial court was bothered “the most” by Plaintiff’s violations of “[t]he rules that implicate the dignity and integrity of the bench and the judicial system.” *Id.* (citing Rules 3.5, 8.2, and 8.4(4)). The trial court found that Plaintiff “had disrupted proceedings, baselessly impugned the integrity of Judge Adelman, and prejudiced our system of justice by using it to punish a party opponent along with all the legal professionals in the case rather than to vindicate some righteous claim.” *Id.* at 86.³

³ The trial court considered and rejected Plaintiff’s assertions that the trial court needed to recuse itself, that Plaintiff was not given due process, and that the First Amendment protected Plaintiff’s conduct.

As noted above, the trial court found that disbarment was the appropriate penalty for Plaintiff's violations. *Id.* at 88-91. The trial court supported its finding with both Connecticut Supreme Court precedent and the American Bar Association's Standards for Imposing Lawyer Sanctions ("*ABA Standards*"). *See id.* at 89 (quoting *Burton v. Mottolese*, 267 Conn. 1, 49 (2003), and referencing *ABA Standards* §§ 5.11(b), 6.11, and 7.1). The trial court considered Plaintiff's lack of disciplinary history and putative apology as mitigating factors (while rejecting the latter) and found that there were "numerous aggravating factors." *Id.* at 90.

F. Procedural History Before the Appellate Court

Plaintiff initially sought appellate review through both a writ of error and a direct appeal. This Court dismissed the direct appeal based on failure to comply with the Rules and the Court's Orders.

Plaintiff's writ of error was initially untimely, but this Court granted her motion for permission to serve and file a late writ of error. This Court then dismissed this writ of error based on Plaintiff's failure to file required materials and correct defective filings. Plaintiff filed a Motion for Reconsideration, which this Court ultimately granted, reinstating this writ of error.

Defendants sought and were granted through April 14, 2023 to file their Brief.

CA 86-88. To the extent Plaintiff challenges those decisions on appeal, Defendants will discuss those issues in more detail in the argument section.

III. Argument

A. The Trial Court Gave Plaintiff More Process than was Due.

1. Standard of Review

This Court exercises plenary review over whether attorney disciplinary proceedings provided due process. *See, e.g., Cimmino v. Marcoccia*, 332 Conn. 510, 521 (2019).

2. Argument

Plaintiff does not dispute that the trial court had the authority under both the Rules and the statutes “for just cause” to “disbar” Plaintiff. *PB 20* (quoting Practice Book § 2-44); *see also* Conn. Gen. Stat. § 51-84(b) (providing *inter alia* that the Superior Court “may suspend or displace an attorney for just cause”). Plaintiff also does not dispute that if the “cause” for disbarment “occurs in the actual presence of the court, the order may be summary, and without complaint or hearing.” Practice Book § 2-45; *see also PB 20* (citing Practice Book § 2-45). “These rules of practice impliedly contemplate the trial court’s inherent authority to discipline an attorney who commits misconduct in its presence.” *Burton*, 267 Conn. at 29. Indeed, the trial court has primary jurisdiction and responsibility when an attorney commits misconduct in its presence. The Rules explicitly provide that the existence of other disciplinary options does not “limit[] the inherent powers of the court” and that “if attorney misconduct occurs in the actual presence of the court, the Statewide Grievance Committee and the grievance panels shall defer to the court if the court chooses to exercise its jurisdiction.” Practice Book § 2-45.

With no basis to challenge the trial court’s authority, Plaintiff argues that the trial court’s exercise of that authority violated due process. *See PB 20-22*. Plaintiff’s argument lacks merit.

What constitutes “due process is flexible and calls for such procedural protections as the particular situation demands.” *Burton*, 267 Conn. at 19 (quoting *Thalheim v. Greenwich*, 256 Conn. 628, 648 (2001)). Thus, “[t]he constitutional requirement of procedural due process . . . invokes a balancing process that cannot take place in a factual vacuum.” *Id.* (quoting *Thalheim*, 256 Conn. at 648).

The trial court correctly recognized that it could have summarily disbarred Plaintiff consistent with due process. CA 87 (citing Practice Book § 2-45); *see, e.g., Pounders v. Watson*, 521 U.S. 982, 991 (1997) (holding in the related context of criminal contempt that summary proceedings to punish misconduct in the court’s presence are an “exception to the normal due process requirements” and that state judges “have latitude in determining what conduct so infects orderly judicial proceedings that” punishment “is permitted”). But the trial “court gave [Plaintiff] a [separate additional] hearing anyway.” CA 87. The trial court’s non-summary actions had both the intent and the effect of giving Plaintiff “more process than she was legally due.” *Id.*

Plaintiff correctly acknowledges that in the context of non-summary attorney discipline due process requires that the attorney receive notice of the charges against her and a fair hearing. *See, e.g., Burton*, 267 Conn. at 19; *see also PB 17*. Plaintiff received both.

a. The Trial Court’s Notice Amply Satisfied Due Process

The form and type of notice due process requires depends on the nature of the proceedings and the parties involved. In the attorney disciplinary context, the notice “may be oral or written” and need only “adequately inform[] the attorney of the charges against him or her and allow[] him or her to prepare to address such charges.” *Burton*, 267 Conn. at 21. “[T]he notice given to an attorney need not refer to specific Rules of Professional Conduct.” *Id.* at 22 (citing *Briggs v.*

McWeeny, 260 Conn. 296, 319 (2002)). Rather, “to satisfy due process standards, the notice” need only “apprise the attorney of the transactions that form the basis of the allegations of misconduct.” *Id.* (quoting *Briggs*, 260 Conn. at 319).

The notice the trial court provided Plaintiff amply satisfied that standard. The trial court repeatedly reminded Plaintiff of her obligations under the Rules of Professional Conduct during the hearing on Plaintiff’s Motion to Recuse and cautioned her that a failure to comply with her obligations could lead to consequences. [*See, e.g., 12/1/21 Tr.*](#), pp. 18, 25-26, 40; *see also* *Burton*, 267 Conn. at 21 (noting that oral or written notice may satisfy due process).

The trial court followed that oral notice to Plaintiff with additional written notice in its 19-page written decision denying Plaintiff’s Motion to Recuse, which detailed the “transactions” that could lead to discipline. CA 54-72. Specifically, Plaintiff: (1) “clogged the docket, delayed the trial, and cost the parties a fortune by repeatedly hurling baseless personal accusations against lawyers, judges, the guardian, and many others,” CA 55; *see also* CA 6; (2) made baseless claims against Judge Adelman “based on his religion,” CA 62; (3) in the course of making those baseless claims that Judge Adelman was engaged in a Jewish conspiracy, falsely represented to the trial court that she had a list of cases that would support her claims, CA 59-60; (4) baselessly claimed that Judge Adelman was biased against the disabled, CA 62; (5) claimed without meaningful evidence that Judge Adelman was biased against women, CA 62-69; and (6) repeatedly and falsely insisted “that a multi-disciplinary task force found that Christopher Ambrose had sexually assaulted his children,” CA 67. Plaintiff cannot credibly argue that she was unaware of the transactions that formed the basis for the trial court’s concerns. *See* *Burton*, 267 Conn. at 22-24 (holding that notice satisfies due process if

it apprises the attorney of the transactions that form the basis of the allegations of misconduct).

The trial court also warned that Plaintiff's misconduct could lead to serious consequences. CA 69-72. In the penultimate section of its decision on Plaintiff's Motion to Recuse, the trial court explicitly informed Plaintiff that it would "**hold a hearing on whether to discipline**" her and notified Plaintiff that such discipline could include a fine, a suspension, or disbarment. CA 70 (emphasis in the decision). The trial court expressly warned Plaintiff that she "should have no illusions," that the "matter is of the utmost seriousness," and that Plaintiff "would be well advised to be represented at the hearing by an attorney." *Id.* The oral and written notice the trial court provided Plaintiff amply satisfied due process.

Charitably read, Plaintiff's Brief appears to make three arguments to the contrary. Each lacks a legal basis, a factual basis in the record, or both.

First, Plaintiff appears to argue that due process required the trial court to provide Plaintiff notice as specific as a "charging document[]" in a criminal action or a "pleading[]" in a civil action. *PB* 20. As an initial matter, Plaintiff's own Brief is internally inconsistent on this issue—on the one hand, Plaintiff appears to criticize the trial court because its notice "did not specify the Rules of Professional Conduct that she violated," *PB* 13, while elsewhere in her Brief Plaintiff expressly (and correctly) concedes that a "hearing notice does not need to specify the exact sections of the Rules of Professional Conduct" to satisfy due process. *PB* 18.

Plaintiff had it right the second time. The Supreme Court held well over a century ago that "disbarment proceedings" are "in no sense criminal, but . . . undertaken 'for the purpose of preserving the courts of justice from the official ministrations of persons unfit to practice in

them.” *State v. Peck*, 88 Conn. 447 (1914) (quoting *Ex parte Wall*, 107 U.S. 265, 288 (1882)). “Neither are they civil actions.” *Id.* at 452. Rather, in attorney discipline proceedings, an initiating document need not “be marked by the same precision of statement” as a criminal presentment or a civil complaint. *Id.* at 453.

Peck remains good law and applies to Plaintiff’s due process argument. *See, e.g., Burton*, 267 Conn. at 26-28 (applying *Peck* in rejecting an attorney’s due process challenge to disbarment); *see also Thalheim*, 256 Conn. at 650 (similar). Indeed, Plaintiff herself relies on *Peck*. *See PB 17*.

Plaintiff’s second argument—that the trial court did not give Plaintiff notice that it would consider her stalling and delaying conduct as a potential ground for discipline, *PB 19*—simply ignores the trial court’s written decision notifying Plaintiff of the transactions at issue. That decision explicitly said that Plaintiff “ha[d] clogged the docket, delayed the trial, and cost the parties a fortune by repeatedly hurling baseless personal accusations against lawyers, judges, the guardian, and many others,” CA 55, and reiterated those concerns later in the decision. CA 69.⁴ That was more than sufficient to put Plaintiff on notice for due process purposes. Plaintiff does not address these facts, which are fatal to her argument.⁵

⁴ Plaintiff does not dispute the trial court’s findings in her Brief, nor could she credibly.

⁵ Even if this argument had merit (it does not), Plaintiff does not dispute that she was on notice that she was subject to discipline for what the trial court found “to be” Plaintiff’s baseless or unjustified “attacks on the court and false statements.” *PB 17*. As Defendants will discuss in more detail below, that conduct alone provided ample support for the trial court’s decision. *See, e.g., Disciplinary Counsel v.*

Finally, Plaintiff argues that the trial court violated due process by finding that Plaintiff committed misconduct based largely on her conduct during the Motion to Recuse hearing and “not allowing” Plaintiff “an opportunity to contest” those findings at the subsequent disciplinary hearing. *PB* 13; *see also id.* at 18, 19. Again, Plaintiff’s due process argument is foreclosed by the very Supreme Court precedent she cites.

Due process required the trial court to afford Plaintiff “adequate notice and a meaningful opportunity to respond **before the trial court imposed sanctions.**” *Lafferty v. Jones*, 336 Conn. 332, 382 (2020) (emphasis added); *see PB* 16, 23, 24, 25 (relying on *Lafferty* for other reasons). That is precisely what the trial court did. After Plaintiff *inter alia* “admitted she had no list of cases showing the Jewish conspiracy she alleged” despite having repeatedly represented to the trial court on the record that she had such a list, CA 60, the trial court gave Plaintiff written notice that it would hold a disciplinary hearing to “**consider whether to discipline**” Plaintiff. CA 69 (bolding in decision); *see also id.* at 70 (similar). The disciplinary hearing gave Plaintiff a full opportunity to argue that the trial court should not impose sanctions at all before the trial court imposed any sanction on Plaintiff. That amply satisfied due process. *See, e.g., Lafferty*, 336 Conn. at 382; *Hardy v. Superior Court*, 305 Conn. 824, 842, 844, 850-51 (2012) (rejecting a due process challenge to a conviction and sentence of 120 days’ incarceration for summary criminal contempt and noting that “the trial court may find a person in contempt *before* affording him

Sporn, 171 Conn. App. 372, 382 (2017) (applying harmless error in the attorney discipline context).

notice of the charge if it advises him of the basis of the contempt finding and then invites him to allocute” (emphasis in *Hardy*).⁶

To the extent Plaintiff cites precedent, she yet again fails to address the portions of that precedent that fatally undermine her argument. In *Botwick*, the Supreme Court pointed out that “[a]n exception to” the general due process notice requirements “applies when an attorney’s conduct is *malum in se*, because a reasonably prudent attorney would know that such behavior is actionable.” *Botwick*, 226 Conn. at 308 n.9 (citing *Ruffalo*, 390 U.S. at 552-56 (White, J., concurring)). Plaintiff’s conduct easily meets that standard; “all responsible attorneys would recognize” that, among other things, repeatedly and falsely representing to the trial court that you have a list of cases that will show that another Judge is part of a Jewish conspiracy is “improper for a member of the profession.” *Id.* (quoting *Ruffalo*, 390 U.S. at 555 (White, J., concurring)). That independently defeats Plaintiff’s due process notice argument. Plaintiff failed to call

⁶ The limited authority Plaintiff relies on to support her notice argument does not, in fact, support it. *See PB 18* (citing *In re Ruffalo*, 390 U.S. 544 (1968) and *Statewide Grievance Committee v. Botwick*, 226 Conn. 299 (1993)). Both cases involved proceedings initiated by disciplinary entities based on conduct that occurred outside the court’s presence. *See Ruffalo*, 390 U.S. at 546, 550-52; *Botwick*, 226 Conn. at 300. In both, the attorneys were disciplined based solely on issues of which they had “no notice. . . until *after*” they testified in response to the disciplinary charges. *Ruffalo*, 390 U.S. at 550 (emphasis in *Ruffalo*); *Botwick*, 226 Conn. at 311 (similar). Here, the conduct occurred in the trial court’s presence and the trial court’s notice informed Plaintiff of the transactions at issue before the disciplinary hearing.

that directly adverse aspect of the known controlling authority to this Court's attention.

b. The Trial Court's Disciplinary Hearing Amply Satisfied Due Process

The United States Supreme Court rejected an attorney's federal⁷ due process challenge to summary disbarment well over a century ago, holding that "[c]onceding that an attorney's calling or profession is his property, within the true sense and meaning of the Constitution, it is certain that in many cases, at least, he may be excluded from the pursuit of it by the summary action of the court of which he is an attorney." *Ex parte Wall*, 107 U.S. 265, 289 (1882). The Court pointed out that "[i]t is a mistaken idea that due process of law requires a plenary suit and a trial by jury, in all cases where property or personal rights are involved." *Id.* Rather, "important right[s] of personal liberty [are] generally determined by a single judge," including "writ[s] of habeas corpus." *Id.* "In all cases, that kind of procedure is due process of law which is suitable and proper to the nature of the case, and sanctioned by the established customs and usages of the courts." *Id.*⁸

⁷ Plaintiff references the Connecticut Constitution in her Brief, but offers no independent analysis under the Connecticut Constitution. *See, e.g., PB* 12 and 14. Therefore, any and all state constitutional arguments are "abandoned and unreviewable." *State v. Brandon*, 345 Conn. 702, 707 n.3 (2022) (quoting *State v. Rivera*, 335 Conn. 720, 725 n.2 (2020)); *see also Town of New Hartford v. Connecticut Resources Recovery Authority*, 291 Conn. 489, 491 n.5 (2009).

⁸ *Ex parte Wall* remains good law. *See, e.g., Office of Chief Disciplinary Counsel v. Miller*, 335 Conn. 474, 479, 482-83 (2020) (adopting a trial court decision citing *Ex parte Wall* "as a proper statement of the applicable law concerning" issues of attorney discipline).

The trial court had the authority to summarily disbar Plaintiff under both the Rules and the statutes. *See* Practice Book §§ 2-44 and 2-45; *see also* Conn. Gen. Stat. § 51-84(b). Those Rules and statutes reflect “the established customs and usages of” Connecticut courts in attorney discipline proceedings and provide due process. *Ex parte Wall*, 107 U.S. at 289.

Plaintiff appears to concede that the trial court could have summarily disbarred her consistent with due process. *PB* 20. But she argues that the hearing—which gave her “more process than she was legally due”—somehow deprived her of due process. *CA* 87.

Plaintiff’s argument has no support in either logic or law. She admitted misconduct in the trial court’s presence. [*See, e.g., 12/1/21 Tr., p. 71*](#); *see also* *CA* 76-78. The trial court could have summarily disciplined her. Instead, the trial court gave Plaintiff detailed written notice, warned Plaintiff that her misconduct was serious, told Plaintiff that there would be a disciplinary hearing, recommended that Plaintiff retain counsel, stayed the trial, and gave Plaintiff a full month to prepare for the disciplinary hearing. *See* *CA* 54, 70. That amply satisfied due process.

Plaintiff cites a single case to support her contrary argument. *PB* 20 (citing *Disciplinary Counsel v. Williams*, 166 Conn. App. 557 (2016)). That is insufficient to properly brief the issue. *See, e.g., Taylor v. Mucci*, 288 Conn. 379, 383 n.4 (2008) (finding claims to be inadequately briefed where the plaintiff cited “just one case” to support them). But even if a single case could be enough, *Williams* undermines Plaintiff’s argument.

Williams arose out of a state criminal trial that followed the defendant’s acquittal on similar charges in federal court. *See id.* at 559. The state court trial Judge ordered that the federal jury verdict not be mentioned without the court’s prior permission. *See id.* Despite that,

the defendant's counsel mentioned the acquittal during cross examination based on his (in the trial court's view erroneous) understanding that the trial court had given permission. *See id.* at 563-64. The trial court told defendant's counsel that a hearing on potential discipline would be scheduled "*after the conclusion of this trial.*" *Id.* at 565-66 (italics in *Williams*). The trial court stated that it was "*not an urgent matter*" and explicitly told defendant's counsel that he would have "*a fair hearing*" and the "*opportunity to order a transcript*" that might contain mitigating evidence. *Id.* (italics in *Williams*).

The trial continued. Six days after the initial issue, defendant's counsel mentioned in his closing argument that his client had not been convicted in federal court. *See id.* at 567. The prosecutor objected and the trial court again warned that it would hold a sanctions hearing. *See id.* Two days later (eight days after the initial issue) and "[i]mmediately following" the bail hearing that itself immediately followed the jury's verdict, the trial court held its hearing. *Id.* at 568. Counsel told the trial court that he had not anticipated the hearing on that day and time; that he had ordered but not yet received the transcripts; and that he "had not had time to prepare for a hearing." *Id.* "Notwithstanding" counsel's "protestations," the trial court held the immediate hearing and suspended counsel. *Id.* "Under" those "particular circumstances," this Court found a due process violation because counsel "was not given adequate notice of and time to prepare for the hearing." *Id.* at 569.

The circumstances here are fundamentally different in ways that highlight the weakness of Plaintiff's argument. In *Williams*, the trial court held the hearing despite its explicit assurance that the matter would not go forward until the attorney obtained transcripts. Here, though, the trial court gave Plaintiff a full month to prepare for

the hearing and stayed the trial during that period, *see* CA 54, 70. *Cf. Williams*, 166 Conn. App. at 567-68) (allowing only eight days during a criminal trial). Here, the hearing date was set and never changed. Here, Plaintiff admitted important aspects of her misconduct on the record in the initial hearing. *Compare Williams*, 166 Conn. App. at 563-64 (noting that the attorney believed the trial court had granted permission). And, importantly, here, the trial court did not hold the hearing over the attorney’s protestations that she had not had time to prepare and despite the trial court’s earlier explicit assurance to the attorney that the matter would not go forward until the attorney had the time to obtain transcripts. *Compare Williams*, 166 Conn. App. at 565-66, 568. To the contrary, Plaintiff did not raise concerns about the timing of her hearing either below or in her opening Brief to this Court.

Due process analysis is always circumstance-specific, *see, e.g., Burton*, 267 Conn. at 19, and this Court explicitly limited its holding in *Williams* to that case’s “particular circumstances.” *Williams*, 166 Conn. App. at 569. Plaintiff cites—and Defendants located—no case that found a due process violation under circumstances remotely analogous to those here. Consistent with the trial court’s expressed intent, the trial court gave Plaintiff “more process than she was legally due” and Plaintiff’s arguments that the trial court proceedings deprived her of due process lack merit. CA 87.

B. The Trial Court Did Not Violate Plaintiff’s First Amendment Rights.

1. Standard of Review

This Court reviews the legal determination of whether the First Amendment protects Plaintiff’s speech *de novo* but must defer to the trial court’s “credibility determinations regarding disputed issues of

fact” and “accept all subsidiary credibility determinations and findings that are not clearly erroneous.” *State v. Krijger*, 313 Conn. 434, 446-47 (2014).

2. Argument

Plaintiff concedes—as she must—that “[l]awyers and litigants do not have complete, unfettered rights to free speech.” *PB* 25. Plaintiff also does not dispute that “lies and misrepresentations are not protected speech in the courtroom.” *Id.* at 26. Those obvious, undisputed, and foundational principles are fatal to Plaintiff’s argument that the trial court violated her constitutional speech rights.

Plaintiff admitted below—and the trial court found—that she repeatedly lied on the record. Plaintiff explicitly represented to the trial court multiple times that Plaintiff had a list of cases that would show Judge Adelman’s pro-Jewish bias. *CA* 76-78. Plaintiff went so far as to pretend to be having difficulty pulling the list up on her screen and to say she would look for it over break before finally admitting, after the break, that “the list she said existed in fact never existed.” *Id.* at 78.

On appeal, Plaintiff does not challenge the trial court’s finding that she repeatedly lied about the list. Nor does she try to contextualize or minimize those lies; the only reference to the non-existent list in Plaintiff’s entire Brief is her admission that “[s]he claimed to have a list of cases which demonstrated Judge Adelman’s [pro-Jewish] bias.” *PB* 9. Plaintiff’s admitted lies should be dispositive. “[S]imply stated, an attorney has no First Amendment right to lie to a court.” *Florida Bar v. Mogil*, 763 So. 2d 303, 311 n.2 (Fla. 2000) (quoting *In re Benjamin*, 698 A.2d 434, 441 (D.C. 1997)).

In addition to Plaintiff’s admitted lies about the list, the trial court found that Plaintiff “lied” to the trial court about the contents of the DCF report “with ample warning that the judge would check for

the truth.” CA 69. On appeal, Plaintiff admits that “the record does not show that she was correct in her allegations and arguments” about the report but claims she did not knowingly lie. *PB* 29-30. This Court is required to “accept” the trial court’s “subsidiary credibility determination[]” that Plaintiff lied. *Krijger*, 313 Conn. at 447. Even if this Court were not required to accept the trial court’s determination, the trial court’s finding that Plaintiff lied finds support in Plaintiff’s multiple other admitted and apparent lies before the trial court. *See, e.g.*, CA 76-79 (discussing Plaintiff’s admitted lies about the list); [12/1/21 Tr., p. 71](#) (Plaintiff representing to the trial court that she had “never, ever made a misrepresentation to a court . . . knowingly, or intentionally” despite her prior admitted misrepresentations to the trial court in this matter).

Unable to defend her admitted and found lies, Plaintiff fails to address them and represents that she suffered “swift disbarment for an argument.” *PB* 26. The argument would lack merit even if this Court looked past all of Plaintiff’s lying. In Plaintiff’s view, the First Amendment protected her right to present any arguments she wanted “even if they were poorly prepared and research [sic],” *id.*, and involved “accusations” of bias against a sitting Judge that Plaintiff admits “can be fairly characterized as controversial, offensive and unproven.” *Id.* at 27.

That is not the law. “It is well established that statements critical of public officials that are made ‘with knowledge of their falsity or in reckless disregard of whether they are true or false’ are not protected by the first amendment of the United States constitution.” *Notopoulos v. Statewide Griev. Committee*, 277 Conn. 218, 233 (2006) (quoting *Garrison v. Louisiana*, 379 U.S. 64, 78 (1964)); *see also Statewide Griev. Committee v. Burton*, 299 Conn. 405, 414 (2011) (reaffirming and applying *Notopoulos*).

Here, Plaintiff admitted that some of statements at issue were knowingly false and the others were both found to be knowingly false and were, at best, made with reckless disregard as to their truth or falsity. Plaintiff admitted before the trial court—and the trial court found—that Plaintiff did not “have a specific evidentiary trail to support” her claims of “Jewish faith” bias. [12/1/21 Tr. at 71](#); *see also* CA 78. In addition, the trial court found that Plaintiff’s other attacks on Judge Adelman lacked an objectively reasonable factual basis. *See, e.g.*, CA 74-91. Plaintiff does not argue otherwise in her Brief. That should be dispositive under established First Amendment doctrine. *See, e.g., Burton*, 299 Conn. at 414.

Unable to defend her conduct under the applicable standard, Plaintiff asks this Court to extend the First Amendment standard applicable to extrajudicial statements by non-attorney litigants to the “actions and speech of an attorney during litigation.” *PB 25* (discussing *Lafferty*, 336 Conn. at 359-63). Plaintiff cites no case from any jurisdiction that did what she asks this Court to do.

That is not surprising. Our entire system of attorney ethics is founded on the idea that attorneys are different from non-attorneys and that attorneys have an obligation to tell the truth in court. As the trial court aptly put it, “lawyers are different.” CA 56. They are “officers of th[e] court,” who are bound by “a Code of Professional Responsibility” that “charges them with a duty to truth” and makes clear that “they may be punished if they frivolously make false claims in court.” *Id.* As the Supreme Court noted in the very case Plaintiff primarily relies on, courts “take seriously” attorneys’ “statements on the record because ‘[i]t long has been the practice that a trial court may rely [on] certain representations made to it by attorneys, who are officers of the court and bound to make truthful statements of fact or law to the court.’” *Lafferty*, 336 Conn. at 370 (quoting *State v.*

Chambers, 296 Conn. 397, 419 (2010)). The First Amendment does not force this Court to jettison that practice and give attorneys the constitutional right to lie to the court.

C. The Trial Court’s Conclusions were Supported by More than Clear and Convincing Evidence

1. Standard of Review

This Court reviews whether the trial court’s finding that Plaintiff violated several Rules of Professional Conduct was based on clear and convincing evidence in the record. *See Burton*, 267 Conn. at 37-38. To the extent, if any, that “the factual basis of the court’s decision is challenged,” this Court determines whether the trial court’s factual determinations are “clearly erroneous” and whether the facts found are sufficient as a matter of law to support the judgment. *Id.* (quotation marks omitted). This Court “give[s] great deference to the findings of the trial court because of its function to weigh and interpret the evidence before it and to pass upon the credibility of witness” and will “uphold a factual determination” unless this Court is “left with the definite and firm conviction that a mistake has been made.” *Id.* at 38 (quotation marks omitted).

2. Argument

Plaintiff admitted below that she repeatedly lied about having a list of cases that would show Judge Adelman’s pro-Jewish bias. *See, e.g.*, CA 76-79. Those admissions were sufficient to establish that the trial court’s decision was supported by clear and convincing evidence. *See, e.g., Sowell v. Dicara*, 161 Conn. App. 102, 127 (2015) (“conclud[ing] that there was clear and convincing evidence to” support the trial court’s decision based on the attorney’s admission in a writ of error challenging the trial court’s finding that the attorney violated the Rules of Professional Conduct).

Plaintiff does not argue otherwise in her Brief. Instead, Plaintiff does not address those lies, apparently hoping that this Court will somehow not notice them even though they were an important part of the trial court's decision. *See* CA 59-60, 76-78. This Court can—and should—affirm the trial court on that basis alone; this Court “need not address the propriety of the trial court’s ruling because the plaintiff[] ha[s] presented this court with an inadequate brief regarding an issue that was central to the trial court’s holding.” *Sienkiewicz v. Ragaglia*, 167 Conn. App. 730, 733-34 (2016) (Per Curiam). Plaintiff’s admitted lies—in and of themselves—provided clear and convincing evidence that Plaintiff violated Rules 3.1, 3.3, 8.2, 8.4(3) and 8.4(4). *See, e.g., Cohen v. Statewide Griev. Committee*, 339 Conn. 503, 524-26 (2021) (noting that “[i]t is not unusual” for the same conduct to violate multiple Rules, and holding that the attorney’s “knowingly false statement” violated Rule 8.4(3)); *see also Burton*, 267 Conn. at 37 (indicating that it is the appellant’s burden to challenge “the factual basis of the court’s decision” if they intend to do so (quotation marks omitted)).

But Plaintiff’s admitted lies were far from the only evidence supporting the trial court’s decision. There is no dispute that Plaintiff’s allegations that Judge Adelman was biased in favor of Jewish litigants, against disabled litigants, and against women implicated Rule 8.2. Plaintiff admits—as she must—that Rule 8.2(a) prohibits a lawyer from making a statement concerning a Judge that the lawyer either knows to be false “or with **reckless disregard as to its truth or falsity.**” *PB 29* (quoting Rule 8.2(a); emphasis added). At best, Plaintiff levied every claim of bias with reckless disregard. She admitted that she had no evidentiary trail for her claims of pro-Jewish bias, and the trial court found that all of her claims of bias were baseless. [See 12/1/21 Tr., p. 71](#); *see also* CA 56-69; CA 75-83. Again,

Plaintiff does not even attempt to argue on appeal that she did not act with reckless disregard. And, again, Plaintiff's failure to address that "central" issue in her Brief would be a more than sufficient basis for this Court to affirm the trial court's decision. *See, e.g., Sienkiewicz*, 167 Conn. App. at 733-34.

Addressing Plaintiff's arguments seriatim in Rule number order, the sum total of Plaintiff's discussion as to Rule 3.1 is a single confusing paragraph bereft of authority that does not even claim—let alone persuasively argue—that the trial court erred. *See PB* 31. That is inadequate to present any issue. *See, e.g., Taylor*, 288 Conn. at 383 n.4. In any event, controlling authority establishes that the trial court did not err. This Court upheld the application of Rule 3.1 in a case comparable to this one that Plaintiff does not address. *Brunswick v. Statewide Griev. Committee*, 103 Conn. App. 601, 614-21 (2007) (affirming a decision finding that an attorney's baseless allegations of a decision-maker's partiality or corruption violated Rule 3.1).

Plaintiff's discussion of Rule 3.2 likewise consists of a single paragraph, without citation to authority, that is inadequate to present any issue. *See, e.g., Taylor*, 288 Conn. at 383 n.4; *see PB* at 30. As Plaintiff acknowledges, the trial court found many of her motions to be dilatory in violation of the Rule. *See PB* at 30. The trial court found that Plaintiff had repeatedly attacked Judge Adelman; attacked "all the other legal professionals in the case"; and made various filings "in juvenile court, a filing for emergency custody, appeals, and even a separate case for injunctive relief." CA 85. "On top of" all that, at Plaintiff's request the case had "been continued fifteen times." *Id.* The trial court found those tactics to be intentional and groundless. *See id.* Plaintiff does not offer a reasonable basis for any of those actions or argue that they did not result in delay. *See PB* at 30. Instead, she says merely that it was "possib[le]" that Plaintiff "was filing motions in a

zealous and strategic manner that was just unsuccessful.” *Id.* Plaintiff’s speculation is puzzling. If she had a strategic reason for her filings, she should have enlightened the trial court below and this Court in her Brief.

Plaintiff’s discussion of Rule 3.3 ignores her multiple admitted lies, which easily establish clear and convincing evidence of a violation. Beyond that, Plaintiff’s argument never grapples with the relevant definition of “knowing” falsehood, under which knowledge “may be inferred from circumstances.” Rule of Professional Conduct 1.0(g). Plaintiff does not argue that the trial court unreasonably inferred scienter, especially given Plaintiff’s repeated admitted lies. And the one case Plaintiff cites does not help her. *See Disciplinary Counsel v. Parnoff*, 324 Conn. 505 (2016). *Parnoff* did not involve Rule 3.3 at all. Nor did it involve a situation where the trial court inferred knowing misconduct from the circumstances. The opposite is true—in *Parnoff*, the trial court explicitly found that the attorney did not have wrongful intent. *Parnoff*, 324 Conn. at 517. Not so here.

Again, Plaintiff’s single paragraph of Rule 3.5 argument, lacking any citation to authority, is inadequate to present any issue. *See, e.g., Taylor*, 288 Conn. at 383 n.4; *see PB* at 31. Despite Plaintiff’s implication that she did not engage in “abusive, obnoxious conduct in the presence of the court,” *PB* 31, the record is replete with Plaintiff’s “belligerence or theatrics.” *Commentary to Rule 3.5*; *see, e.g., CA 84* (noting an example where Plaintiff berated the trial court and called its decision *inter alia* “**a joke**” and “**pathetic**” (emphasis in the original)). The evidence that Plaintiff violated Rule 3.5 surpasses clear and convincing. *See, e.g., Burton*, 267 Conn. at 12-13, 59 (dismissing a writ of error challenging an attorney’s disbarment based on *inter alia* a violation of Rule 3.5 premised on less belligerent conduct than Plaintiff’s).

Defendants discussed Rule 8.2 in detail above. Plaintiff has waived any argument regarding that Rule—she discusses it only in a single sentence with no authority or analysis. *See, e.g., Taylor*, 288 Conn. at 383 n.4; *see PB* 31.

Similarly, Plaintiff has inadequately briefed any argument as to Rule 8.4(3). *See PB* 30. The limited argument Plaintiff offers is obviously wrong. Plaintiff represents that Rule 8.4(3) required clear and convincing evidence that Plaintiff “was intentionally dishonest or deceptive rather than just wrong.” *PB* 30. This Court has held exactly the opposite. *See Ansell v. Statewide Griev. Committee*, 87 Conn. App. 376, 387-89 (2005) (“conclud[ing] that” Rule 8.4(3) “has no scienter requirement” and was violated by statements that were unintentionally “contrary to fact”). Plaintiff does not cite *Ansell*, let alone persuasively distinguish it.

That leaves Rule 8.4(4). Plaintiff’s single sentence reference to that Rule piggybacks off of Plaintiff’s meritless argument on Rule 3.2. Yet again, Plaintiff ignores controlling precedent that found a violation based on less egregious facts even though Plaintiff relies on that very precedent to support other parts of her argument. *See, e.g., Chief Disciplinary Counsel v. Rozbicki*, 326 Conn. 686, 703-05 (2017) (affirming a trial court’s finding that an attorney violated Rule 8.4(4) as a result of his baseless attacks on multiple Judges).

Ultimately, this Court’s review of the trial court’s findings of misconduct “is of a limited nature” given the trial court’s “wide discretion” and the deference due the “discretion of the fact finder . . . because the fact finder is in the best position to evaluate the evidence and the demeanor of the parties.” *Id.* at 700 (quotation marks omitted). This Court cannot interfere with the trial court’s decision “except in a case of manifest abuse and where injustice appears to have been done.” *Id.* at 701. Here, the trial court’s findings of misconduct are supported

by more than clear and convincing evidence and this Court should affirm them.

D. The Trial Court was Well Within its Discretion to Disbar Plaintiff

1. Standard of Review

When faced with attorney misconduct, a trial “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.” *Burton*, 267 Conn. at 54 (quotation marks omitted). On review, this Court must give “every reasonable presumption in favor of” the sanction the trial court decides to impose. *Id.* (quotation marks omitted). Whether this Court “would have imposed a different sanction . . . is irrelevant”; the only issue is “whether the trial court abused its discretion” in disbaring Plaintiff. *Id.* (quotation marks omitted).

2. Argument

The Supreme Court dismissed a writ of error challenging a trial court’s disbarment of an attorney for conduct less egregious than Plaintiff’s in *Burton*, holding “that the trial court did not abuse its discretion when it disbarred the plaintiff from the practice of law.” *Id.* at 53. There—as here—the attorney “engaged in misconduct against the civil justice system, which is vulnerable to unsubstantiated attacks by attorneys.” *Id.* at 58. In *Burton*, those attacks took the form of claims of gender bias. *Id.* at 45-52. Here, Plaintiff baselessly accused the trial court of three separate forms of bias: in favor of Jews, against disabled people, and against women. Plaintiff also repeatedly lied to the trial court in making her claims.

Burton and the Supreme Court’s subsequent decision affirming a later disbarment of the same attorney for similar misconduct foreclose any credible argument that the trial court abused its

discretion by disbaring Plaintiff. *See Burton*, 299 Conn. at 407. The Supreme Court’s decisions are consistent with decisions from other jurisdictions concluding that conduct analogous to—though less egregious than—Plaintiff’s warranted disbarment. *See, e.g., In re Evans*, 801 F.2d 703, 703 (4th Cir. 1986), *cert. den.*, 480 U.S. 906 (1987) (affirming a trial judge’s disbarment of an attorney for accusing the judge of incompetence and pro-Jewish bias without a basis); *In re Whiteside*, 386 F.2d 805, 806 (2d Cir.), *cert. den.*, 391 U.S. 920 (1968) (Per Curiam) (affirming a trial court’s disbarment of an attorney based on his unfounded claims that by ruling against his client various judges and government lawyers became criminal conspirators); *State Supreme Court Board of Professional Ethics & Conduct v. Ronwin*, 557 N.W.2d 515, 523 (Iowa 1996) (disbaring an attorney based on *inter alia* baseless attacks on judges).

In addition to being consistent with the caselaw, the trial court’s decision was consistent with both the American Bar Association’s Standards for Imposing Lawyer Sanctions (“the ABA Standards”) and the Chief Disciplinary Counsel’s recommendation regarding the appropriate sanction. *See ABA Standards* § 5.11(b); *see also 1/10/22 Tr.*, pp. 38-39 (Disciplinary Counsel’s recommendation). The trial court acted well within its discretion in disbaring Plaintiff.

Plaintiff’s Brief does nothing to undermine that conclusion. *PB* 33-37. Plaintiff does not substantively challenge the trial court’s application of the ABA Standards. And she cites no case—let alone a case with comparable facts—holding that a court abused its discretion by disbaring an attorney. She says only—without citation to any authority—that other options would have been reasonable under the Standards. *PB* 37. That is irrelevant. *See, e.g., Burton*, 267 Conn. at 54 (holding that whether the reviewing court would have chosen a

different sanction is “irrelevant” to whether the trial court abused its discretion in disbarring an attorney).

Plaintiff’s failure to cite a single case holding that a court abused its discretion by disbarring an attorney highlights the breadth of the trial court’s discretion. The trial court properly could—and did—join the Connecticut Supreme Court and other courts in concluding that disbarment was appropriate given that Plaintiff’s conduct was “such as to put in doubt h[er] ability to exercise the judgment which advocacy requires.” *In re Whiteside*, 386 F.2d at 806.⁹

E. Plaintiff’s Post-Disbarment Conduct Illustrates the Correctness of the Trial Court’s Decision.

This Court should affirm the trial court’s decision based on Plaintiff’s conduct before the trial court alone. However, this Court also may “note” events “subsequent to the trial court’s action in the present case” in reviewing the trial court’s decision. *Burton*, 267 Conn. at 56 n.51 (noting that after the trial court’s decision under review, the attorney had “been sanctioned in other cases”).

This Court’s ability to note post-disbarment events is particularly important given Plaintiff’s representation to this Court that Plaintiff “was not accused and punished in” her disbarment “proceeding for mishandling client funds, conflicts of interest, [or] criminal behavior.” *PB* 24. After Plaintiff’s disbarment—and before Plaintiff filed her Brief here—the trial court found Plaintiff in contempt for having withdrawn \$30,000.00 from her IOLTA account in

⁹ Plaintiff’s lack of disciplinary history before the trial court’s decision did not insulate her from disbarment. *See, e.g., In re Lain*, 857 S.E.2d 668 (Ga. 2021) (affirming an attorney’s disbarment despite a lack of prior disciplinary history); *In re Ivy*, 374 P.3d 374, 386 (Alaska 2016) (similar).

violation of a court order. *Memorandum of Decision in In re: Cunha* ([Docket No. 116.00](#)) ([MOD, p.1](#)).¹⁰ In so doing, the trial court noted that Plaintiff “may have stolen” the money, but reserved decision on that issue. *Id.* at p. 3. The trial court then was forced to execute a *capias* to secure Plaintiff’s appearance—after the trial court stayed the *capias* four separate times to allow Plaintiff opportunities to appear without compulsion. See Entry Nos. [119.00](#), [119.10](#), [119.20](#), [119.30](#), [121.00](#), [121.10](#), and [121.20](#) in *In re: Cunha*.

In addition, in her self-represented capacity, Plaintiff filed a federal suit against Judge Moukawsher in both his personal capacity and official capacity accusing him of *inter alia* “criminal mischief under 18 U.S.C. § 242” and demanding *inter alia* compensatory and punitive damages. *Complaint in Cunha v. Moukawsher*, 3:23-cv-00037-VAB (D. Conn.) ([Complaint, p.1](#))¹¹; see *Burton*, 267 Conn. at 58 n.55 (noting that the attorney had filed a federal action against the trial court seeking declaratory and injunctive relief, which the trial court construed as an attempt to intimidate the court). Plaintiff made

¹⁰ This Court “may take judicial notice of files of the trial court in the same or other cases.” *Saggese v. Beazley Co. Realtors*, 155 Conn. App. 734, 746 n.15 (2015) (quotation marks omitted). It may also take judicial notice of the Complaint in Plaintiff’s federal action. See, e.g., *Velasco v. Commissioner of Correction*, 214 Conn. App. 831, 834 n.2 (2022).

¹¹ Plaintiff served her federal Complaint on April 3, 2023 and Defendant, though counsel, anticipates responding with *inter alia* a Motion to Dismiss raising multiple arguments, including that the Eleventh Amendment and absolute judicial immunity foreclose Plaintiff’s claims under established United States Supreme Court and Second Circuit precedent.

similar allegations in a self-represented motion she filed with this Court and this Court denied in this writ of error. *See Motion to Strike* (AC 223150). Plaintiff's post-disbarment conduct illustrates the correctness of the trial court's decision.

Conclusion

For the foregoing reasons, this Court should dismiss this writ of error.

Respectfully submitted,

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BY: _____

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APPELLATE COURT
of the
State of Connecticut

AC 45424
CHRISTOPHER AMBROSE

v.
KAREN AMBROSE

**Party Appendix for the Defendants in Error the Honorable
Gerard I. Adelman and the Honorable Thomas G. Moukawsher**

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NO: FBT-FA19-6088163-S : SUPERIOR COURT
CHRISTOPHER AMBROSE : JUDICIAL DISTRICT
OF MIDDLESEX
v. : AT REGIONAL FAMILY TRIAL
DOCKET
KAREN AMBROSE : DECEMBER 1, 2021

TRANSCRIPT OF PROCEEDINGS

BEFORE THE HONORABLE THOMAS G. MOUKAWSHER, JUDGE

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1 bring the Court's attention to our first day of trial
2 in this matter which was March 31, 2021. At the time
3 of our first appearance, the parties were ordered to
4 appear at court I believe for 9 a.m. And the order
5 was issued by Judge Adelman based on Attorney
6 Aldrich's motion for order. And Attorney Aldrich was
7 seeking to have the plaintiff deposed and represented
8 to the court that the plaintiff had failed to comply
9 with Attorney Aldrich's subpoena and -

10 THE COURT: The plaintiff had failed to -

11 ATTY. CUNHA: Sorry. The defendant had failed
12 to comply.

13 THE COURT: And you're saying this was the first
14 day of trial or first -

15 ATTY. CUNHA: First day of trial -

16 THE COURT: Okay. So, this is about a
17 deposition request on the first day of trial, and
18 you're saying that Attorney Aldrich was saying the
19 defendant had failed to comply; is that right?

20 ATTY. CUNHA: Correct.

21 THE COURT: Okay. Go ahead.

22 ATTY. CUNHA: And so, we start our trial out
23 with argument before Judge Adelman. And I believe
24 that that first day in and of itself sets the stage
25 to the significant bias that Judge Adelman holds
26 against women, against individuals with disability,
27 against - my belief is there is significant evidence

1 that Judge Adelman also has a bias against anyone
2 that is not of the Jewish faith. And I base that on
3 a significant amount of information that has been
4 sent to me over the last several weeks. And it's
5 really distributing. And I have a number of
6 individuals that are available and on the call today
7 that are willing to share their experiences with the
8 Court in terms of -

9 THE COURT: Well, I thought you were not
10 planning to call individuals to testify. Is that -
11 are you changing that or...

12 ATTY. CUNHA: No. No. I'm leaving it up to the
13 Court's discretion. That's where I was going with
14 that, Your Honor. I don't believe that it will be
15 necessary.

16 But I'm just pointing out to the Court that my
17 belief that Judge Adelman also has a bias against
18 individuals that are not of the faith - of the Jewish
19 faith has - is a recent belief based on the enormous
20 amount of information and evidence that's come to me.

21 THE COURT: Well, I'm a little confused. I am
22 trying to follow your argument carefully. We started
23 on March 31, 2021, and you said that there was
24 evidence on that day of bias.

25 ATTY. CUNHA: Correct.

26 THE COURT: And you're saying it's women, the
27 disabled, and then you added anyone who is not

1 words, if you say it's a violation of due process, it
2 was incorrect as a matter of law in your view.

3 But tell me how it - what would take that beyond
4 simply a disagreement with his ruling towards
5 something that shows bias as you claimed against
6 women, the disabled, and people who aren't Jews? How
7 does that illustrate that?

8 ATTY. CUNHA: Sure. Because he has a clear
9 pattern of conduct that consistently establishes that
10 Judge Adelman ignores claims of domestic violence.
11 He is aggressively abusive in his demeanor and
12 application or failure to -

13 THE COURT: Let's take these one at a time
14 because the second thing you said is more serious.
15 But, because what I want to do is isolate or - or
16 look at it all together at various moments to
17 understand what you're claiming.

18 So, one of the things you're saying is that I
19 gather that he had a pattern of ruling in ways that
20 you considered unjustified as matters of law and
21 that -

22 ATTY. CUNHA: Yes.

23 THE COURT: So - so, let's just take that part
24 because I want to understand it because, obviously,
25 there's this issue of disagreeing with rulings and
26 then there's the issue of bias. If, for instance,
27 every time a certain party makes a motion, they lose.

1 continue?

2 THE COURT: Yeah. Just let me ask you - let me
3 just ask you two questions about that because I want
4 to understand what - what you're saying.

5 Is one of the things you're saying that the
6 statute, it clearly forbids him from doing that or
7 are you just unhappy that he allowed the GAL to sit
8 through that because it was in your view a waste of
9 money?

10 And I understand the argument, and I agree with
11 you that the legislature did act because they were
12 concerned about the GAL issue. But then, the
13 question becomes: Is this a disagreement with his
14 ruling that the GAL would be able to sit through the
15 trial or are you saying that there's something worse
16 about it? And, if so, what is the worst thing?

17 Because you agree with me that it can't be just
18 simply you don't like his rulings, so where does the
19 other part come in about this GAL thing? Is it - you
20 don't claim, I don't think, that it - that the
21 statute says a GAL may not be allowed to sit through
22 a trial, do you?

23 ATTY. CUNHA: No, I do not claim that.

24 THE COURT: So, then, he made this call, and you
25 think that it was a waste - waste of money, is that -

26 ATTY. CUNHA: I think it was an intentional
27 waste of money, and I think he -

1 THE COURT: Intentional -

2 ATTY. CUNHA: - has a history of doing that.
3 And I believe it's a RICO. And I put that on the
4 record multiple times. I -

5 THE COURT: A RICO?

6 ATTY. CUNHA: Yes.

7 THE COURT: As in a racketeering issue?

8 ATTY. CUNHA: Yes. Yes.

9 THE COURT: What - what - so - so, you're
10 claiming there's some sort of conspiracy or something
11 here?

12 ATTY. CUNHA: Oh. Absolutely. There's a
13 business going on. And what happens is, is that
14 Judge Adelman notoriously and consistently allows for
15 Attorney Hurwitz, of all people, and other guardian
16 ad litem to remain on the case throughout the trials
17 over objection where they end up raking in an
18 enormous amount of fees.

19 I believe Attorney Aldrich has - sorry -
20 Attorney Hurwitz has been paid over \$100,000 and her
21 bill is close to \$200,000. And she has met the
22 children in this case maybe four times since 2019.

23 THE COURT: Okay.

24 ATTY. CUNHA: She has not spoken to me about
25 anything with respect to their wellbeing. She has
26 not updated my client. She's blatantly refused to.
27 All of these issues have been brought before the

1 court. She has denied my client access to records,
2 to the medical records -

3 THE COURT: All right. Let's - let's back to
4 Judge Adelman because I understand - so, you - but
5 you - you just said that you're claiming here as an
6 officer of the court, then, that Judge Adelman is
7 engaged in racketeering?

8 ATTY. CUNHA: Yes. I believe that
9 wholeheartedly.

10 THE COURT: What evidence do you have to
11 support? Because, in other words, there's one thing
12 to say, alright, Judge Adelman shouldn't let GALs sit
13 through trials because it costs money unnecessarily.
14 And Judge Adelman says, as you just described, that
15 the GAL might - may change their views during the
16 course of the trial. So, there could be simply a
17 disagreement with Judge Adelman's philosophy about
18 letting the GAL do it.

19 But you're saying something more than that.
20 You're saying -

21 ATTY. CUNHA: I was -

22 THE COURT: - that Judge Adelman - just let me
23 get it out - Judge Adelman is in some form of illegal
24 conspiracy in which he - I don't know - are you
25 saying that he's in touch with these people and
26 arranges privately for them to make money in a
27 corrupt scheme? Let's get - let's get focused on

1 that because it's a very serious thing to say.

2 ATTY. CUNHA: It is.

3 THE COURT: What is the evidence -

4 ATTY. CUNHA: It is.

5 THE COURT: What evidence is it - other than he
6 does this all the time, what evidence is there that
7 this part of a conspiracy?

8 ATTY. CUNHA: Sure. In - in - when Judge
9 Adelman was up for reappointment, these issues were
10 the exact issues that were brought - were raised to
11 the judge and I believe it was Senator Wakefield
12 [sic] that actually objected to Judge Adelman's
13 reappointment because Judge Adelman had notably
14 blatantly lied as a - as an appointed judge under
15 oath to the review committee that was seeking to
16 whether or not reappoint him.

17 THE COURT: You mean the Judiciary Committee?

18 ATTY. CUNHA: Yes. And it is the record - the
19 transcript is alarming in terms of the number of
20 litigants that spent their life savings to pay
21 guardian ad items, all mothers who lost custody of
22 their children, all mothers who had the same elements
23 of some type of a disability whether it was a mental
24 health disability or a learning disability. In
25 cases -

26 THE COURT: Let's focus on one question at a
27 time because you started out by saying that Judge

1 Adelman lied to the Judiciary Committee. And, again,
2 this is a very serious thing to say. What is the
3 actual evidence?

4 You're a lawyer. You know I need to have
5 evidence. You can't just assert things. You have to
6 have the evidence. So, if you're going to claim that
7 one reason I should recuse him is that he lied, then
8 what's - what is the support for it? You can't just
9 say people say he lied.

10 ATTY. CUNHA: Yes.

11 THE COURT: Let me back up for a moment about
12 GALs, maybe I agree that there's a lot of money
13 that's spent on GALs that is not necessary, maybe
14 that's a differing judicial philosophy.

15 What you're saying is it's a matter of
16 corruption. And, if you're going to say that to me
17 as an officer of the court, I'd like to know what
18 your support is for it being corruption as opposed to
19 simply a judgment you disagree with and maybe even
20 sometimes I disagree with. So, it's a serious thing
21 to say as an Officer of the Court. We've got to talk
22 about what it is that supports that.

23 So, you've told me that people came to the
24 Judiciary Committee and had things to say and were
25 disappointed. But where is - where is the conspiracy
26 that you're -

27 ATTY. CUNHA: Senator Wakefield specifically

1 pointed out when he objected to the reappointment -
2 and this is part of the public transcript - when he
3 objected to the reappointment of Judge Adelman that
4 Judge Adelman was not honest in his questions when
5 responding to Senator Wakefield, and Senator
6 Wakefield had serious -

7 THE COURT: Wakefield or Winfield? I'm sorry.

8 ATTY. CUNHA: Winfield. I'm sorry. Winfield.
9 I apologize.

10 THE COURT: Is there some place - do you have a
11 copy of the transcript? Are you seeking to submit
12 something into evidence on the subject?

13 ATTY. CUNHA: I have a copy - I have a copy of
14 the vote when the nomination was coming up, and I
15 have the -

16 THE COURT: Let's assume - let's assume because
17 maybe it won't be disputed that Senator Winfield
18 voted no. That might show something, but -

19 ATTY. CUNHA: Well, it wasn't just that he voted
20 no. He publicly put on the record the reason -

21 THE COURT: Well, that's what I'm saying. Do
22 you have the have a transcript or something that
23 you're -

24 ATTY. CUNHA: I - I do have it, and I could
25 absolutely get it to the court today. It's
26 absolutely a -

27 THE COURT: It's a public - it's a public

1 record. Is there -

2 ATTY. CUNHA: Yes.

3 THE COURT: - some part of it that you want to
4 read that I should take notice of? Whether I can
5 make use of it as an evidentiary matter should be a
6 question in your mind too because it's obviously a
7 hearsay statement. But I - I can take notice of the
8 public record.

9 ATTY. CUNHA: Well, I think that because it is a
10 public hearing and that it's a hearing that's held
11 under oath, it probably falls within the category of
12 the Court's ability to take judicial notice. That
13 would be my position.

14 THE COURT: Well, I can take notice of what's in
15 the public record. The question is whether Senator
16 Winfield's comments might be indicative of - might be
17 a form of evidence that I can consider on the issue
18 of bias.

19 But, if you have some piece of the transcript
20 that you want to read, I'll reserve on - on what I do
21 with it. But I'll hear what you - what you have to
22 read it. So, go ahead and read it if there's
23 something you're - you're saying is - is evidence.
24 And then, I will reserve ruling on - on whether it's
25 actually evidence I can consider.

26 ATTY. CUNHA: Can I just -

27 THE COURT: Go ahead.

1 ATTY. CUNHA: Can I have a moment to see if I
2 can pull it up, Your Honor?

3 THE COURT: All right. You may have a moment.

4 ATTY. CUNHA: What I had in front of me is the
5 actual transcript of Chairman Tong and Chairman
6 Doyle, Judge Adelman and -

7 THE COURT: Well, you say Senator Winfield said
8 that he believed that Judge Adelman was dishonest.
9 And, if there's something in that that is evidence,
10 I'll consider it. I have to determine if it is
11 evidence. But -

12 ATTY. CUNHA: I have -

13 THE COURT: - read to me what - what Senator
14 Winfield said.

15 ATTY. CUNHA: I'm - yes. One moment. I'm
16 getting to it. Let's see.

17 THE COURT: And I assume this goes to your claim
18 of that there's some - that there's a conspiracy.

19 ATTY. CUNHA: Yes.

20 THE COURT: Because, again, it can't simply be
21 about philosophy about GALs. That would - you agree
22 that isn't the basis. It's got to be why is he doing
23 this. You're basically claiming that he's doing it
24 because he's in a corrupt conspiracy with the
25 lawyers.

26 ATTY. CUNHA: Yes.

27 THE COURT: All right. And then, that's, as you

1 know, a very serious thing to say so give me the
2 evidence and I'll consider it.

3 ATTY. CUNHA: Thank you. So, Your Honor,
4 Senator - it's quite long, but Senator Winfield -

5 THE COURT: Read me the part where he says he's
6 not telling the truth. That's the part that you said
7 I should know about or, as you say, he doesn't -
8 didn't tell the truth.

9 ATTY. CUNHA: Yes. One moment.

10 (Brief pause in the proceedings.)

11 ATTY. CUNHA: It's a very long transcript. I
12 know one of the issues was Judge Adelman specifically
13 indicated that he did not handle a case that, in
14 fact, he was the judge in.

15 THE COURT: But the issue is that you said
16 Senator Winfield accused him of lying.

17 ATTY. CUNHA: Yes.

18 THE COURT: That's the part that I'm - I've
19 offered to - to make a note of if you have it. If
20 you want to go onto something else rather, we can do
21 that.

22 But I - but the key is that you've made a very
23 serious claim. You've not only claimed bias and
24 prejudice, now you're claiming that he's been
25 involved in a civil conspiracy with lawyers to -
26 basically to defraud people, I guess, about the GAL
27 charges.

1 So - so, that's very different from saying I
2 don't like that Judge Adelman has the GAL sit through
3 the trials. Maybe it's a waste of money in your
4 view. Maybe it's a bad legal thing. You claim it's
5 because he is - I'm not sure what you're saying.
6 You're saying also that he's personally profiting
7 that he's getting kickbacks or something?

8 ATTY. CUNHA: I don't know that. I don't have
9 evidence -

10 THE COURT: You're not claiming that, though;
11 right?

12 ATTY. CUNHA: I - I don't know. Why would - why
13 would somebody go to the extent that he has gone
14 through, Judge Adelman - I don't know. I have - I
15 don't have the power or -

16 THE COURT: You're not -

17 ATTY. CUNHA: - resources to investigate that.
18 No.

19 THE COURT: My - my point is I need to know what
20 you're claiming because you're an officer of the
21 court and it matters. So, you're not claiming he's
22 receiving money for it. What you're claiming - this
23 is why I thought you - this RICO thing that you
24 mentioned - that he's in some form of civil
25 conspiracy thing. I gather your point is to line the
26 pockets of all lawyers or just certain lawyers -

27 ATTY. CUNHA: No.

1 THE COURT: - or -

2 ATTY. CUNHA: No.

3 THE COURT: - or certain lawyers -

4 ATTY. CUNHA: Certain lawyers, yes.

5 THE COURT: What? Certain lawyers.

6 ATTY. CUNHA: Certain lawyers. And Attorney
7 Aldrich happens to be a huge beneficiary of Judge
8 Adelman's conduct and so does Attorney Hurwitz.

9 THE COURT: You mean - you mean because he's
10 appointed both of them as GALs? Has he appointed
11 Attorney Aldrich as a GAL many times?

12 THE COURT: Because his - because his - his
13 orders have consistently benefitted throughout the
14 history of his cases Attorney Aldrich and Attorney
15 Hurwitz to the detriment of the opposing party and
16 opposing counsel -

17 THE COURT: Okay. But we were talking -

18 ATTY. CUNHA: - consistent -

19 THE COURT: - about GALs, and so you - I don't
20 know whether he's ever appointed Attorney Aldrich as
21 a GAL. You're not - you're claiming, in other words,
22 that he's favored Attorney Aldrich in this case is
23 the point; right?

24 ATTY. CUNHA: Not only this case, but
25 historically in all cases that she has come before
26 him in.

27 THE COURT: All right. And - and what files

1 would you - you're making a statement that in all
2 cases in which Attorney Aldrich has - has
3 participated in front of Judge Adelman he has favored
4 her. What cases are you citing for me that reflect
5 that because if you're - you must have a basis for
6 saying that? What cases are you referring to?

7 ATTY. CUNHA: I have a list of them, if I just
8 may. We're kind of going all over the place. I was
9 still on -

10 THE COURT: Well, that's -

11 ATTY. CUNHA: - with the discovery. But so -
12 so, I can just keep track of where we are, Judge,
13 because it's a lot, is with respect to the transcript
14 testimony of Judge Adelman from his reappointment -

15 THE COURT: Well, you - you made a specific
16 claim about that that I said I'd hear, and that was
17 that a senator accused him of lying to the Committee.

18 ATTY. CUNHA: Correct.

19 THE COURT: (indecipherable) - that that was
20 significant enough to listen to it.

21 But I'm not going to have hearsay statements
22 coming in from other people who says he appoints too
23 many GALs. I'm - you're making very specific claims
24 about - about this case.

25 I don't have a problem with seeing a larger
26 pattern and - and your providing evidence of it. So,
27 for instance, you've just said that one reason he's

1 biased is he's always - he always favors Attorney
2 Aldrich in this and all other cases. What other
3 cases? Do you have a list of them. In other words -

4 ATTY. CUNHA: I do.

5 THE COURT: - if you're not prepared to back the
6 thing up, don't say it because I cannot keep saying -
7 I keep saying, well, what's the evidence and
8 something else gets said and I have to say what's the
9 evidence. We - we started on March 31st and we've
10 been running all around - all around the
11 (indecipherable) -

12 ATTY. CUNHA: Right. Because every time I bring
13 something up, it - it interests you and it brings you
14 to that subject. So, I have my stuff kind of piled
15 to give you it in - in a kind of chronological
16 fashion. So, I could get you the cases but -

17 THE COURT: Well, why don't you - alright. Why
18 don't you - I mean, if you have them, give them to me
19 because you've just - just said it? If you want to
20 save it for some other point in our discussion, do
21 it. But, if you bring up and say that he always
22 favors Attorney Aldrich and you want me to conclude
23 that that's one reason he's biased here against women
24 and the disabled and non-Jews, then what are the
25 cases?

26 ATTY. CUNHA: I understand. So, my - my
27 preference is, Your Honor, is if we can get to that

1 in a moment because I have an entire list that I will
2 recite off to you.

3 THE COURT: All right.

4 ATTY. CUNHA: But I'd like to go back just so
5 that I know that I've reached every point that is
6 important here, if that's okay.

7 THE COURT: Are we going back to the
8 transcripts, then, you want me to look at?

9 ATTY. CUNHA: If we go back - no. If we go back
10 to the to the first day of trial March 31, 2021 -

11 THE COURT: Okay. You mentioned the restraining
12 order issue.

13 ATTY. CUNHA: Right.

14 THE COURT: - (indecipherable). Okay.

15 ATTY. CUNHA: And then, when we were before
16 Judge Adelman before he took - recessed for
17 depositions to take place at - in the courthouse,
18 there was specific argument that he heard about
19 discovery.

20 And this is extremely important for Your Honor
21 to - to get a good foundation on because the course
22 of the trial after March 31st even though Judge
23 Adelman said one thing went a completely different
24 way which completely impacts an ability to represent
25 a client and for the party. There's no consistency
26 and expectation or ability to proceed in a - in - in
27 a sequential fashion when you cannot rely upon a

1 you've told I should note is, is what he's done about
2 GALs, the discovery issue you just described, the
3 supervised visits question, and now you're saying he
4 should have vacated Judge Grossman's prior order.

5 ATTY. CUNHA: Correct or -

6 THE COURT: So, are - is what you're trying to
7 do is to show a pattern of wrong rulings or - how do
8 I get from these things to him being biased against
9 women, the disabled, and non-Jews?

10 I haven't heard anything about - in other words,
11 let's say, for instance, you showed me 432 rulings
12 that he made and that in 430 of those rulings it was
13 a woman against a man and the man wins every time.
14 That might tend to be statistically significantly.

15 But now you've shown three things - and I think
16 you're not saying a fourth thing that you think were
17 very bad rulings. But get - where do I - how do I
18 get out of that that it has something to do with Jews
19 versus non-Jews, women versus men, disabled versus
20 nondisabled people? Where is that link?

21 Because you could say - you know, as I said,
22 statistically you could show certain types of people
23 always win. And you mentioned that Attorney Aldrich
24 always wins or suggested that Attorney Aldrich is a
25 favored person. I believe she's a woman, so I'm not
26 sure how - again, you've got to - where does this
27 bias against women come in and - and what's the

1 evidence on those three points that he favors Jews,
2 he favors the nondisabled, and he favors men, I
3 assume is the other point you're making.

4 So, you've mentioned these four rulings you
5 don't - you don't like. What - what - what attaches
6 those things to religion, gender, and disability
7 status?

8 ATTY. CUNHA: So, I - I - for me to adequately
9 tie it all together, I need to show you the orders
10 and what happened with the orders and the direct
11 violations of law and then I will tie it into the
12 consistent pattern which I believe that that's what
13 is occurring.

14 But I don't even believe that I need to get to
15 that level in this particular case because I believe
16 that Judge Adelman's direct conduct as it relates to
17 my - (indecipherable) - is so egregious and the fact
18 that Judge Adelman in and of himself referred this
19 matter to Your Honor on the question of whether or
20 not he should be recused based on our law in and of
21 itself requires him to be recused. And it is my -

22 THE COURT: Wait. Wait. Wait. I want to make
23 sure I'm following you. So, I want to - I want to
24 make sure I have a clear thing to decide. I take
25 this very seriously. I mean, I - it was sent me to
26 hear this, and I want to hear it and make a ruling.
27 But I need to know what I'm ruling on.

1 THE COURT: And I was prepared on the day that
2 you came in front of me to simply say, look, there
3 isn't anything in front of me, get this trial over
4 with, because I -

5 ATTY. CUNHA: Exactly.

6 THE COURT: - I - I agree that - that our
7 proceedings take too long. I agree in many cases
8 that our proceedings are too expensive. But that is
9 a different thing than saying that a judge is - is to
10 be recused and taken out a case because of - of
11 prejudice against non-Jews, disabled people, and -
12 and women.

13 So, the point is, is that if you want to get
14 back to the trial and get the case over with, all we
15 have to do is -

16 ATTY. CUNHA: Not with Judge Adelman.

17 THE COURT: - all - pardon me?

18 ATTY. CUNHA: Not with Judge Adelman. He can't
19 proceed. He - he -

20 THE COURT: Okay. So, to be clear, in other
21 words, you think this proceeding we're doing right
22 now is - is necessary and so -

23 ATTY. CUNHA: I do.

24 THE COURT: - so let's get back to it and not -
25 and make sure we're not wasting time because what I
26 want is your evidence about him favoring Jews, the -
27 the nondisabled, and men in this case because that's

1 your - that's your claim.

2 Does it come up anywhere where, for instance,
3 the parties reveal their - their religious faiths in
4 some way? Does he know that - I don't know what
5 anyone's religious faith in this case is. But is -
6 did that come up somewhere where he would know that a
7 person is Jewish or not Jewish in this case? Is
8 there some place in the transcript, in other words,
9 where it turns out that someone's a Christian and
10 someone is not?

11 ATTY. CUNHA: I do not believe that there is
12 some place in the transcript that would support that.
13 But what I have learned - and I will admit that I'm
14 naive to this - this particular subject - is that
15 Attorney Aldrich is Jewish, Attorney Hurwitz is
16 Jewish, the - the - the custody evaluator in this
17 case Dr. Biren Caverly is Jewish. Dr. Horwitz, the
18 supposed reunification therapist, is Jewish in this
19 case.

20 And all of these particular professionals, by
21 the way, were professionals other than Attorney
22 Aldrich that my client was strongly objecting to
23 being involved in the case. So -

24 THE COURT: Okay. But you're - you're
25 suggesting that somehow outside this case - I don't
26 know whether what you've just said is right or wrong
27 because I don't know anyone's faith in this case and

1 I don't care what it is.

2 But you're saying that somehow outside of the
3 record that - that - that Judge Adelman secretly
4 knows that certain people are Jews and not Jews and
5 that somehow he favors them because of that? I mean,
6 this is a very serious thing to say -

7 ATTY. CUNHA: I don't think it's secret, Judge.

8 THE COURT: Pardon?

9 ATTY. CUNHA: I don't think - I don't think it's
10 some secret knowledge. I think that it is - it's
11 well-known within the Jewish community who the Jewish
12 professionals are. And if you look at - if you look
13 at the rulings -

14 THE COURT: What Jewish community and what
15 evidence do you have that there's - there's a
16 universal understanding among the Jewish community as
17 to what professionals are Jewish or not? I mean,
18 that's a dangerous thing to say.

19 ATTY. CUNHA: I - I understand, Your Honor. And
20 - and I want the Court to understand this, is that
21 alls I wanted to do was help this woman her get
22 divorce. Okay.

23 THE COURT: I'm with you on that.

24 ATTY. CUNHA: Here I end up - and - and - and,
25 frankly, get her kids back because there's no
26 evidence that has been presented at all, not one
27 iota, to support her not having her children. In

1 fact, it's a direct violation of federal law.

2 THE COURT: Well, the thing that -

3 ATTY. CUNHA: So, the problem -

4 THE COURT: - always occurs to me in cases like
5 this that that means that what you have to do is to
6 sweep aside the case about the case, where the
7 parties are simply fighting each other, the lawyers
8 are fighting the lawyers, the lawyers are fighting
9 the GAL, the lawyers are fighting about discovery and
10 get the case to trial. And then, if you don't like
11 the result -

12 ATTY. CUNHA: But see, that's not the case.
13 That's - that's my problem, Judge.

14 THE COURT: I'm sorry. The problem -

15 ATTY. CUNHA: That's my problem.

16 THE COURT: - is it's been case about a case or...

17 ATTY. CUNHA: Well, my problem is this: There
18 was no fight from my client's perspective. None.
19 All she wanted to do this was a no-fault divorce.
20 Okay.

21 The problem is, is my strong belief, okay, as a
22 whistleblower, that from day one this case was
23 already planned out by Attorney Aldrich and Attorney
24 Hurwitz. And the reason I know that to be is that
25 Judge Rodriguez was the first judge in this case, and
26 he actually heard evidence and entered orders. Those
27 ordered are orders that one would normally expect to

1 take place in this type of a case. Okay. But for
2 the fact that he did not enter financial orders based
3 on Attorney Aldrich's representation that the
4 finances were accessible by my client and she
5 wouldn't be blocked to them.

6 Within less than a month, all of a sudden we
7 have motions to modify. We have Attorney Hurwitz,
8 and low and behold, the case is now under the control
9 of Judge Grossman. Judge Grossman crafts with
10 Attorney Hurwitz and Attorney Aldrich this pattern
11 where ultimately in March in the middle of the
12 pandemic absent the procedural requirements for an ex
13 parte order she rips the kids away from the mother
14 with no contact saying that the hearing is going to -
15 that these rulings are temporary and she needs to
16 finish the hearing. My client doesn't even get to
17 speak at that hearing. So, this is -

18 THE COURT: Was your client - was your client
19 unrepresented at that hearing?

20 ATTY. CUNHA: No. She was represented, but
21 Judge Grossman didn't let the other attorneys put
22 their evidence on, didn't - she stopped the hearing
23 after - after Jocelyn Hurwitz gave some brief
24 testimony -

25 THE COURT: Okay. But - okay. But I'm follow -
26 follow where you're going here because now you're
27 talking about Attorney Aldrich, Attorney Hurwitz, and

1 Judge Grossman. And is this you're saying part of -

2 ATTY. CUNHA: Yes.

3 THE COURT: Are you saying they're all Jewish or
4 something, that they conspired -

5 ATTY. CUNHA: Oh. Yes.

6 THE COURT: - together? Is that -

7 ATTY. CUNHA: Yes.

8 THE COURT: And you have some evidence that -

9 ATTY. CUNHA: I believe that the evidence -

10 THE COURT: - that they conspired, say, off the
11 record to do things? Do you have some evidence of
12 that or are you -

13 ATTY. CUNHA: Yes.

14 THE COURT: All right. What's -

15 ATTY. CUNHA: No. I -

16 THE COURT: - (indecipherable) - that they
17 communicated off the record?

18 ATTY. CUNHA: Judge, I think that the
19 transcripts in this case are so horrendous that it
20 supports what I'm saying. So, this is -

21 THE COURT: In other words - in other words, you
22 need to point me to something that I can look at -

23 ATTY. CUNHA: Yes.

24 THE COURT: - that shows that actual conspiracy,
25 the bias you're talking about where something - you
26 know, even if it were just a pattern of -

27 ATTY. CUNHA: Yes.

1 THE COURT: - every single time a woman makes a
2 motion they lose because you said it's a bias against
3 women. Of course, Judge Grossman is a woman.

4 ATTY. CUNHA: That's right.

5 THE COURT: I believe Ms. Aldrich is a woman.
6 Is - Attorney Hurwitz's a woman?

7 ATTY. CUNHA: And they're all Jewish.

8 THE COURT: And they're all - so, that's - so,
9 that's not bias about gender, then,; right?

10 ATTY. CUNHA: That's -

11 THE COURT: The bias -

12 ATTY. CUNHA: That's faith - (indecipherable) -

13 THE COURT: - against gender - where would I
14 find the - the bias against - against gender?
15 Because I - what I hear from you is allegations about
16 - about a Jewish conspiracy among these people.

17 But what's - other than the fact that you claim,
18 anyway, that they're all Jewish, what means - what -
19 why should I conclude that they - they're conspiring
20 together to frustrate justice?

21 ATTY. CUNHA: Because it's a money thing. What
22 they do is they side - normally it's the father that
23 has the money and what they do is they create this -
24 this false fact pattern to ultimately divest the
25 parent without the money of all of her rights.

26 My client ended not only up penniless. She
27 ended up without her children. She ended up

1 homeless. And this is a consistent pattern that has
2 occurred in cases where Attorney Aldrich and Attorney
3 Hurwitz, Judge Grossman, and Judge Adelman have sat
4 on cases.

5 THE COURT: So, you're claiming that because
6 they're Jewish that they are trying to direct money
7 to - to one another? Is that what it was?

8 ATTY. CUNHA: I don't - that - listen, alls I
9 can say to the Court is that they are all Jewish. To
10 me, that rises a level of concern. And, in other
11 cases, it is a consistent level of pattern of concern
12 where the mothers end up without their children, end
13 up homeless, and end up broke.

14 And it's always either based on a mental health
15 condition which is what this case started out with.
16 And then, when they couldn't prove the mental health
17 condition, they then started to go towards, well, she
18 keeps violating courts orders -

19 THE COURT: Okay. So, but let's be clear,
20 they're talking about - if you're - I just have to be
21 clear what you're saying. I - I thought what you
22 were saying was that you believed that Judge
23 Grossman, Judge - Ms. Aldrich, Ms. Hurwitz because
24 they're Jewish are conspiring together to help each
25 other to make money. Is that what you're saying? Or
26 that Judge Adelman helps them to get money because
27 they're Jewish? Is that you're claim?

1 ATTY. CUNHA: I believe that there is an element
2 of consistency and a pattern that support that Judge
3 Grossman and Judge Adelman (indecipherable)
4 attorneys that are within the Jewish faith. I
5 believe that support that.

6 THE COURT: All right. So -

7 ATTY. CUNHA: And I believe that what has
8 occurred in this case -

9 THE COURT: Just to be clear, I just want to
10 make sure I have (indecipherable) so, what you're
11 claiming is that Judge Hurwitz and Judge Grossman
12 favor lawyers who are Jewish -

13 ATTY. CUNHA: Yes.

14 THE COURT: All right. And you say this is one
15 such example. And what other evidence of that do you
16 have?

17 ATTY. CUNHA: So - so, this is what I believe
18 supports it. I came into this case on August 27,
19 2019. It was my first appearance in the case. It
20 was some emergency hearing that was called. It was
21 not a level one matter. We had not been released yet
22 under the governor's COVID orders to appear in court
23 unless it was a level one case.

24 But yet, Judge Grossman is going to pull us all
25 into court. Judge - Attorney Aldrich had no concerns
26 with that, neither did Attorney Hurwitz. Now, that's
27 important, and I'm going to get back to it. But I

1 want you to remember that Attorney Aldrich did not
2 complain about being physically present before Judge
3 Grossman in August of 2019. But yet, throughout -

4 THE COURT: Physically as opposed to over the -

5 ATTY. CUNHA: As opposed to remotely. But yet,
6 throughout the course of this trial, Attorney Aldrich
7 has raised objections to being physically present in
8 court, and she supports those objections to the
9 concerns she has for COVID. But she wasn't -

10 THE COURT: So, when did she - when did she
11 first start making the objections to being physically
12 present in court?

13 ATTY. CUNHA: During the course of this trial, I
14 requested multiple times -

15 THE COURT: In - in front of Judge Adelman?

16 ATTY. CUNHA: Yes. I requested multiple -

17 THE COURT: So, but how does the fact that she
18 was comfortable in appearing physically in front of
19 Judge Grossman and - and objected in front of Judge
20 Adelman shows that there's some Jewish conspiracy?

21 ATTY. CUNHA: Well -

22 THE COURT: Because both of them you said -

23 ATTY. CUNHA: Judge - Judge Adelman -

24 THE COURT: - both of them you say - and I don't
25 know - are Jewish.

26 ATTY. CUNHA: Judge Adelman -

27 THE COURT: (indecipherable)

1 ATTY. CUNHA: Judge Adelman ordered that we were
2 going to appear in person in this case. He agreed
3 that due to the enormous amount of exhibits the and
4 length of the trial and the problems that have
5 occurred with the remote trial, either you can't hear
6 someone or someone gets locked off or something of
7 that nature, that we were going to appear in person.

8 Attorney Aldrich then puts in writing to the
9 Clerk to Michael Smuda that she has somebody at home
10 that is high risk. I believe something to that
11 nature and objects to being in person. So, the next
12 thing you know Judge Adelman undoes his order that
13 we're going to be in person.

14 Okay. But yet, on the record, Attorney Aldrich
15 says in one of the hearings I need to leave a little
16 early; I have a train to catch. So, she's publicly
17 traveling around our states, right, but yet, she
18 can't appear in court. And why she can't appear in
19 court is because she gets the assistance of Attorney
20 Hurwitz and of - hold on - Attorney Nusbaum who is
21 the attorney that (indecipherable) -

22 THE COURT: Sorry. You're frozen -

23 ATTY. CUNHA: - has representing her who - can
24 you hear me?

25 THE COURT: Yeah. You said something about
26 attorney - you said -

27 ATTY. CUNHA: Attorney Nusbaum.

1 THE COURT: Are you - are you claiming now - the
2 trouble is that there's so many claims they're very
3 hard for me to sort out.

4 It sounds like now you're - you're claiming that
5 Attorney Hurwitz is in touch during the - the trial
6 with Attorney Aldrich. Is - are you saying, in other
7 words, they don't want to be in person because -

8 ATTY. CUNHA: I believe that -

9 THE COURT: - they're all -

10 ATTY. CUNHA: - yes.

11 THE COURT: - talking during the - the
12 proceedings?

13 ATTY. CUNHA: Yes.

14 THE COURT: And what evidence do you have of
15 that?

16 ATTY. CUNHA: Oh. Yes, I believe that. Well -

17 THE COURT: What evidence -

18 ATTY. CUNHA: Yes.

19 THE COURT: - (indecipherable) - because you -
20 you have to - when you say something - you say - you
21 said a moment ago that saying yes to being in front
22 of Judge Grossman suggested some sort of Jewish
23 conspiracy and then saying no in front of Judge
24 Adelman also suggests some Jewish conspiracy. It -
25 the two things don't - don't match.

26 Now - now you're saying that - that she doesn't
27 want to be present physically because that would

1 prevent her from conspiring, I assume, with Attorney
2 Hurwitz and Attorney Nusbaum. Is that - is that the
3 point? You're frozen again. Sorry.

4 ATTY. CUNHA: I have - I have several - several
5 support for that. One, when we were in New Haven
6 before Judge Goodrow, Attorney Hurwitz was not there
7 because I believe she had a death in the family. She
8 was not appointed in the restraining order matter
9 anyway. So absent having been subpoena or called as
10 a witness, she shouldn't have been there.

11 But Mr. Ambrose was panicking because Attorney
12 Aldrich was fumbling in her argument before Judge
13 Goodrow, and he was trying to get Attorney Hurwitz
14 there to assist Attorney Aldrich in her presentation
15 to the court before Judge Goodrow because he felt as
16 if Attorney Aldrich could not handle that. And that
17 was an open and notorious conversation that was heard
18 by Mr. Ambrose. And -

19 THE COURT: Are you saying Mr. Ambrose heard
20 Attorney Aldrich talking to Attorney Hurwitz or
21 something else?

22 ATTY. CUNHA: No. No. Attorney - it was - it
23 was observed and heard Mr. Ambrose reaching out to
24 Attorney Hurwitz trying to get her to court to assist
25 Attorney Aldrich, and - and he was panic stricken -

26 THE COURT: So, in other words, you - so, you're
27 saying that evidence of this conspiracy is that Mr.

1 Ambrose heard - I'm sorry - you heard or who heard
2 Mr. Ambrose? You?

3 ATTY. CUNHA: Myself - his -

4 THE COURT: You heard Mr. Ambrose -

5 ATTY. CUNHA: His -

6 THE COURT: - talking to Attorney Hurwitz on the
7 phone?

8 ATTY. CUNHA: Yes.

9 THE COURT: Okay. What else?

10 ATTY. CUNHA: And - and over - and talking to
11 Attorney Aldrich at one point, he was panic stricken.

12 The other point is that we have text messages
13 between Attorney Aldrich, Mr. Ambrose, and Attorney
14 Hurwitz that - that, basically, Mr. - they are
15 suggesting that Attorney Hurwitz get Judge Grossman
16 on the phone immediately to undo the restraining
17 order. And, low and behold, within 24 hours the
18 restraining order is undone.

19 I believe that without doubt supports ex parte
20 communication by the guardian ad litem with Judge
21 Grossman because it is known that Judge Grossman
22 contacted Judge Price-Boreland and had Judge Price-
23 Boreland vacate her ex parte orders the following day
24 at -

25 THE COURT: But you say that's evidence that
26 Attorney Hurwitz contacted Judge Grossman; is that
27 the point?

1 ATTY. CUNHA: Yes.

2 THE COURT: And that this was part of a - a
3 Jewish conspiracy?

4 ATTY. CUNHA: They're all Jewish, Judge.

5 THE COURT: I -

6 ATTY. CUNHA: It's consistent.

7 THE COURT: - take the answer is -

8 ATTY. CUNHA: But - but putting aside the Jewish
9 thing for a minute, the point is this, is that this
10 is evidence that is before Judge Adelman that he has
11 ignored. Okay. This is serious evidence. This is
12 serious misconduct. This is evidence -

13 THE COURT: Yeah but it - it assumes you've
14 proved that Attorney Hurwitz contacted Judge
15 Grossman. And you're actually just asking me at - to
16 put it charitably, you want me to infer because a
17 decision came down that you didn't like that it was -
18 it was Ms. Hurwitz speaking to Judge Grossman
19 directly.

20 If, in fact, the GAL called up the judge and had
21 an ex parte communication, I'd absolutely agree with
22 you. But that - that -

23 ATTY. CUNHA: I believe -

24 THE COURT: - is a question of - of evidence,
25 of -

26 ATTY. CUNHA: Well, I - I do believe, Judge,
27 that if - that you can infer that when there's text

1 communications between Christopher Ambrose, Nancy
2 Aldrich, and the guardian ad litem and those texts
3 communications are Christopher Ambrose telling them
4 to contact the judge to undo the restraining order
5 and the police acknowledge that they're waiting to
6 hear back from the court to see if the orders are
7 valid and the next thing I know I'm getting the last
8 minute notice that this ex parte order is now down
9 for some emergency hearing within less than 24 hours
10 and I find out from the Clerk from Nancy in New Haven
11 that Judge Grossman called Judge Price-Boreland. So,
12 I believe that -

13 THE COURT: But judges call each other about
14 administrative matters. That doesn't mean Ms.
15 Hurwitz, who shouldn't contact the judge, did. So,
16 but let's - let's - let's go onto other points
17 because I want to make sure I get everything you're -
18 you're saying.

19 I want to go back to the bias you claim against
20 women at some point. But are we finished with the -
21 the claims that you wanted to make about a Jewish
22 conspiracy?

23 ATTY. CUNHA: No. So -

24 THE COURT: Something else -

25 ATTY. CUNHA: No.

26 THE COURT: - about it, then?

27 ATTY. CUNHA: So -

1 THE COURT: What other piece of evidence should
2 I look at about the Jewish conspiracy?

3 ATTY. CUNHA: The fact that Judge Adelman
4 allowed the custody evaluator to testify in this
5 case, Jessica Biren Caverly, absent notice that she
6 was going to testify as an expert witness. There was
7 no disclosure.

8 And then, he unilaterally decided that he would
9 have a hearing to have her testimony sealed. And
10 this is because Jessica Biren Caverly appeared and
11 said she was concerned for her safety because my
12 client wrote to her lawyer and challenged her - her -
13 her ethics and her - her conduct and told her that
14 she was going to hold her accountable and sue her.
15 So, that - that level of concern which my client has
16 the statutory right to seek those remedies for
17 malpractice -

18 THE COURT: Okay. But this was a sealing of -
19 so, you said two things I think. Judge Adelman
20 allowed the custody evaluator to testify and then did
21 you say seal the transcript?

22 ATTY. CUNHA: And then sealed the hearing. He
23 decided that it would -

24 THE COURT: Closed the hearing to the -

25 ATTY. CUNHA: He closed - right. He decided
26 that it rose to the level over objection to have the
27 - have it be a private hearing and the record sealed.

1 Now -

2 THE COURT: Let's assume he did those two
3 things, how do they - how are - how are they evidence
4 of a Jewish conspiracy?

5 ATTY. CUNHA: So, sure, Jessica Biren Caverly is
6 Jewish. She already testified in this matter in
7 March of 2019. She -

8 THE COURT: And you have some reason to believe
9 that Judge Adelman would know that?

10 ATTY. CUNHA: Of course he knew that because it
11 was argued to him.

12 THE COURT: It was argued to him that she was
13 Jewish?

14 ATTY. CUNHA: It - it - no. It was argued that
15 she'd already testified, and she was not disclosed
16 and her prior testimony was public, a public record.

17 THE COURT: Right. But, in other words, you're
18 saying that Judge Adelman would know that she's
19 Jewish and, therefore, would favor her. How do we
20 know that he knew she was Jewish?

21 ATTY. CUNHA: I don't know that. I don't know
22 that.

23 THE COURT: But you're claiming he favored her
24 because she was Jewish?

25 ATTY. CUNHA: I - he definitely favored her, and
26 she is Jewish. I will tell you those two things.

27 He -

1 THE COURT: And how do you know she's Jewish?
2 Did you take her testimony on (indecipherable)? How
3 do you know -

4 ATTY. CUNHA: It is represented within the
5 professional community of psychologists that she is
6 in the Jewish faith. I've spoken with other
7 psychologists. It is well-known that she is Jewish,
8 just as it is well-known that Dr. Horowitz is Jewish.

9 THE COURT: So, if she - so, someone in the
10 professional community - you talked to another
11 psychologist and that person told you Jessica Biren
12 Caverly is a Jew; is that right?

13 ATTY. CUNHA: Is of the Jewish faith, yes.

14 THE COURT: So, and, therefore, you - you want
15 me to infer because somebody in...

16 ATTY. CUNHA: I'm not asking you to defer
17 anything about - infer anything about the Jewish,
18 Judge. I'm saying -

19 THE COURT: No. In other words, you're saying
20 that -

21 ATTY. CUNHA: - it is my belief -

22 THE COURT: - you're saying Judge Adelman
23 favored these people because they're Jewish. And I
24 asked you the question: How did you - how would
25 Judge Adelman know that? I assume what you're
26 telling me is that Judge Adelman would tend to know
27 who in the professional community was Jewish. That's

1 what you want me to assume; right?

2 ATTY. CUNHA: That is my belief, yes. That is
3 my belief. That is my understanding. It is kind
4 like - it's a cultural thing. It's like as if you go
5 to the Italian Club or the Portuguese Club or - there
6 is a community of individuals that are well-known to
7 each other of the Jewish faith which is common, same
8 thing with Catholics. You have -

9 THE COURT: You believe Judge Adelman is part?

10 ATTY. CUNHA: I believe that it is well-known to
11 Judge Adelman, yes. Whether he's part of that, I -
12 I'm not going to say something that I don't have
13 evidence on. I don't know that. I'm just telling
14 you, Judge, that -

15 THE COURT: (indecipherable) - in other words, I
16 have to try to determine as a matter of evidence
17 these things. And you're a lawyer, and you know that
18 I have to - so, you're telling me he'd know this, and
19 I wanted to know why. And you said there's a
20 community. But what you're telling is you don't -
21 you don't really know - you don't know any specifics
22 about his connection to a -

23 ATTY. CUNHA: I don't -

24 THE COURT: - specific group?

25 ATTY. CUNHA: I don't know any specifics about
26 Judge Adelman's connections. I'm not going to make
27 that leap. But I will say that in this particular

1 case as in other cases the conduct is consistently
2 favorable to attorneys and professionals of the
3 Jewish faith.

4 Now, I can't prove that Judge Adelman knew that.
5 It is something that came to my attention recently.
6 It is not even something I would have ever dreamed of
7 looking into. But, when you start looking at the
8 cases and you start looking at the professionals
9 engaged in the cases, it is consistent and it
10 supports that claim.

11 THE COURT: Okay. So, we've talked about this
12 and maybe this is the time for me to press you on it.
13 You said that - so, the - so, you claim that he
14 favors Jewish professionals and Attorney Aldrich in
15 particular.

16 Where would I look to find that? In other
17 words, did you survey a list of cases in which
18 whatever Attorney Aldrich says, she gets. And - or
19 you say maybe there's - maybe there's a 100 cases and
20 that the Jewish lawyers always win or something? You
21 - you must have a basis for saying what you're
22 saying. What is it? Where would I look to find
23 that?

24 ATTY. CUNHA: So, I'm just - I have a list of
25 cases where Attorney Aldrich was one of the attorneys
26 where Attorney Hurwitz is the guardian ad litem and
27 either Judge Grossman or specifically Judge Adelman -

1 THE COURT: This is about Judge Adelman so -

2 ATTY. CUNHA: Right. Well, it's also about
3 Judge Grossman because Judge Adelman denied my motion
4 to recuse her without prejudice. But then, he sends
5 a motion for clarification to Judge - to Judge
6 Grossman knowing the concerns I have with her. So,
7 it's a vicious circle -

8 THE COURT: This is part of the broader Jewish
9 conspiracy. In other words -

10 ATTY. CUNHA: Correct.

11 THE COURT: - Judge Grossman and Judge Adelman -
12 all right. So, what cases should I look at?

13 ATTY. CUNHA: Just one moment.

14 (Brief pause in the proceedings.)

15 ATTY. CUNHA: The Sorrento - I'm sorry. The
16 Sorrentino case, Sorrentino.

17 THE COURT: What's the docket number? And read
18 it slowly because I have to type it. And what - what
19 district is it in, first of all, because I have to
20 get that too? Sorrentino is what you said?

21 ATTY. CUNHA: Yes. Yes.

22 THE COURT: What district?

23 ATTY. CUNHA: I'm trying to pull it up from
24 other my device over here.

25 THE COURT: Well, I assumed you must have had a
26 list already because you -

27 ATTY. CUNHA: I -

1 THE COURT: - claimed that this is a pattern.

2 ATTY. CUNHA: I do. I'm just trying to pull the
3 list up, Judge.

4 THE COURT: I see.

5 ATTY. CUNHA: I have different screens up, so
6 I'm trying to get to it. It's just taking a little
7 bit - a little -

8 THE COURT: So, by the way, if what you want to
9 do is to print that list and it make an exhibit, we
10 can do that if you have that list ready to print.

11 ATTY. CUNHA: Can we do that during the break?
12 And then, we can go the over the names.

13 THE COURT: We're going to take a break - either
14 we can take it now and then you could email Attorney
15 Aldrich and the Clerk a copy of this list of cases
16 you want me to examine.

17 ATTY. CUNHA: Okay. And then, I could -

18 THE COURT: It doesn't even have to be an
19 exhibit because it's just taking judicial notice of
20 the list of cases -

21 ATTY. CUNHA: Right.

22 THE COURT: - we need to make an exhibit.

23 So, why don't you do that? We can take our 15-
24 minute break now and you can email - make sure you
25 email Attorney Aldrich and then Mr. Knowlton this
26 list of cases you want me to examine.

27 ATTY. CUNHA: And I'll also email - I'll also

1 email over the information on Senator Winfield.

2 THE COURT: Yeah. If there's a statement from
3 Senator Winfield that you want me to take judicial
4 notice of, again, I can take notice that it was said
5 whether it's evidence -

6 ATTY. CUNHA: Right.

7 THE COURT: - (indecipherable) is a separate
8 question.

9 ATTY. CUNHA: I understand that.

10 THE COURT: - (indecipherable) said.

11 ATTY. CUNHA: I understand that.

12 THE COURT: All right. So, you can do those two
13 things. We'll reconvene in 15 minutes. Court is in
14 recess.

15 ATTY. CUNHA: Perfect. Thank you, Your Honor.

16 (The Court recessed.)

17 (The Court resumed.)

18 THE COURT: All right. Good morning. Are both
19 counsel present? I see Attorney Aldrich. Attorney
20 Cunha?

21 ATTY. CUNHA: Good morning, Your Honor.

22 THE COURT: All right. Good morning. So, over
23 the break, I understood it was your intent to - to
24 send to Attorney Aldrich and to the Clerk a portion
25 of a transcript that indicated I think you said
26 Senator Winfield accusing Judge Adelman of lying.

27 We do have a transcript that's arrived. It

1 ATTY. CUNHA: The cases will establish Judge
2 Adelman's specific bias against mothers of domestic
3 violence trying to protect their children from harm
4 where he takes their custody away from them -

5 THE COURT: (indecipherable) - victims of
6 domestic harm?

7 ATTY. CUNHA: Correct.

8 THE COURT: Okay. Let's - we can go on and move
9 on to this other topic because this may relate to the
10 gender bias you've talked about.

11 ATTY. CUNHA: This - this -

12 THE COURT: But, in terms of the - of what you -
13 in terms of what you said about favoring Jews over
14 non-Jews, you - you - you - there isn't a list of
15 cases that you're pointing to me about that; is that
16 - is that right?

17 ATTY. CUNHA: There - there is not, Judge.
18 And -

19 THE COURT: Okay.

20 ATTY. CUNHA: - just to be clear - just to be
21 very clear on that, right, I want - I want you to
22 understand, Your Honor, I - I do not have a specific
23 evidentiary trail to support the Jewish faith
24 biasness. It is something that has been pointed out
25 to me recently when I have had a flurry of people
26 sending me their cases. And upon reading them, there
27 is a consistent pattern of professionals that are all

1 within the Jewish faith. And that was pointed out to
2 me. It is not something that I have ever thought of
3 or even imagined to be the situation. But, when -

4 THE COURT: (indecipherable)

5 ATTY. CUNHA: - it was pointed out to me -

6 THE COURT: Go ahead.

7 ATTY. CUNHA: - it seemed to be very consistent
8 with what is occurring here in this case because it
9 was also pointed out to me that Attorney Aldrich,
10 Attorney Hurwitz, Dr. Biren Caverly, Dr. Horowitz,
11 they are all of the Jewish faith, as is Judge
12 Adelman.

13 I - it never dawned on me that that was
14 something that was even a remote possibility until it
15 came to my attention in preparing for this hearing.
16 But I do believe -

17 THE COURT: That's circumstantial - to be clear,
18 that's circumstantial evidence is what you want me to
19 consider on that (indecipherable) is that right?

20 ATTY. CUNHA: Correct. Yes.

21 THE COURT: Okay. All right. And so, are we
22 done with that question? Do you want to move to the
23 gender issue?

24 ATTY. CUNHA: We - we are, Judge, because I
25 don't want anyone - this is not something that I had
26 thought about, dreamed of, or looked at. It is
27 something that the pattern was brought to my

1 attention. And, based on it being brought to my
2 attention, it appears to be consistent very sadly.

3 THE COURT: Right. So, that's -

4 ATTY. CUNHA: Whether -

5 THE COURT: So, that's part of the three things
6 that you want me to consider; right?

7 ATTY. CUNHA: Yes.

8 THE COURT: Okay. So, why don't we go then -
9 you were talking specifically about cases that show
10 he has a bias - now, this is what I need to
11 understand - is it against women or is it against
12 mothers who are victims of domestic violence? I
13 wasn't - is it a specific category of women or are
14 you saying that he's against all women?

15 ATTY. CUNHA: I believe it's a specific category
16 of women. When a - when a protective mother comes to
17 court and raises concerns of abuse either with the
18 children or with the family as a whole or with them
19 individually, they ultimately end up divested of
20 their custody with the - with either zero or very
21 minimal of the proportionate share of the marital
22 assets and for a period of time homeless during the
23 pendency of the proceedings. Those are -

24 THE COURT: Okay. So, you claim relate - that -
25 that's part of your claim about this case, too;
26 right?

27 ATTY. CUNHA: Yes.

1 THE COURT: So, you claim that this - your
2 client - and I'm not trying the case, so I'm not as
3 familiar with the facts as everybody else is. But
4 you claim that in this case your client was a victim
5 of - of domestic violence; is that right?

6 ATTY. CUNHA: Yes. Coercive control.

7 THE COURT: Coercive - in the form of coercive
8 control; right?

9 ATTY. CUNHA: Yes.

10 THE COURT: Coercive control. And that because
11 - because she claims that, Judge Adelman is against
12 her or just doesn't take her seriously when he ought
13 to? I'm not sure which one it is.

14 ATTY. CUNHA: I - I believe what happened in
15 this case is that the - a - a very unfortunate theory
16 of parental alienation seems to bear its ugly head in
17 some of these cases. And, in this particular case,
18 that theory was pursued by Mr. Ambrose and the
19 evidence did not support it.

20 But this is where Attorney Aldrich and Attorney
21 Hurwitz and Judge Grossman I believe manipulate the
22 record to try and support parental alienation. And,
23 when I get to Judge Adelman and I give him supporting
24 evidence and law that was not followed, specifically
25 ignored, he further ignores it. And, instead of
26 righting the wrong, he literally denies my client's
27 due process rights and ultimately allows my client

1 and the children to be continuously victimized by Mr.
2 Ambrose with the assistance of his attorney and
3 Attorney Hurwitz. And this is at the - the - the
4 sole control of Judge Adelman which is what he has
5 consistently done in many other cases.

6 THE COURT: Okay. So, let's - let's parse that
7 out, then. You're saying that - so, you're claiming
8 he wrongly did not give your client a fair hearing
9 about her claims and then assumed wrongly without
10 support that there was parental alienation; in other
11 words, that the child was alienated from your client;
12 is that right?

13 ATTY. CUNHA: No. I - I don't - I don't think
14 he could support that claim. I think what he tried
15 to do because he can't support parental alienation is
16 they then come up with these trumped-up claims that
17 my client violated court orders which, essentially,
18 are not really court orders.

19 THE COURT: Yeah.

20 ATTY. CUNHA: And I'll - I'll give you example.
21 Okay.

22 THE COURT: Back up for one second, you're now
23 telling me, in other words, that Judge Adelman did
24 not include - conclude there was parental alienation,
25 that he prejudiced your client by finding - or by
26 saying she violated court orders; is that what -

27 ATTY. CUNHA: Well, let - let's look at the

1 October - I think it's the October 20th or October
2 21st orders entered by Judge Adelman.

3 THE COURT: In this year?

4 ATTY. CUNHA: In this year.

5 THE COURT: 2021 orders.

6 ATTY. CUNHA: Those - those orders are so
7 illegal and without factual basis in complete
8 violation of every potential constitutional and
9 statutory right that it is a complete derelict of
10 what our judicial system stands for. And this is
11 what happens, I appear -

12 THE COURT: Okay. But you want me to draw - so,
13 there's this first thing - one thing you're saying is
14 that this is legally based so he made a legally basis
15 ruling. Then, you want me to take the next step
16 which is that he did this because he is prejudiced
17 against mother's who raise questions of abuse; is
18 that right?

19 ATTY. CUNHA: Protective mothers, yes.

20 THE COURT: Okay. So, then, are you saying that
21 the reason that this is about a bias or prejudice is
22 because I could look over a pattern of cases and he
23 consistently rejects claims by mothers who raise
24 issues of abuse? Is that what I'd find?

25 ATTY. CUNHA: Yes. And -

26 THE COURT: Let me make a note because -

27 ATTY. CUNHA: Okay.

1 THE COURT: - that's - I want to - because I
2 think you're going to give me some cases; right? And
3 I'm going to -

4 ATTY. CUNHA: Yes.

5 THE COURT: - look and see if there's a pattern
6 that whenever a mother raises a concern about abuse,
7 that that person I think you said they lose custody,
8 they end up with minimal assets. He basically goes
9 after them is what I gather you're saying.

10 ATTY. CUNHA: Yes.

11 THE COURT: Let me just make one note about that
12 and then you can continue.

13 (Brief pause in the proceedings.)

14 THE COURT: Okay. So, that was one point. So,
15 you - you want me to conclude that, first of all, he
16 made a baseless ruling; and that, second of all, it's
17 - it's linked to a bias or prejudice because he
18 always does that sort of thing; right?

19 ATTY. CUNHA: Yes. Yes.

20 THE COURT: Okay. So, what - what else was
21 there about it that would connect it to bias or
22 prejudice?

23 ATTY. CUNHA: So, I want to give you the exact
24 order number and -

25 THE COURT: I think I've seen the order you're
26 talking about. Is this about your client having to
27 sign something and do certain things? Is that what

1 you're talking about?

2 ATTY. CUNHA: Exactly.

3 THE COURT: I know which one that is, but I - I
4 wrote down the number you gave me. But I can find
5 that order.

6 ATTY. CUNHA: So, the problem with that is Judge
7 Adelman - that order, essentially, is an order of
8 restraint. And not only does he order my client to
9 sign federal and state tax returns which could
10 jeopardize her and put her in penalty of both federal
11 and state law after he has been put on notice time
12 and time again that Mr. Ambrose has purposely refused
13 to allow my client access to the information he
14 provided to the accountants to prepare those returns.

15 THE COURT: I think I read one of the things you
16 said was if the tax return isn't telling the truth
17 your client shouldn't have to sign that. So, I think
18 I understand why you're claiming that this was not a
19 good order. But that would be one thing as to
20 whether it's not a good order.

21 The second question is whether it shows a bias
22 or prejudice. One thing you've told me about that is
23 that I should look, and I'll see a pattern of these
24 things across these cases. Is there something else
25 on this point or is that everything?

26 ATTY. CUNHA: Well, on that particular point on
27 that part of the order, Judge, it is my position

1 that's an illegal order. He is ordering my client to
2 engage in illegal conduct.

3 THE COURT: Right. But let's - I'm not going to
4 - it's not my job to decide whether the order is good
5 or not. Maybe it is and maybe it isn't.

6 The question is, is this because of - maybe he's
7 legally correct. Maybe he's legally incorrect. But
8 remember, we've been talking about it isn't a
9 question of whether he's legally right or wrong.
10 It's a question of whether that legal right or wrong
11 can be connected to a bias or prejudice that should
12 disqualify him. You've said one thing. He does this
13 all the time, and I can look at that. And he - and
14 that every time that somebody like your client comes
15 in front of him, he - you said basically they lose
16 custody, and they get a minimum of assets. It sounds
17 like that's the basis on which you're making that
18 claim.

19 So, are there other - is there other pieces of
20 evidence on the bias against mothers who have - who
21 raise questions about abuse? Oh, you may have frozen
22 again.

23 ATTY. CUNHA: No. On - on that particular
24 order, the - the judge started out the hearing that
25 day by attacking me because I filed a request for
26 injunctive relief. So, the judge literally - Judge
27 Adelman literally violates my rights and my client's

1 rights for seeking out a legal remedy that we're
2 entitled to seek. That -

3 THE COURT: So, to be clear, I should listen to
4 the transcript - I should listen to the transcript of
5 October 21? Is that what you -

6 ATTY. CUNHA: Well, that's - that's going to be
7 an interesting situation, Judge, because this is what
8 happened - this is what I pointed out I believe in my
9 writing to you is that on October 21 when I signed on
10 and I introduced myself, the first thing Judge
11 Adelman does is he starts to attack me because my
12 client is not present. And we go through this whole
13 colloquy about my client not being present and why
14 she's not present. He challenges my voracity as to
15 that subject matter. And then -

16 THE COURT: Okay. So -

17 ATTY. CUNHA: Then, he says, well, you were able
18 to go to Hartford with your client to file an
19 application for an injunction; why didn't you just go
20 to her house and pick her up? Then, at some point, I
21 hear the Clerk say to the - the - the court reporter
22 say to the judge are we on the record.

23 So, what I found really interesting is this
24 whole time I believe we're on the record when I'm
25 being attacked by the judge, and then, conveniently
26 there's this commentary questioning whether or not
27 this is really on the record or not.

1 THE COURT: Okay. Do you remember if the answer
2 was that you were not on the record?

3 ATTY. CUNHA: I don't remember.

4 THE COURT: So -

5 ATTY. CUNHA: I don't - I just -

6 THE COURT: - is that a transcript that you want
7 me to check?

8 ATTY. CUNHA: Yes, please.

9 THE COURT: This is October - in your - in your
10 document, paragraph 46, you talk about October 20th.
11 Was there a hearing on the 21st, too, is that what
12 you're talking about or - okay. I'm sorry. Here we
13 go - well, no, he ordered - he entered an order on
14 October 21st. Maybe it's - I'll check both days and
15 see if there was a hearing. October 20th or 21st.

16 ATTY. CUNHA: I believe -

17 THE COURT: One or the -

18 ATTY. CUNHA: - it was the 20th, and the order
19 is dated - he entered an order on the 20th, and then,
20 there is one dated the 21st. I think that is - that
21 is -

22 THE COURT: The first place - the first place
23 I'll look for is the transcript of October 20th. And
24 you - you claim that maybe it was - maybe it was off
25 the record, maybe it was on the record, but your -
26 your - your claim is, is that he berated you about
27 the absence of your client.

1 ATTY. CUNHA: He berated me about the absence of
2 my client. His anger about my seeking injunctive
3 relief on behalf of my client as a result of what's
4 occurred in -

5 THE COURT: Okay. So, one of the things you're
6 telling me I'd find in this transcript is Judge
7 Adelman berating you for the filing or you're saying
8 he was just giving you a hard time and you want me to
9 infer it was because of the filing? Did he say I -
10 things about the filing?

11 ATTY. CUNHA: He did. He said why didn't - why
12 don't you just go to her house and pick her up like
13 you did when you went to Hartford and filed the
14 injunction.

15 THE COURT: Okay. So, is that everything - is
16 that what I should look for or does he say things you
17 should never have filed that injunction and berates
18 you about filing it?

19 ATTY. CUNHA: He doesn't say anything about I
20 should have never filed it, and he doesn't further
21 that commentary. I believe I immediately defend
22 myself and tell him that I'm not going to her house.
23 I do not - there's not an obligation of me to go and
24 pick up litigants. And -

25 THE COURT: For some reason, I think I've heard
26 this. I did - I have listened to parts of the record
27 and read some of the things. But I understand that.

1 Okay. So, you're not claiming that he said - he
2 was berating you about the actual filing although you
3 think he was angry with you because of the filing; is
4 that -

5 ATTY. CUNHA: I believe that his commentary and
6 the fact that he brought up the injunction supports
7 that he was angry about the filing. And then, the
8 order that he enters is clearly an order absent any
9 legal authority. There's no notice -

10 THE COURT: This is the order we've already
11 talked (indecipherable).

12 ATTY. CUNHA: I'm - correct. There's no notice.
13 The motion was filed the day before. There's no
14 notice that we're going to address this issue on the
15 20th. And he, essentially, restrains my client from
16 coming within a certain distance I believe of Mr.
17 Ambrose which then -

18 THE COURT: Yeah, I read that.

19 ATTY. CUNHA: - (indecipherable) -

20 THE COURT: Again -

21 ATTY. CUNHA: - her ability to even go to the -

22 THE COURT: Again, we talked about that order.

23 ATTY. CUNHA: But I -

24 THE COURT: So, the - we talked about that
25 order.

26 ATTY. CUNHA: Okay.

27 THE COURT: And you - you think that I should

1 connect that with a pattern of other orders in other
2 cases, and you're going to give me a list. Then, on
3 - he - you claim that he was angry with you about
4 this injunction thing, and that's why he berated you
5 about the absence of your client.

6 All right. Other - other things you want me to
7 consider as evidence about his bias against people
8 who - against mothers who make claims of abuse?
9 Other evidence on that?

10 ATTY. CUNHA: Well, I - the other evidence that
11 consistently shows the pattern are the other cases.
12 But his -

13 THE COURT: Right.

14 ATTY. CUNHA: - all -

15 THE COURT: You're going to give me that list.

16 ATTY. CUNHA: - of his - all of his orders in
17 this case - so, for example, if I go back to the day
18 one where I - where on the transcript it's clear that
19 Judge Adelman found that there was no order of
20 supervision that Judge Grossman acted upon, that
21 request was filed but it was never granted, he then
22 later changes his opinion and finds that, in fact,
23 that is an order and should be an order because
24 judges are very busy and just because they forget to
25 act on something doesn't mean that it's not an order.
26 That is -

27 THE COURT: Okay.

1 ATTY. CUNHA: - the most -

2 THE COURT: So - so, if I understand that, that
3 part you're talking about correctly, there was a
4 stipulation that was filed, signed by the lawyers,
5 and then, Judge Grossman never entered an order
6 approving the stipulation; is that right?

7 ATTY. CUNHA: Correct. And - and -

8 THE COURT: And yet, he found - yet he held that
9 that order was enforceable; is that right?

10 ATTY. CUNHA: After he found that
11 (indecipherable) -

12 THE COURT: You're fading -

13 ATTY. CUNHA: - it wasn't. That's the problem I
14 have. (indecipherable) 2021 he found on the record
15 there was no order in place for supervised parenting
16 time.

17 THE COURT: No order in place for supervised
18 parenting.

19 ATTY. CUNHA: He then later - recently. He then
20 later makes a determination when responding to a - a
21 trial brief that I filed and while it was we're not
22 going to hold that just because judges are busy and
23 they can't act on something that something is not
24 enforceable, that is so averse to our law it's
25 ridiculous. There's no -

26 THE COURT: Are you - are you saying, in other
27 words, that - that he contradicted himself in those

1 two holdings?

2 ATTY. CUNHA: He contradicted himself absent any
3 challenge of his first finding. There was no motion
4 to vacate that finding. There was no motion for
5 clarification of that finding. How can I rely on
6 anything that the judge says during the course of the
7 trial if he's going to change what he says in orders
8 without any advance notice or right to defend upon
9 it? And that is what's occurred throughout this
10 whole trial.

11 We started on March 31st. He set the stage with
12 discovery orders, and then, immediately after
13 Attorney Aldrich files repeated motions and Judge
14 Adleman acts on those motions after he said he wasn't
15 going to act on discovery motions because of unclean
16 hands. And you cannot get anymore prejudicial or
17 biased than that.

18 There has to be some basis of reliability when
19 you are trying a case. When your trial judge says I
20 am not acting on this because both lawyers have
21 unclean hands, I should not have to worry about
22 reminding the judge two weeks later what he already
23 found and decided because Attorney Aldrich now is
24 trying to again enforce discovery after the judge
25 said he wasn't acting on it.

26 THE COURT: Well, that's why I'm a little
27 confused now, then. So, it sounds like we're talking

1 about two different things, one was about an order of
2 supervision. And what you want me to do is to look
3 at the record and you're saying that I'm going to
4 find that he made contradictory holdings on that
5 question.

6 ATTY. CUNHA: Correct.

7 THE COURT: The second thing you're now telling
8 me is that he said that he was not acting on
9 discovery because of unclean hands, and you're
10 telling me that I'll also find in the record but that
11 when Attorney Aldrich said something about discovery
12 he then acted. Is that - is that right?

13 ATTY. CUNHA: (indecipherable) rulings -
14 holdings. What he did is on March 31st he held one
15 thing with respect to discovery, and then, he later
16 forgot or ignored what his prior holding was and in -
17 which put my client at a disadvantage. And he
18 allowed Attorney Aldrich to enforce the discovery
19 request that he had already said he wasn't going to
20 enforce.

21 THE COURT: Okay. Is there a specific date with
22 a ruling for the second part? I wrote down March
23 31st. Is there a specific date for the second part
24 of what you're saying where he - where he then allows
25 Attorney Aldrich to get discovery and not you - you?

26 ATTY. CUNHA: Yes. Yes. I'm trying to get that
27 date right now.

1 THE COURT: Okay.

2 (Brief pause in the proceedings.)

3 ATTY. CUNHA: And just because I found it, Your
4 Honor, the order with respect to supervised parenting
5 time is - it looks - hold on - I just had it. Sorry.

6 THE COURT: I've seen that one, and I think I
7 can probably find it. But, if you have the number,
8 that's great.

9 ATTY. CUNHA: It is 2 - well, see, this is the
10 other issue - I believe it is 202 or 203. It's not
11 really - okay. So, it's 202.

12 THE COURT: Yes. Okay. You want me to look at
13 202 about the supervision issue. What about the
14 second -

15 ATTY. CUNHA: And then -

16 THE COURT: - second action on - on discovery?

17 ATTY. CUNHA: The discovery orders are..

18 (Brief pause in the proceedings.)

19 ATTY. CUNHA: I know they're in April - let's
20 see.

21 THE COURT: If you want me to just look at
22 discovery orders during that month, I can - I can
23 find them on the docket.

24 So, you want - you're saying in - in March there
25 was a ruling that said I'm not going to enforce any
26 discovery. And you're telling me I'll find in April
27 where Attorney Aldrich asked for something on

1 discovery, and she gets it; right?

2 ATTY. CUNHA: It's actually - she - several
3 times she does it. On - on number 349.10, she -
4 which is Judge Adelman's order granting a motion to
5 compel, and then, again...

6 (Brief pause in the proceedings.)

7 ATTY. CUNHA: On 4/16/21, I believe it's motion
8 number 335.

9 THE COURT: 335?

10 ATTY. CUNHA: Yes.

11 THE COURT: All right. I'll look at it.

12 ATTY. CUNHA: And...

13 (Brief pause in the proceedings.)

14 ATTY. CUNHA: Also, motion - motion number 328.

15 THE COURT: So, 328?

16 ATTY. CUNHA: Yes.

17 THE COURT: All right.

18 ATTY. CUNHA: So, then, with respect to
19 discovery specifically is during the course of this
20 trial, Attorney Aldrich now for the third time
21 subpoenas my client's cell phone records. I file a
22 motion to quash. Attorney Aldrich (indecipherable)
23 to quash. The court - the trial court has not acted
24 on it yet. We come to court and lo and behold
25 Attorney Aldrich is in possession of my client's cell
26 phone records which is a complete violation of law,
27 and she knows that and Verizon knows that.

1 THE COURT: So, Attorney Ambrose - sorry.

2 Attorney Aldrich your claim is subpoenaed records
3 from Verizon?

4 ATTY. CUNHA: Correct.

5 THE COURT: And then, when that subpoenaed
6 issued, she - as she's required to do, I assume, sent
7 you a copy of the subpoena?

8 ATTY. CUNHA: No, she did not. What happened -

9 THE COURT: You're fading in and out. Hang on.
10 So, stop for a second and then start over because
11 your - your -

12 ATTY. CUNHA: - Verizon us put on notice.

13 THE COURT: Verizon told you. And you moved to
14 quash is what you're saying.

15 ATTY. CUNHA: And when Verizon (indecipherable)
16 a motion to quash and for order of protection was
17 filed and there was no objection filed to it, but
18 yet, Attorney Aldrich shows up to trial with my
19 client's cell phone records. I argued that she
20 should not have them. And Judge Adelman again
21 ignores the law and not only does not penalize Judge
22 - excuse me - not only does not penalize Attorney
23 Aldrich for having the records in violation of the
24 law and rules of practice but allows them to come in
25 as evidence. And I hadn't even seen them before.

26 THE COURT: Okay. So, let me just clear on the
27 sequence of events. Your claim is that, is that

1 without copying - giving you a copy of the subpoena,
2 Attorney Aldrich served Verizon with a subpoena.
3 Verizon told your client about it.

4 ATTY. CUNHA: Correct.

5 THE COURT: And then, you moved to quash.

6 ATTY. CUNHA: Correct.

7 THE COURT: The court didn't hear the motion to
8 quash. And at trial, Attorney Aldrich showed up with
9 the record. Is that - that's the sequence?

10 ATTY. CUNHA: Correct.

11 THE COURT: Okay. I've written it down, then.
12 I think I've got it right. Okay. So, other - we're
13 dealing with the question of bias against - against
14 mothers who claim abuse. What else?

15 ATTY. CUNHA: So, pendente lite and - and at
16 trial the court was put on notice that the custody
17 evaluator ignored the court's orders and request to
18 produce her file. Because of that, there was no way
19 for me to know what evidence, if any, I would be
20 using from that file. Judge Adelman orders -

21 THE COURT: But are we back to the argument that
22 - are we back at that argument that there are - there
23 are legal rulings that you disagree with and because
24 they were against your client and - I mean, in other
25 words, you - it seems to me the crux of what you're
26 claiming about the bias against women who claim abuse
27 is that I should look at the pattern of rulings

1 against you and your client in this case and compare
2 them with the others to see a pattern. It wouldn't
3 make sense to go through every - we're not going to
4 go through every ruling and then have you ask me to
5 determine whether he made the right ruling or the
6 wrong ruling.

7 You just want me to note that he continuously -
8 this is your claim is that he continuously ruled
9 against your client and that I'm going to look at the
10 other cases and he's always going to be ruling
11 against similarly situated people; right?

12 ATTY. CUNHA: Correct. But in the -

13 THE COURT: All right. So, I don't want to go
14 through each ruling and then decide whether it's
15 right or not; right?

16 ATTY. CUNHA: In - in addition to that, Judge,
17 these - the denial of discovery violates my client's
18 due process rights. How can my client possibly be
19 prepared to try a case if I cannot get the court to
20 act on requests for discovery which I had been trying
21 to get complied with since October of 2020?

22 And at trial, I made the court aware of the fact
23 that I still had not received compliance with
24 discovery and that Attorney Aldrich did on I believe
25 it was March 29th for the first time provide a
26 limited response to the original request for
27 discovery, but it didn't even touch upon what was

1 actually requested. Judge Adelman did nothing to
2 respond to that request for information. He,
3 essentially, ignored it.

4 But yet, any time Attorney Aldrich came to the
5 court seeking enforcement of requests for her trial
6 discovery which is not even a normal request for
7 discovery he would enter orders penalizing my client
8 and put financial circumstances attached to those
9 noncompliance making it impossible to try this case
10 with the nonstop attacks and demands of
11 unreasonableness that were being put upon my client.

12 THE COURT: So, you're - you're going to -
13 you're telling me I'm going to find a pattern of
14 rulings - this is during trial, actually - about
15 getting access to information that - that are - are
16 against your client and in favor of Ms. Aldrich's
17 client repeatedly.

18 ATTY. CUNHA: Absolutely. Yes. Yes.

19 THE COURT: Okay. Well, I'm going to go
20 through -

21 ATTY. CUNHA: In fact - okay.

22 THE COURT: I'll go through those and look at
23 them, and then, I will compare them with the rulings
24 in the other cases. Anything else on this subject of
25 bias against women who have claims of abuse?

26 ATTY. CUNHA: Yes. The - the -

27 THE COURT: Again, I don't want to go through

1 every motion -

2 ATTY. CUNHA: No. I understand.

3 THE COURT: - that you didn't like a ruling on.
4 I'm going to compare the rulings and see - look for a
5 pattern of you always lose, they always lose, that
6 sort of stuff. But so, what - what else is there
7 besides going through specific motions?

8 ATTY. CUNHA: The fact - the fact that the court
9 specifically denied the right of my client to be
10 heard on her application for restraining order -

11 THE COURT: Well, we talked -

12 ATTY. CUNHA: - is - is -

13 THE COURT: - about that, that was the thing -

14 ATTY. CUNHA: Right.

15 THE COURT: - that started in March.

16 ATTY. CUNHA: There are still multiple
17 outstanding motions that the court has failed to act
18 upon. And, specifically, I recently filed in August
19 of this year another motion. I amended the original
20 emergency motion for ex parte relief. And to date, I
21 still have not had no action on that motion. And but
22 yet, there's no objection to it.

23 Attorney Aldrich files a motion the day before
24 we come back to court, and Judge Adelman wants us to
25 put evidence on - on that motion, not even giving me
26 an opportunity to review it or to respond to it which
27 is consistent throughout this record.

1 So, my client has multiple motions for
2 visitation, for custody and access, motions that have
3 come in through the manner of ex parte requests for
4 relief, none of which have been acted upon within the
5 time frame that our statute or Practice Book
6 provides. They are left out there in the wind. And,
7 if I have not done what I have done and made such a
8 big issue out of this, they probably never would have
9 been addressed.

10 And the evidence - this is my big problem here.
11 The evidence - the clear evidence - not what Mr.
12 Ambrose says, not what Mrs. Ambrose says, but the
13 evidence that has come in from the - from the -
14 interestingly, plaintiff's own witnesses which is
15 Detective DeGoursey, which is the DCF - the - the
16 multiple DCF workers, and the DCF records are
17 consistent with the position and information that my
18 client has provided to this court and directly
19 support that Mr. Ambrose is a danger to his children.

20 The police department sent the children to the
21 hospital on a peer review. The detective testified
22 to that. The records support it. The medical
23 record -

24 THE COURT: What is this - what is this - in
25 other words, I think -

26 ATTY. CUNHA: It's Judge Adelman's refusal -

27 THE COURT: To?

1 ATTY. CUNHA: - to acknowledge the clear and
2 convincing evidence of the - of the dangers that are
3 present relating to the children and the mother.

4 He -

5 THE COURT: Okay. So -

6 ATTY. CUNHA: - ignores the evidence.

7 THE COURT: You're in the middle of a trial, and
8 he hasn't decided the case yet. Your - your major
9 concerns I thought on that subject was that he should
10 have heard your motion first, right, so that you
11 should have heard the - your - your application for a
12 restraining order right away because of the danger
13 involved. Is that fair?

14 ATTY. CUNHA: Pursuant to 46b-56, it is my
15 strong belief that the court just as the guardian ad
16 litem have an obligation to protect the children.
17 And, when there is evidence that is presented to a
18 court that children are in imminent harm of risk of
19 physical danger or emotional danger, that the court
20 must act in the children's best interests, not in the
21 father's best interests because he has the most money
22 but in the children's best interests. I even
23 presented to the court put them with a third party
24 until you figure out the evidence.

25 But they are complaining of sexual assault. It
26 has been established that the complaints have been
27 substantiated by a multidisciplinary taskforce team

1 who - who recommended those children not be with
2 their father. And, because of the lies presented to
3 the court by the guardian ad litem and Attorney
4 Aldrich manipulating the facts, Judge Adelman has
5 ignored the real evidence. And -

6 THE COURT: Okay. So, let me just
7 (indecipherable) if I understand your argument, so,
8 you're saying that a multidisciplinary taskforce
9 concluded that the children were in immediate
10 physical emotional danger -

11 ATTY. CUNHA: Yes.

12 THE COURT: - you said that they were victims of
13 sexual assault and that Judge Adelman heard that
14 testimony. You asked him to do something about it,
15 and he didn't do anything about it. Is that what
16 you're saying?

17 ATTY. CUNHA: Yes.

18 THE COURT: Okay.

19 ATTY. CUNHA: Yes.

20 THE COURT: So, what is the - what - what is
21 this - the evidence of the multidisciplinary
22 taskforce conclusions about the sexual assault? Is
23 there a document in evidence in the case that I would
24 look at to see that?

25 ATTY. CUNHA: Yes. It's actually the DCF
26 records. I believe it is Exhibit 70 -

27 THE COURT: Oh, it's the DCF -

1 ATTY. CUNHA: - well, there's a lot. This is
2 the -

3 THE COURT: But if I understand the - if I
4 understand what you're saying -

5 ATTY. CUNHA: Or 73.

6 THE COURT: If I understand what you're saying,
7 you're saying that there is - there was evidence
8 submitted to Judge Adelman that these children had
9 been victims of sexual assault by their father and
10 that the DCF concluded that he had sexually assaulted
11 them and that this was brought to Judge Adelman, and
12 he refused to do anything. Is that -

13 ATTY. CUNHA: No, I'm not - I'm not saying DCF
14 concluded that. I'm saying the multidisciplinary
15 taskforce team concluded that -

16 THE COURT: Well, you said it was in the DCF
17 records. That wasn't DCF -

18 ATTY. CUNHA: It's in the DCF - it's in the DCF
19 records that that was their conclusion -

20 THE COURT: Oh.

21 ATTY. CUNHA: - and that they said the children
22 should not be with Mr. Ambrose. And, in fact, the
23 children - the records will support the children were
24 put on four 96-hour holds during the time period that
25 they've been in Mr. Ambrose's care because of Mr.
26 Ambrose's conduct related to those children. Four.

27 THE COURT: Okay. So, let me just be clear

1 about what you're saying, you're saying that if I
2 look at this exhibit - are you saying that's Exhibit
3 70 or something?

4 ATTY. CUNHA: I'm going to give you the exact
5 number. I believe it's 73.

6 THE COURT: - (indecipherable) number. But -
7 but, as I understand what you're saying, if I look at
8 that DCF document, within that document there are the
9 conclusions of a multidisciplinary taskforce that
10 Christopher Ambrose has sexually assaulted his
11 children repeatedly and that - and that the taskforce
12 recommends that he - that they be taken away from
13 him. Is that what -

14 ATTY. CUNHA: Yes. Yes. And you will also find
15 that the legal department for DCF recommends that DCF
16 file a take into custody matter with the juvenile
17 court.

18 THE COURT: Okay. So, this was -

19 ATTY. CUNHA: That -

20 THE COURT: When - when were these conclusions
21 reached? Well, I guess I can see it in the document.
22 But the point is you're saying there was a taskforce
23 report before the court that said the father had
24 sexually assaulted his children repeatedly and that
25 they should be taken away from him and that the court
26 ignored that. That's what I'll find in the exhibit;
27 right?

1 ATTY. CUNHA: I don't know if it says
2 repeatedly, but I do know that they substantiated
3 that the kids - the children's complaints of - of
4 sexual assaulted and abuse -

5 THE COURT: By the father?

6 ATTY. CUNHA: - were founded by the father -
7 were founded.

8 THE COURT: Okay. So -

9 ATTY. CUNHA: And Detective -

10 THE COURT: - the DCF - the DCF report -

11 ATTY. CUNHA: Yes.

12 THE COURT: - will quote this taskforce saying
13 that - that the father committed sexual assault
14 against the children and should be - and they
15 shouldn't be allowed with him. That's what I'll find
16 in there; right?

17 ATTY. CUNHA: Yes. Absolutely.

18 THE COURT: Okay. So - so, what exhibit number
19 is it because I'll look at it? And you're saying you
20 brought this to the court's attention, and the court
21 ignored it because you claim it's part of a pattern
22 of him ignoring claims of abuse.

23 ATTY. CUNHA: Not only did I bring it to the
24 court's attention verbally, I brought it to the
25 court's attention in my brief that I filed with the
26 court and -

27 THE COURT: What's the exhibit number? Is there

1 only one DCF report in?

2 ATTY. CUNHA: No. There's - there's multiple.
3 That's why I'm trying to get to the exact one. I...
4 And I will tell Your Honor that Detective DeGoursey
5 when he testified - oh, here we go - acknowledges
6 exactly what I just said that the multidisciplinary
7 taskforce team substantiated the sexual abuse of the
8 children.

9 THE COURT: By the father.

10 ATTY. CUNHA: By the father, yes.

11 THE COURT: Okay. So, what -

12 ATTY. CUNHA: By father.

13 THE COURT: - exhibit number is it?

14 ATTY. CUNHA: And not only did - is it that, the
15 medical records that are exhibits -

16 THE COURT: I'm sorry. The question I was
17 asking you is - I need to look at this. What exhibit
18 number? You said you just found it. What number is
19 it?

20 ATTY. CUNHA: It's Exhibit Number 71.

21 THE COURT: 71. Okay. I'll look at that. And
22 you want me to conclude from that that was a matter
23 you brought to the court's attention, that it has a
24 clear conclusion, essentially, that the children are
25 in immediate danger -

26 ATTY. CUNHA: Yes.

27 THE COURT: - and the court refused to act on it

1 because the judge has a bias against mothers who
2 claim abuse; right?

3 ATTY. CUNHA: Yes.

4 THE COURT: Okay. Any - what's - is there
5 another? I'm going to look at that. I'm going to
6 claim seriously. What else on this issue
7 (indecipherable)?

8 ATTY. CUNHA: I believe that - that the - in
9 addition to the DCF records (indecipherable) in
10 imminent risk of immediate harm and that, you know,
11 not even going into what - what is going on behind
12 the scenes as to why these kids aren't being
13 protected, but the detective himself sent the
14 children to Yale-New Haven on a peer review in
15 September of 2020.

16 The Yale-New Haven Hospital put the children -
17 recommended they be put on an a - on a 96-hour hold
18 and released the children only to Christopher
19 Ambrose's brother, the paternal uncle. The guardian
20 ad litem lied to the court and said that the children
21 were with the father. And I say she lied to the
22 court because she omitted the information to the
23 court that the children were put on a 96-hour hold.
24 They were released to the uncle -

25 THE COURT: I'm going to look at that - I'm
26 going to look at that issue in terms of what you put
27 before the Court, but I don't want to - to retry

1 every aspect of the motion.

2 So, is there any other - I'm going to look at
3 all the pattern of the - of the rulings and the
4 claims and the seriousness of the claims in light of
5 what you said and compare them with the list of other
6 cases.

7 All right. So, are we ready to go onto - the
8 third claim was - is about discrimination or bias
9 against people with disabilities. Are you ready to
10 go onto that now?

11 ATTY. CUNHA: Yes.

12 THE COURT: All right. Let's (indecipherable)
13 that.

14 ATTY. CUNHA: In this - in this case when - when
15 my client first is called to testify and it is early
16 on in the trial and she's challenged based on her
17 deposition testimony even though I say to Judge
18 Adelman I am concerned that there is information
19 missing from the transcript and I have tried - from
20 the deposition transcript and I am trying to obtain a
21 copy of the recording and my client reserved her
22 right to 30 days to review the transcript for
23 accuracy and she should not be subjected to this -
24 this challenge at this time, he ignored those - those
25 arguments.

26 But, when my client starts to testify - she has
27 a diagnosed learning disability which is documented

1 in the custody evaluation - he immediately attacks
2 her and basically says to her that because she is not
3 responding as fast as he would like her to that it is
4 being - to him it is deemed as her attempt to not
5 want to answer the question when all she was trying
6 to do was understand the questions that were
7 presented to her at times or read what she was being
8 asked to read which because of her disability takes
9 her a longer time to do.

10 THE COURT: And did you raise that question -
11 did you raise that issue with Judge Adelman when this
12 happened?

13 ATTY. CUNHA: I don't believe that I - that I
14 was able to articulate on the record the aspect
15 relating to the disability. I did raise objections,
16 but I was not always allowed to articulate my
17 objections so -

18 THE COURT: Can you remember what day this was
19 on so I can - so I listen to that -

20 ATTY. CUNHA: I have -

21 THE COURT: - as -

22 ATTY. CUNHA: I -

23 THE COURT: Maybe you don't know. I can look
24 for it. But, if you can give me a range days at
25 least, I could look. You're saying I'm going to find
26 Judge Adelman berating your client for not answering
27 quickly enough and not reading quickly -

1 ATTY. CUNHA: Yes.

2 THE COURT: You -

3 ATTY. CUNHA: Yes.

4 THE COURT: You don't claim that you stood up
5 and said she has a learning disability, but you're
6 saying it's in the record somewhere.

7 ATTY. CUNHA: I - it is in the records. It's in
8 the custody evaluation. And I know I raised
9 objections, but there were times when I raised
10 objections and I ask to be heard and the judge says
11 no, so it doesn't allow me to make a record.

12 THE COURT: All right. It's 1:00. We're going
13 to have to take the luncheon recess. But, if you can
14 find me over the break the date that I should listen
15 to for that. We're on this third topic now on bias
16 against people with disabilities. And, so on that
17 score, think about what else that you want me to note
18 of, get me the date of that - that hearing date. And
19 then, I'm expecting before we resume that you'll have
20 this list of the cases you want me to compare with
21 respect to bias against women who claim abuse.

22 All right. We'll take our recess until 2 p.m.

23 ATTY. CUNHA: Thank you.

24 THE COURT: Court is in recess.

25 (The Court recessed.)

26 (The Court resumed.)

27 THE COURT: All right. Good afternoon. I see

1 Attorney Cunha. I assume you can hear me. Attorney
2 Aldrich, are you there? All right. I assume
3 everyone can hear me.

4 ATTY. CUNHA: Yes, Your Honor.

5 ATTY. ALDRICH: Yes, Your Honor.

6 THE COURT: All right. So, before the break we
7 talked about a few things that I - I now have in
8 front of me. I have Exhibit 71. It's a long
9 exhibit, and I promise that I will examine that as
10 you requested, Attorney Cunha.

11 I have also received - I assume, Attorney
12 Aldrich, you have a copy of - a transcript of senate
13 floor comments made - made by Senator Winfield with
14 respect to Judge Adelman's appointment. Again, I
15 take it that there's no dispute that this is a public
16 record and that the statements were made. As to
17 whether it's evidence, I will reserve on that as to
18 what evidence it is.

19 I note - and I assume this is what you want me
20 to note, Attorney Cunha - that at one point Senator
21 Winfield is discussing Judge Adelman about an ex
22 parte order that Judge Adelman signed. And there's
23 an exchange between Judge Adelman and this person,
24 but if you're on the Judiciary Committee and you're
25 hearing this, what you hear is there's no reason why
26 this person might have an issue with me. And then,
27 he states, now that might not be a lie and untruth,

1 but it also isn't the truth and it was interesting to
2 me that the judge who seemed particularly interested
3 with decorum because he told in an exchange with me,
4 etcetera.

5 So, that's - that's the place I assume you want
6 me to note because it's the only place where the word
7 "lie" is used in any of the material you gave me. Is
8 that right, Attorney Cunha?

9 ATTY. CUNHA: Correct, Your Honor.
10 Specifically, the voracity of Judge Adelman is
11 challenged or - or noted by judge - by - sorry -
12 Senator Winfield in that during questioning, Senator
13 Winfield had inquired of Judge Adelman about a number
14 of complaints that had come forth against Judge
15 Adelman. And apparently, Judge Adelman of at least
16 one of the litigants, if not more, indicated he
17 didn't know why that complaint would have been made
18 because the litigant hadn't appeared before him in
19 his court. And then, Senator Winfield challenges
20 that because, in fact, the litigant had appeared
21 before Judge Adelman and Judge Adelman had acted on
22 the matter. So, that's exactly what -

23 THE COURT: An ex parte order is what I think it
24 was discussing; right?

25 ATTY. CUNHA: It does discuss an ex parte order.
26 But, if you read the - the commentary in its whole, I
27 - I don't believe - the way I - what I take from that

1 is that that was not the only particular situation
2 that - but in any event, I'll leave it to the Court -

3 THE COURT: I'll read it in context. But the
4 point is that's the place where the word "lie" is
5 used, and I guess I have to make some sense out of
6 him saying that might not be a lie and an untruth,
7 but it isn't the truth. So, I'll have to sort out
8 what that means. But that's the place I will focus
9 on.

10 And the DCF report I've also received and
11 printed out the - the list of cases that you wanted
12 me to - to look at to support by taking notice of the
13 court's own records, a claim that there's a pattern
14 that Judge Adelman is biased against women who make
15 claims about abuse. So, I have that list.

16 ATTY. CUNHA: So -

17 THE COURT: Do you have it, Attorney Aldrich?
18 Did you receive a copy of the email?

19 ATTY. ALDRICH: Yes, Your Honor. I got the
20 email. I was unclear about what that list of cases
21 were. I thought she was doing -

22 THE COURT: What was represented to me was - was
23 that this is a list of cases that I'm being asked to
24 examine in which the record will show a pattern of
25 bias by Judge Adelman against women who make claims
26 of abuse. This is a - so, we did discuss another
27 list, but this is the list that actually is being

1 produced.

2 ATTY. ALDRICH: Understood.

3 ATTY. CUNHA: And just so the Court understands,
4 I - I actually went through the list and tried to -
5 during the break with the limited time to limit what
6 may not be related to claims of protection, you know,
7 domestic violence or protective parents seeking
8 assistance of the court.

9 But I also pulled off case names that I was
10 unsure whether or not the parties would be
11 comfortable with me disclosing or referring to them
12 because some of them are recent or within recent time
13 or presently active. And I don't want anyone without
14 - even though it's a public record, I - I do have
15 concern that litigants would be upset with me if I
16 highlight their particular case. So -

17 THE COURT: That's your choice. The thing to
18 understand, of course, is I can only act on the
19 evidence you - you provide me. These are the ones
20 you want me to look at, and I'm going to look at
21 them.

22 ATTY. CUNHA: Yes.

23 THE COURT: All right.

24 ATTY. CUNHA: But I also -

25 THE COURT: Let's go back to the issue of bias
26 against the disabled, you described before about the
27 difficulties you said your client had on the witness

1 listen to it.

2 What I'm asking you is: Is there any other
3 evidence you want me to consider with respect to your
4 claim that Judge Adelman is biased against people
5 with disabilities? Something, in other words, that
6 involves disability.

7 ATTY. CUNHA: So, I believe that some of the
8 cases that I've - I've provided to the Court have
9 those - have those elements to them also, not only -

10 THE COURT: (indecipherable) disabled people I
11 should be looking for that might have been
12 discriminated against in those cases?

13 ATTY. CUNHA: Yes. Yes.

14 THE COURT: All right. I'll look for that in
15 the cases when I look at them. All right.

16 ATTY. CUNHA: And then, the specific way in
17 which Judge Adelman immediately attacked my client
18 and basically - I think he even said to her, well,
19 that's now two red flags. And, I mean, she hadn't
20 even started presenting her case.

21 THE COURT: This all in this - this part I'm
22 going to review; right?

23 ATTY. CUNHA: Yes. Yes.

24 THE COURT: I'll - I'll review that. So, I'm
25 going to assume that those are the two places you
26 want me to look, one his treatment on - through
27 looking at the records in other cases of people with

1 disabilities; and two, this interaction that you
2 described in court.

3 Okay. So, I - I assume that's - that's the
4 third and final point. Any reason now I shouldn't
5 allow Attorney Aldrich to have her chance?

6 ATTY. CUNHA: Well, what I'd - I just would like
7 the Court to understand that I want to point out a
8 few additional items that I had referred to in my
9 motion because I believe it's pertinent to the Court
10 to understand that I do not believe - I'm sorry. I
11 didn't mean to interrupt you, Judge.

12 THE COURT: I have your affidavit. I just want
13 to get it in front of me again. But - but the point
14 is just let's make sure it isn't, you know, that
15 we're talking about bias and we're not just talking
16 about not liking his rulings because I - I can't make
17 his rulings for him.

18 ATTY. CUNHA: Right. But I understand that.
19 But I do not believe that the standard in Connecticut
20 for recusal or disqualification of a judge rises to
21 the level of actual bias. The - the standard is not
22 - the threshold is not that high.

23 And I want to be clear on that, and I think that
24 - I do believe that there's outright bias here
25 without a doubt. I believe that the record reflects
26 that. I also believe that the cases that I provided
27 will support that not only is there bias in this case

1 any evidence of that, Your Honor. Certainly not with
2 any case I've ever had with Judge Adelman which I
3 can't even remember the last time I had a case with
4 him. And I don't believe that she - that - I think
5 what matters is what happened in this case. And I
6 don't think that she has provided - she's given us -
7 me virtually nothing to rebut, and she hasn't met her
8 burden of proof in this case.

9 Whether or not in other cases of people who, you
10 know, have had children taken from them or other
11 things, I don't believe that that would be pertinent
12 to - or relevant to this matter. And maybe Your
13 Honor feels that's something that you need to look
14 into. But I believe that this case -

15 THE COURT: I've been asked to look at these
16 cases. And, if, you know - if you have a situation
17 as - and I look at the docket in this case and some
18 of the transcripts have been described and if it
19 appeared that Judge Adelman simply ignored, was
20 dismissive, or was, you know, wantonly biased against
21 a woman who claimed abuse against the child, for
22 instance, which was the argument here, and then he
23 does the exact same thing in another fifteen cases or
24 I guess I've been given a list of five and if the
25 things are just this identical pattern that anybody
26 who complains about abuse Judge Adelman basically
27 just throws them out of court and will turn against

1 them and, in fact, the suggestion is retaliate
2 against them, if there was, you know, a very concrete
3 pattern that he did that across a wide spectrum of
4 cases, then, yeah, that might be something that would
5 substantiate that he always does the same thing. It
6 suggests that he's biased. But I'll look at the
7 cases and do that. I can, of course, look at other
8 cases. They're all in the public - all part of the
9 public record.

10 ATTY. ADELMAN: Right. Your Honor, also, for
11 her affidavit, she did make a certificate that it was
12 made in good faith. And the one that I received or
13 that is online is also not notarized. So, again -

14 THE COURT: The affidavit - (indecipherable).

15 ATTY. ALDRICH: The affidavit - her affidavit is
16 not notarized, the one that I received, or the one
17 online. So, you know, we all follow rules. Attorney
18 Cunha doesn't seem ever to follow the rules and
19 comply with - in a timely fashion with any court
20 orders. And I just want to bring that to the Court's
21 attention.

22 think that the main reason we're here is that -
23 and I don't believe that this motion is made in good
24 faith on her part. And the reason that we're here is
25 because she doesn't like the rulings and she doesn't
26 like the way the case is going, and this case has
27 been going in this direction for quite a long time

NO: FBT-FA19-6088163-S : SUPERIOR COURT
CHRISTOPHER AMBROSE : JUDICIAL DISTRICT
OF BRIDGEPORT
v. : AT MIDDLETOWN, CONNECTICUT
KAREN AMBROSE : JANUARY 10, 2022

TRANSCRIPT OF PROCEEDINGS

BEFORE THE HONORABLE THOMAS G. MOUKAWSHER, JUDGE

A P P E A R A N C E S :

Representing the Plaintiff:

ATTORNEY NANCY ALDRICH
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Representing the Defendant:

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Also appearing:

ATTORNEY LEANNE LARSON
First Assistance Chief Disciplinary Counsel

Ordering Party = Assistant Attorney General Robert J. Deichert

Recorded and transcribed By:
Carrie Bogdan
Court Recording Monitor
1 Court Street
Middletown, Connecticut 06457

1 (COURT PROCEEDING BEGAN AT 10:07 A.M.)

2 THE COURT: Good morning. In Ambrose versus
3 Ambrose. May I have the appearances of the parties
4 starting with the plaintiff's counsel, please.

5 ATTY. ALDRICH: Yes, Your Honor, good morning,
6 Nancy Aldrich for the plaintiff, Christopher Ambrose,
7 who I believe I saw online today.

8 THE COURT: Good morning.

9 ATTY. ALDRICH: Good morning.

10 THE COURT: You're muted.

11 ATTY. CUNHA: Thank you, Your Honor. Nickola
12 Cunha on behalf of Karen Ambrose, also known as Karen
13 Riordan.

14 THE COURT: Good morning.

15 ATTY. CUNHA: Good morning.

16 ATTY. LARSON: Good morning, Your Honor, Leanne
17 Larson, First Assistance Chief Disciplinary Counsel.

18 THE COURT: All right. Good morning.

19 All right. So this is the follow-up hearing to
20 the Court's prior order with respect to the motion to
21 recuse. As the record will reflect the Court denied
22 the motion to disqualify Judge Adelman and made
23 conclusions that Attorney Cunha had substantially
24 misrepresented on matters of fact to the Court.

25 And so the conclusions, in terms of Attorney
26 Cunha, what she said and did have already been made.
27 And the purpose of this is to consider potential

1 discipline for Attorney Cunha with respect to what
2 the Court has already concluded.

3 Attorney Cunha, in my Memorandum of Decision, I
4 urged you, strongly, to retain counsel for this
5 hearing. I see that you are here on your own behalf,
6 and I suggested that probably is not in your best
7 interest. But I also want you to bear in mind that,
8 as you know as an attorney, anything that you do say
9 in this hearing can be used against you in other
10 proceedings and those proceedings might be civil,
11 criminal, or even disciplinary. Do you understand
12 that?

13 ATTY. CUNHA: I understand quite well, Judge,
14 may I inquire?

15 THE COURT: Well, if it's related to what I just
16 said, because I'm going to then turn to allowing you
17 to speak to the question in front of me. But is it
18 concerning the things that I just mentioned?

19 ATTY. CUNHA: Well, I guess that's the --

20 THE COURT: In other words you're (inaudible)
21 having a lawyer and the fact that what you say can be
22 used against used you elsewhere?

23 ATTY. CUNHA: Oh, I completely understand that I
24 have the right to an attorney. I completely
25 understand that as an officer of the court I'm
26 subject to telling the truth. I completely
27 understand that when I'm put under oath, I'm subject

1 to the penalty of perjury. I am fully aware and
2 understand what the nature of these proceedings are.
3 I do have questions concerning the procedural aspect
4 of this matter. And when Your Honor is ready, I am
5 happy to inquire.

6 THE COURT: Well, if they're procedural
7 questions that should be dealt with before we start
8 to address the substance of the matters you may raise
9 whatever issues you wish to raise.

10 ATTY. CUNHA: Sure. So, Your Honor,
11 respectfully, I see that Attorney Larson is present.
12 However, I have not received a copy of an appearance
13 on behalf of Attorney Larson, nor have I received any
14 type of charging documentation by Attorney Larson.

15 So my question to the Court is this, Your Honor,
16 apparently, is the accuser in this particular matter,
17 you're accusing me, as an officer of the court, of
18 making material misrepresentations to the Court.

19 THE COURT: Well, let me stop you there long
20 enough to remind you that what I told you at the
21 beginning of this hearing was I have already
22 concluded that you've made material
23 misrepresentations to the Court. And it is my
24 responsibility, and authority then, to consider what
25 measures that may be taken against you with respect
26 to those misrepresentations. So, just to be clear,
27 that's what's in front of me.

1 And then to address the other matter you raised
2 Attorney Larson is, presumably, present because I
3 expressly invited any disciplinary authorities to
4 appear as a friend of the Court. Other issues?

5 ATTY. CUNHA: There's quite a few other issues,
6 Judge. Frankly your findings are clearly erroneous.
7 I find these proceedings to be intentionally
8 harassing and intimidation and an attempt by Your
9 Honor solely to shut me down for the corruption that
10 I have raised before this Court.

11 Your Honor has engaged in malfeasance, gross
12 malfeasance, I will not be intimidated. I will not
13 be harassed by this Court. I will remind this Court
14 that your so-called historical writing Memorandum of
15 Decision where you touch upon the history that it is,
16 it is a joke, and it is pathetic, and you should be
17 ashamed of yourself for subjecting myself to that
18 type of rhetoric.

19 Frankly, Judge, I am ashamed to even be sitting
20 before you with the type of conduct that you engaged
21 in. You have engaged in material misrepresentation;
22 you have lied to the public. You have done so solely
23 to put me in a poor light among the public and to
24 interfere with my constitutional rights as an
25 individual of this state. My constitutional rights
26 as (audio skipped) and my client's constitutional
27 rights.

1 I will remind Your Honor that I have the right,
2 under the constitution, to speak freely. I
3 definitely have the right, under our constitution,
4 both national and state, to let this Court, and
5 anyone else know, privately and publicly, when
6 officers of the court, such as yourself, engage in
7 corruption, and that is exactly what you are doing.
8 Without any doubt I know what the evidence holds in
9 this case, I sat through this case, I litigated this
10 case. You did not, Your Honor, respectfully. And
11 frankly, your findings --

12 THE COURT: Let me remind you -- let me remind
13 you long enough to tell you that what I am dealing
14 with today are the misstatements and the false claims
15 that you made before me. It's not a trial about the
16 other trial, it's a question about what you did in
17 front of me.

18 And I wanted to give you the opportunity before
19 I determine what action should be taken against you
20 to tell me any reasons in support of why I shouldn't
21 take any action to you, or against you, or that I
22 should take some lessor action against you.

23 And I was going to suggest that you might tell
24 me some of your professional background, that might
25 be a basis for it, that you might describe why you,
26 in good faith, believed the things that you asserted.
27 You could name the documents you examined, you could

1 name the people you spoke with, you could explain the
2 reliability of these things. We could discuss any
3 prior discipline that you might have had, any pending
4 matters. What your view of the claims you made are
5 now and what else you'd like to say. And I want to
6 give you a chance to do those things.

7 If you choose not to and you simply want to
8 berate me then there's not much to talk about. I
9 wanted to give you a chance to be heard on the
10 substance of what I have to do in making a decision
11 about you and not simply have you call me names.

12 ATTY. CUNHA: Well, Judge, you've already
13 made --

14 THE COURT: (Inaudible)

15 ATTY. CUNHA: Judge, you are the accuser, I have
16 the right to confrontation, okay. I have the right
17 to challenge the claims that you've made about me.
18 You cannot --

19 THE COURT: I haven't made --

20 ATTY. CUNHA: Please let me finish.

21 THE COURT: -- (inaudible) conclusions already.

22 ATTY. CUNHA: Please --

23 THE COURT: I have made conclusions already and
24 the question is what I'm going to do about them. If
25 you don't want to be heard on what I'm going to do
26 about it, you should just indicate that, and I'll
27 move on.

1 ATTY. CUNHA: No, I'd like to be --

2 THE COURT: (Inaudible) a chance to be heard
3 about what steps I should take with respect to what I
4 have already found.

5 You'll have a chance, when all this is done, to
6 take it to another court if you don't like what I
7 did. But I've already made the conclusions. The
8 question is what action I'm going to take on them.
9 If you'd like to be heard about what is the
10 appropriate action to take please say so.

11 ATTY. CUNHA: Your Honor, I have the right,
12 under our constitution, to confront my accuser. You
13 claim that you've made findings of fact that I have
14 made material misrepresentations to this Court. Is
15 this Court going to allow me to put Your Honor on the
16 stand and cross-examine Your Honor? Because I submit
17 to this Court you have made serious mistakes in your
18 findings, and they are clearly erroneous.

19 I've been doing this as an attorney since 1999.
20 Prior to that I was a paralegal for 10 years. I am
21 very well versed in the area of family law and in the
22 area of juvenile. Specifically in the area relating
23 to the Department of Children and Families.

24 And this is why I was extremely careful when I
25 articulated to Your Honor that you will not find the
26 word substantiation, I could not have been clearer.
27 Your Honor may want to claim I said substantiation,

1 that is a mistake or an intentional
2 misrepresentation. I can't step into your mind.
3 What I will tell you that I clearly said that you
4 will not find the word substantiation because what
5 happened in this case is that the DCF worker
6 specifically indicated they were not engaging in an
7 investigation, they were determining whether or not
8 services were necessary.

9 What I did say is that the facts support
10 substantiation and that Mr. Ambrose, without doubt,
11 engaged in the criminal conduct and that there was
12 probable cause to charge him based on Detective
13 DeGoursey's testimony and based on the three separate
14 testimonies offered by the Department of Children and
15 Families. What I also said --

16 THE COURT: Attorney Cunha, I have already made
17 a decision that reflects that you didn't tell me the
18 truth. I'm going to read to you, and I'm going to
19 also attached to my decision the full transcript of
20 the proceedings. But I will quote you. The DCF
21 report will quote this task force saying that the
22 father committed sexual assault against the children
23 and should be -- and shouldn't be allowed to be with
24 them. And that's in there, right, I asked? And you
25 say, yes, absolutely.

26 And my finding was that it was the complete
27 opposite, is that they found a lack of

1 substantiation. It's in my opinion and I will not
2 debate my opinion anymore. If you don't want to be
3 heard about what steps I'm going to take against you,
4 that's fine. But anything else you should say from
5 here should reflect the question of what action I
6 might take against you. And I urge you to pay
7 attention to that.

8 ATTY. CUNHA: Judge, this is not -- first of all
9 I have the right to notice. I have the right to due
10 process, number one, okay. I took your notice in
11 your decision which, quite frankly, is not even
12 comprehensible, to mean that you were going to hold a
13 proceeding today regarding what you believed to have
14 occurred and myself making material
15 misrepresentations.

16 So, you're telling me that you've already made a
17 finding without allowing me the right to have an
18 evidentiary hearing as to whether or not that
19 finding, or that allegation, is supported by the
20 record? Well, frankly, Judge, that can't be more
21 violative of a American Jurisprudence than what I am
22 aware of. And frankly, I would suggest that the
23 Court verse itself in our United States Supreme Court
24 cases that deal directly with intimidation of
25 attorney --

26 THE COURT: If you're simply going to lecture
27 me, if you're simply going to lecture me then your

1 right to be heard anymore is going to end. I am
2 trying to give you a chance to be heard on what I
3 have ordered. I have concluded, already, from the
4 record, from what you said to me in court, that you
5 misrepresented to me material matters. You allege
6 that there was a conspiracy of Jews in this case, you
7 alleged that there was a conspiracy to shield sexual
8 abusers and you claimed that Judge Adelman was
9 discriminating against people because of their
10 disability.

11 I found that you had no support for those
12 things, that they were absolutely untrue, and that
13 you said them repeatedly. That's over. The question
14 is what I'm going to do about it.

15 I'm going to give you one more chance to address
16 the various penalties I might impose before I'm
17 concluding that you're not going to respond to your
18 opportunity to be heard. So please address what the
19 right, in your mind, conclusion I should reach in
20 terms of what I should do about these things. If
21 you'd like to address that I'll hear it. (Inaudible)

22 ATTY. CUNHA: You should disqualify yourself
23 because you could not be the accuser, the trier of
24 fact, the finder, and the executioner. That's what I
25 believe should happen. I believe that you clearly
26 are prejudiced in what it is that you have opined in
27 this matter.

1 THE COURT: In my opinion I cited the case law
2 that makes it my responsibility to take disciplinary
3 action against a lawyer who is committed what you
4 have done. This discussion is now concluded because
5 you're not, I've given you three or four chances now
6 to address what this hearing is about, and you've
7 declined to do so.

8 So does, Ms. Aldrich, do you wish to be heard on
9 behalf of your client?

10 ATTY. CUNHA: Well, I object to Ms. Aldrich, she
11 has nothing to do with the discipline --

12 THE COURT: She might answer no so why don't I
13 wait and see what her answer (inaudible) object. Ms.
14 Aldrich, do you wish to be heard?

15 ATTY. ALDRICH: I do, Your Honor. I just have a
16 brief statement I'd like to say.

17 ATTY. CUNHA: And I object.

18 THE COURT: All right. Your objection is noted.
19 What is the ground for the objection?

20 ATTY. CUNHA: The ground for the objection is it
21 is not relevant to these proceedings. I have had no
22 notice that Ms. Aldrich planned on participating or
23 offering any evidence in these proceedings. I have
24 the right to know what is going to be presented
25 against me in a proceeding that Your Honor has taken
26 against me.

27 THE COURT: She is your opposing counsel in the

1 case, and she has a right to be heard. Ms. Aldrich,
2 what is it you wish to say?

3 ATTY. ALDRICH: Thank you, Your Honor. Your
4 Honor, first of all, based on the fact you're going
5 to make a decision today I feel it important that not
6 having been involved in the actual 36 days of trial
7 that you have an understanding of what I believe is
8 in my client's best interest and that's all I'm going
9 to discuss in my statement.

10 Due to the fact that this trial was taken -- has
11 been taking place over the last 10 months and
12 approximately 36 days, in large part due to the
13 continuance requests and delays on the part of
14 defendant's counsel, we have put on many, many
15 witnesses, including therapists, DCF workers, police
16 officers, evaluation experts, juvenile counsel, the
17 parties, and we have very little time left in the
18 trial.

19 As the plaintiff, my case in chief is over, with
20 the exception of putting on the defendant, because
21 she failed to show up at the last trial day. So I
22 have a few minor things to cross-examine her. The
23 Guardian ad Litem needs to be heard and I believe
24 most of the witnesses were joint witness -- not joint
25 witnesses, but were witnesses that the defense was
26 going to call as well.

27 So, based on the fact that Your Honor is going

1 to make a decision about whether or not I believe
2 Attorney Cunha's license will be suspended and
3 they'll be sanctions, or some other measures will be
4 taken. I think it's important for our side to be
5 heard regarding this matter.

6 Not that I don't -- I disagree with anything
7 Your Honor wrote in your decision. I believe that
8 Attorney Cunha was responsible for the actions that,
9 for her actions, which involved an extreme, extremely
10 difficult case in front of Judge Adelman, who did his
11 best throughout the trial to move things along, but
12 it was nearly impossible.

13 This has been financially devastating to my
14 client, having 36 days of a trial. As I know Your
15 Honor, you are a believer in short trials and most
16 cases can be done in a short amount of time, this one
17 wasn't.

18 It is not in the best interest of my client, or
19 these children, that this case, if your actions
20 involve that this case cannot continue and that there
21 would be a mistrial, I would ask the Court to
22 consider my client's interest, the children's best
23 interest and judicial economy in determining the
24 actions that you take against Attorney Cunha.

25 I don't disagree with Your Honor that there
26 should be sanctions against Attorney Cunha for
27 financial sanctions, and other sanctions, as a result

1 of the things that occurred in this case, many of
2 which were egregious and you outlined some of them,
3 only some of them in your decision after the recusal
4 hearing.

5 So, based on the fact that the trial is almost
6 over, and I believe it can be finished in a short
7 amount of time I would ask Your Honor to consider
8 that as from the best interest of this family.

9 Thank you.

10 THE COURT: All right. Thank you.

11 Ms. Larson, do you wish to be heard?

12 ATTY. LARSON: Yes, Thank you, Your Honor.

13 ATTY. CUNHA: Just for the record, I'm objecting
14 to make my record.

15 THE COURT: Okay. The objection is noted.

16 Ms. Larson.

17 ATTY. LARSON: Your Honor, as a preliminary
18 matter, since this is a separate proceeding from the
19 divorce action itself, I would ask Your Honor to take
20 judicial notice of the entire record in the Ambrose
21 case, again that being docket number FBT-FA19-
22 6088163.

23 Also, Your Honor, I think you indicated that you
24 are making the transcript of the December 1st hearing
25 an exhibit to your Memorandum of Decision.

26 THE COURT: Whatever decision I make on this I'm
27 going to attach that transcript, yes.

1 ATTY. LARSON: Okay. Thank you.

2 Also, Your Honor, because I believe at the
3 hearing held on December 1st you indicated that you
4 are going to review, or had reviewed, a transcript
5 from a November 9th, 2021 status conference and a
6 hearing held, I think it was either on October 20th
7 or October 21st, 2021, I think Your Honor needs to
8 make those court exhibits as well.

9 THE COURT: The transcripts of 11-9, 10-20, 10-
10 21? Because we can listen to them without ordering
11 transcripts, and that's what I have previously have
12 done. But you're suggesting those, those transcripts
13 be part of the file?

14 ATTY. LARSON: I think so, Your Honor, because
15 you did refer to them and because in my comments, I'm
16 about to make, I am also going to refer to, at least
17 the November 9th transcript.

18 THE COURT: All right. I'll make a note of
19 that, go ahead.

20 ATTY. LARSON: Thank you, Your Honor.

21 Your Honor, I did review the Memorandum of
22 Decision, the transcript of the hearing held on
23 December 1st and the docket in this case. And
24 although I would note that I do find some other
25 disturbing conduct in connection with the case, Your
26 Honor did state, in your Memorandum of Decision, that
27 it would hold this hearing based upon what has

1 occurred, on the record, in connection with the
2 latest motion to disqualify Judge Adelman.

3 So, I am therefore limiting my claimed
4 violations to the Memorandum of Decision, the hearing
5 transcript and documents that were referred to a
6 hearing or the Memorandum of Decision in which the
7 Court indicated it reviewed or would review.

8 So with that caveat I believe that the Court can
9 find, by clear and convincing evidence, several
10 violations of the Rules of Professional Conduct.

11 And, if I may, I'd first like to discuss the
12 rule violations and the evidence that I believe
13 supports it and then discuss the American Bar
14 Association Standards for Imposing Lawyer Sanctions.

15 ATTY. CUNHA: I object to this. This is highly
16 inappropriate. I have had no prior notice of the
17 intent here of Attorney Larson to participate. I was
18 not able to prepare a response, obviously to what I
19 do not know about.

20 THE COURT: Over a month ago, in my decision,
21 invited an amicus to attend this hearing. Ms. Larson
22 is not making new charges, she's simply being a
23 friend of the Court, an amicus of the Court, to
24 advise the Court about the applicable rules and what
25 she suggest we do. You've known about that for a
26 month. And I urged you, in no uncertain terms, to
27 get legal representation, you decided not to do that.

1 Please continue, Ms. Larson.

2 ATTY. CUNHA: Judge, I'd like to be heard to
3 make a record please. May I just have another
4 moment?

5 THE COURT: Just a moment, go ahead.

6 ATTY. CUNHA: Thank you. I agree. You did
7 indicate, in your decision, that you would invite
8 grievance counsel to participate in these
9 proceedings. Your decision was issued on December
10 10th, 2021. Today is January 9th, 2022. I have not
11 heard one thing from Attorney Larson, or anyone else
12 from the grievance panel, that they had planned on
13 participating or would be contributing to this
14 proceeding in any way. I have the right to that
15 information in advance.

16 There are rules and procedures and laws that I'm
17 entitled to have assurance as to what exactly it is
18 that is going to occur and who's going to be present
19 and what's going to be presented. It is completely
20 an ambush for this Court to allow Attorney Larson to
21 sit here and ramble off anything without having first
22 given me some type of notice as to what her
23 intentions were.

24 THE COURT: So when people come before courts
25 and make arguments to the courts, as Attorney Aldrich
26 just did, and you do in court all the time, they
27 don't disclose their arguments in advance, they're

1 not required to disclose their arguments in advance.

2 If there was going to be testimony and a
3 separate proceeding brought by the State, in some
4 fashion, then maybe you'd get notice of that. But
5 this is argument about the law and the facts that
6 relate to this hearing and that much Attorney Larson
7 has every right to bring. So your objection is
8 noted, for the record. Attorney Larson, please
9 continue.

10 ATTY. LARSON: Thank you, Your Honor.

11 ATTY. CUNHA: Just briefly, just so the Court
12 knows, Attorney Larson has not disclosed the filing
13 of an appearance. She has no legal right --

14 THE COURT: You've already said that. It is
15 noted for the record. Please continue Attorney
16 Larson.

17 ATTY. CUNHA: It's a violation of the Rules of
18 Practice which this Court, the family Court, seems to
19 think nothing of to allow an attorney to speak on the
20 record absent an appearance. We have due process in
21 this county. What is so difficult for this Court to
22 comprehend? You are not the law maker.

23 THE COURT: Attorney Cunha, you need to stop.

24 ATTY. CUNHA: I am frustrated, Judge, with your
25 lack of acknowledgment of what your position is as a
26 Judge. You are not the legislature. There is
27 something called the separations of power.

1 THE COURT: Attorney Cunha, I'm going to ask you
2 to stop speaking.

3 ATTY. CUNHA: Yes, Judge. Yes. I will obey,
4 Your Honor, would you like me to bow, I'm sorry, I am
5 below you, I will obey. I will be quiet, no problem.
6 Thank you.

7 THE COURT: You're bounding criminal contempt of
8 court and I warned you to stop speaking because all
9 you're doing is abusing the Court, you're not
10 providing any useful information. Don't say another
11 word. Attorney Larson, proceed.

12 ATTY. LARSON: Thank you, Your Honor.

13 Your Honor, again, based on my review of the
14 Memorandum of Decision and what Your Honor referenced
15 in that decision and your findings, obviously, I
16 find, again, several violations. The first is a
17 violation of Rule 3.1 of the Rules of Professional
18 Conduct regarding meritorious claims and contentions.
19 It states that a lawyer shall not bring or defend a
20 proceeding or assert or controvert an issue therein
21 unless there is a basis in law and fact for doing so
22 that is not frivolous.

23 Attorney Cunha has asserted, or controverted an
24 issue in this divorce case, that has no basis in law
25 or fact. Specifically, she filed a motion to
26 disqualify Judge Adelman and at the hearing on the
27 motion alleged three claims in support of her motion.

1 One was a bias against non-Jews, a second was a bias
2 against women claiming abuse and the third was a bias
3 against disabled individuals.

4 As the Court thoroughly discussed in your
5 Memorandum of Decision the motion had absolutely no
6 basis in fact. The Court went so far as to say on
7 page 6, or your Memorandum, that it is no small thing
8 for a lawyer to come to court and make the flesh
9 crawl and the conscious clatter with baseless claims
10 about a Jewish conspiracy.

11 The Court further stated on page 9 that in
12 discussing the claim against disabled individuals,
13 Your Honor further stated that the claim was made up
14 out of thin air and that Attorney Cunha can hardly
15 say, with any respect for truth, that Judge Adelman
16 has a general bias against the disabled based on the
17 single incident she alleges, she offered no evidence
18 on this point.

19 With regard to the claim of bias against women
20 who claim abuse the Court reviewed five cases that
21 Attorney Cunha insisted would show a pattern of such
22 bias, they revealed no such bias.

23 The Court also reviewed an additional 13 cases,
24 none of which showed any such bias.

25 The Court reviewed a more than 90-page document,
26 which Attorney Cunha insisted would reveal findings
27 that Mr. Ambrose abused his children, and that Judge

1 Adelman chose to ignore it. Again, the Court found
2 no such findings, in fact, the Court found just the
3 opposite.

4 On page 17 Your Honor stated that the motion to
5 disqualify was denied because the Court found it
6 entirely unsupported and frivolous.

7 I believe the next violation is of Rule 3.2,
8 expediting litigation, which states that a lawyer
9 shall make reasonable efforts to expedite litigation
10 consistent with the interest of the client.

11 The Court noted on page 2, in its Memorandum of
12 Decision, that Attorney Cunha has clogged the docket,
13 delayed the trial and cost the parties a fortune by
14 repeatedly hurling baseless personal accusations
15 against lawyers, judges, the guardian and many
16 others. Rather than get the case tried and appeal
17 it, if she doesn't like the result, Attorney Cunha
18 has made every problem in the case worse. Indeed her
19 behavior has become the biggest problem in this case.

20 On page 16 the Court stated that she has
21 attacked the court with multiple motions to
22 disqualify, she has moved, unsuccessfully, to
23 disqualify her opposing counsel. She's filed two
24 unsuccessful appeals; she's moved for a mistrial.
25 She has filed an injunction action against this
26 Court, she has filed a compliant to Juvenile Court
27 seeking to circumvent this Court and restraining

1 order actions to do the same thing. She has been
2 sanctioned in this case for destroying evidence. One
3 or more of the experts, in this case, has been sued
4 for malpractice.

5 The trial, in this case, started on March 31st,
6 2021, and after over 30 days of trial, as Attorney
7 Aldrich indicated, she still has not been able to
8 conclude her case in chief.

9 The next violation is of Rule 3.3, candor toward
10 the tribunal, specifically subsection (a)(1), which
11 states that a lawyer shall not knowingly make a false
12 statement of fact or law to a tribunal or fail to
13 correct a false statement of material fact or law
14 previously made to the tribunal by the lawyer.

15 In her motion to disqualify Attorney Cunha
16 alleged that Judge Adelman was biased against non-
17 Jews, against women who claim abuse and against
18 disabled individuals. These statements are false and
19 that she provided no evidence, whatsoever, of any of
20 these alleged biases.

21 Furthermore, she insisted that a DCF report
22 would reveal that Mr. Ambrose abused his children,
23 and that Judge Adelman chose to ignore that
24 information.

25 Again, as the Court thoroughly discussed on
26 pages 13 through 16 of your Memorandum of Decision
27 the report revealed just the opposite of Attorney

1 Cunha's claims. The Court stated, on page 16, that
2 this means that Attorney Cunha, a court officer, lied
3 to a judge, emphatically, repeatedly, and with ample
4 warning that the judge would check for the truth.

5 The Court further questioned on page 16 whether,
6 quote, a court can stand idly by when it realizes a
7 lawyer has blatantly lied to it, unquote.

8 The next violation is of Rule 3.5, impartiality
9 and decorum, which states that a lawyer, subsection
10 (4), which states that a lawyer shall not engage in
11 conduct intended to disrupt the tribunal or ancillary
12 proceedings such as depositions and mediations.

13 The support for this violation is obviously the
14 baseless motion to disqualify Judge Adelman, but it's
15 also the conduct discussed above regarding the
16 failure to expedite litigation.

17 Another violation is of Rule 8.2, judicial and
18 legal officials, subsection (a) -- [speaker clears
19 throat], excuse me, which states that a lawyer shall
20 not make a statement that the lawyer knows to be
21 false or with reckless disregard as to its truth or
22 falsity concerning the qualifications or integrity of
23 a judge.

24 The Court, in its Memorandum of Decision,
25 thoroughly discuss the baseless accusations made
26 against Judge Adelman, and Attorney Cunha's motion to
27 disqualify, the accusations were clearly either false

1 or made with reckless disregard as to their truth or
2 falsity.

3 In addition to her claims of Judge Adelman's
4 participation in a Jewish conspiracy, his biases
5 against women who claim abuse and disabled persons,
6 she also made several false and/or reckless
7 disparaging remarks against him and Judge Grossman at
8 the hearing held on December 1st, 2021.

9 And those, -- [speaker clears throat], excuse
10 me, those are as follows, on page 7 of the transcript
11 she said Judge Adelman took on the same stance as
12 Judge Grossman and failed to allow my client any due
13 process at all and violated her right to access to
14 the court.

15 On page 9, with regard to her application for a
16 restraining order, she said this is a blatant
17 violation of my client's due process rights, a
18 blatant violation of our domestic violence laws.
19 Judge Adelman took the law into his own hand and
20 refused my client the right to be considered the
21 protections under our statutes that are granted upon
22 domestic violence victims and he has a clear pattern
23 of history of doing this.

24 On page 11 she said what the problem is here is
25 that we have a judge that blatantly ignores the laws
26 of our state. He blatantly ignores the Practice
27 Book. He routinely favors Attorney Aldrich in her

1 matters.

2 On pages 14 through 15, when discussing Judge
3 Adelman's decision to allow the GAL to sit through
4 the trial, she said I think it was an intentional
5 waste of money and I think he has a history of doing
6 that and I believe it's a RICO. And when Your Honor
7 asked as in a racketeering issue? She said, yes,
8 yes. When the Court further asked so you're claiming
9 there is some sort of conspiracy or something here?
10 She said, oh, absolutely, there's a business going
11 on.

12 On page 17 Attorney Cunha stated that when Judge
13 Adelman was up for reappointment that he, quote,
14 notably, blatantly lied as an appointed judge, under
15 oath, to the Review Committee that was seeking to
16 whether or not reappoint him, unquote.

17 Now, I know she provided Your Honor with a
18 transcript, and I have not had an opportunity to
19 review that. But the Court can look to that
20 transcript to determine if it was another false
21 accusation.

22 On page 24,, in discussing how Judge Adelman
23 favors certain attorneys, she states that Judge
24 Adelman has favored Attorney Aldrich in not only this
25 case but historically in all cases that she has come
26 before him. However, Attorney Aldrich stated on page
27 157 that she can't even remember the last time she

1 had a case with him.

2 On page 34, Attorney Cunha stated that Judge
3 Adelman's conduct was, quote, so egregious, unquote.

4 On page 36 she said but see that's the problem,
5 judge, and this is what Judge Adelman does where he
6 thinks he's intelligent and crafty and he is not,
7 okay. So I want to thank you for allowing this to
8 proceed because he has turned this into a circus.

9 On page 36 through 37 she said I'm claiming that
10 it supports the what I believe to be joke. And I
11 know that Judge Adelman gets very upset with me when
12 I say this, that Judge Adelman turns this, this
13 family court system into a circus, into a show like a
14 bunch of freaks because what he does is he makes
15 things so convoluted.

16 On page 42, with respect to the custody of the
17 children, she states that Judge Grossman crafts with
18 Attorney Hurwitz and Attorney Aldrich this pattern.

19 On page 42 to 43 she alleges that Attorney
20 Aldrich, Attorney Hurwitz and Judge Grossman
21 conspired.

22 On pages 44 through 46 she alleges that Judge
23 Grossman is also part of a Jewish conspiracy.

24 On page 59 she, again, accuses Judge Grossman of
25 being part of a Jewish conspiracy.

26 On page 74 she states, but this is where
27 Attorney Aldrich and Attorney Hurwitz and Judge

1 Grossman, I believe, manipulate the record to try and
2 support parental alienation.

3 On page 75 she accuses Judge Adelman of coming
4 up with trumped up claims that my client violated
5 court orders which essentially are not really court
6 orders.

7 On page 76, with regard to orders entered by
8 Judge Adelman, she states that those orders are so
9 illegal and without factual basis and complete
10 violation every potential constitutional and
11 statutory right that it is a complete dialect of what
12 our judicial system stands for.

13 On page 86 she claims that Judge Adelman
14 contradicted himself with regard to discovery orders
15 and then says and you cannot get more prejudicial or
16 bias than that.

17 On page 90, when discussing Verizon phone
18 records, she states that Judge Adelman, again,
19 ignores the law.

20 In her affidavit, in support of her motion to
21 disqualify Judge Adelman, she states in paragraph 5,
22 she accuses Judges Adelman and Grossman of blatant
23 outright disregard of my client and the minor
24 children's basic human rights.

25 In paragraph 6 she accuses Judges Adelman and
26 Grossman of ignoring all efforts to seek any relief
27 to which a litigant would normally be entitled.

1 In paragraph 12 she says Judge Adelman has
2 failed to uphold the integrity of court by failing
3 administer the laws of this state, failing to insure
4 the parties, and their attorneys, have been treated
5 fairly, and failing to insure that the defendant has
6 been afforded access to court.

7 Paragraph 18 she states the inaction and action
8 taken by Judge Adelman on March 31st, 2021, and
9 throughout this trial, are clear acts of gender bias,
10 violations of the code of judicial conduct and ethics
11 and in direct conflict with the defendants' rights on
12 behalf of herself and the minor children to seek the
13 protections afforded the citizens of this state
14 pursuant to our laws and constitution.

15 In paragraph 38 she says the Court has
16 purposefully allowed the defendant to be in a
17 continuous state of financial despair.

18 In paragraph 40 she says Judge Adelman has
19 ignored evidence of educational neglect by the
20 plaintiff, emotional abuse, medical neglect, and
21 sexual assault as to the minor children.

22 I also looked at the transcript of the November
23 9th, 2021, status conference, which I know the Court
24 had either reviewed or listened to the audio. And
25 Attorney Cunha, again, disparaged Judge Adelman
26 several times.

27 On page 3, of that transcript, she accused Judge

1 Adelman of already deciding the facts in the case
2 prior to hearing all the evidence.

3 On page 4, she again, accused him of entering
4 illegal orders, being biased, and being dishonest,
5 and that he said he would follow the law and do the
6 right thing but that he is done, quote, everything
7 but, end quote.

8 Further down the page she, again, accuses him of
9 entering orders which are illegal, biased and
10 egregious. She tells him that he is good at scaring
11 litigants into hiding for their own safety and
12 protection and she said so bingo, you've done it, you
13 won, congratulations. And she accused him of
14 ignoring the evidence.

15 On page 9 she, again, accused him of deciding
16 the case before hearing all the evidence. And on
17 page 12 she referred to the proceedings as a game.

18 And a review, Your Honor, of that entire
19 transcript of November 9th reveals that she is
20 incredibly disrespectful to the Court.

21 The next violation is 8.4 regarding misconduct.
22 Subsection (3) says that it is professional
23 misconduct for a lawyer to engage in conduct
24 involving dishonesty, broad deceit, or
25 misrepresentation. And I think the support for that
26 violation is, again, the same conduct as discussed in
27 support of the violation of 3.3.

1 She's also violated 8.44 in that she's engaged
2 in conduct that is prejudicial to the administration
3 of justice.

4 Again, for the same reasons as discussed in
5 support of the violation of 3.3, her conduct has not
6 only prejudiced the administration of justice
7 specifically with regard to the Ambrose case but
8 perhaps, more importantly, her conduct, as I've
9 discussed, is prejudicial to the administration of
10 justice as a whole. She's accused virtually the
11 entire family court system, judges, attorneys, GAL's
12 and evaluators of corruption. She has accused them
13 of being involved in a Jewish conspiracy, she's
14 accused them of racketeering, and she has attacked
15 the qualifications and integrity of judges. She is
16 dangerously, recklessly and repeatedly attacked the
17 family court system so as to poison the public
18 perception by calling into question the integrity of
19 the system as a whole.

20 So now we get to discipline after finding the
21 misconduct then we get to the discipline -- [speaker
22 clears throat], excuse me.

23 And in determining appropriate discipline courts
24 have often looked to the American Bar Association
25 Standards for Imposing Lawyer Sanctions, including
26 aggravating and mitigating factors. And after
27 finding the misconduct the ABA standards provide that

1 a court should first consider the duty violated, the
2 lawyer's mental state and the potential or actual
3 injury caused by the lawyer's misconduct.

4 So, in first addressing the duty violated, in
5 this matter I think Attorney Cunha has violated her
6 duty of integrity and truthfulness to her client, the
7 public, the court, and her profession. An attorney's
8 integrity and honesty are fundamental to his or her
9 fitness to practice law.

10 As the Court stated in its Memorandum of
11 Decision she lied to the Court. She has, without any
12 evidence, called into question the qualifications and
13 integrity of more than one judge on numerous
14 occasions thereby undermining the public confidence
15 in the judicial system, and the family court system,
16 in particular.

17 In as much as the violations discussed are quite
18 serious, the Court must give great consideration to
19 that fact in determining the appropriate discipline.
20 Indeed in your Memorandum of Decision, on page 8, you
21 noted that this is a very serious matter. And on
22 page 9 that a lawyer making baseless claims in court
23 against a judge based on his religion sets off the
24 loudest alarm bells in the lawyer's code of
25 professional responsibility.

26 Considering the respondent's mental state. The
27 facts reveal that the respondent, Attorney Cunha,

1 acted intentionally and knowingly, which are highly
2 culpable mental states. I reviewed the transcript,
3 as I said, regarding the motion to disqualify Judge
4 Adelman, I counted at least 10 times when the Court
5 cautioned Attorney Cunha about being an officer of
6 the court and/or the serious nature of her
7 allegations. Rather than heed the warnings she
8 emphatically pressed on with her unfounded
9 accusations. And based upon the numerous times she
10 made allegations of bias, both in the hearing and in
11 various motions throughout the case, there is no
12 question that her conduct was intentional and
13 knowing.

14 Looking to the actual, or potential injury.
15 Attorney Cunha has harmed her client and that her
16 actions have dragged this divorce case out much
17 longer than needed. Also, as already discussed,
18 Attorney Cunha has caused injury to the family court
19 system and to the judicial system, as a whole, by
20 making unfounded and false accusations regarding
21 judges qualifications and integrity thereby
22 undermining the public confidence in the judicial
23 system. She has accused judges, attorneys, GAL's and
24 evaluators of racketeering a crime.

25 Family law is an area where the parties are
26 often already bitter, untrusting and dissatisfied
27 with court rulings. And Attorney Cunha's actions

1 have only fostered the public's negative view of
2 family court by suggesting that judges, attorneys,
3 GAL's and evaluator have hidden agendas and are not
4 there to do what is fair and just.

5 So the ABA standards also set forth aggravating
6 and mitigating factors, the existence of which should
7 be considered in imposing discipline. And I urge the
8 Court to consider the following aggravating factors,
9 the first is a dishonest or selfish motive. Attorney
10 Cunha is not doing her client any favors by dragging
11 this divorce case on, her actions are motivated by a
12 desire to remove any judge, attorney, or GAL who is
13 preventing her from obtaining the rulings that she
14 seeks.

15 The second aggravating factor is a pattern of
16 misconduct. I reviewed the docket in the Ambrose
17 case, and I found at least three requests to remove
18 Attorney Hurwitz, the Guardian ad Litem, one request
19 to remove Attorney Aldrich, plaintiff's counsel, at
20 least two requests to remove Judge Grossman and at
21 least two requests to remove Judge Adelman.

22 There are several instances where she accuses
23 Judges Adelman and Grossman of bias and entering
24 illegal orders, among other things. And as the Court
25 noted, she tried to circumvent the orders entered in
26 the Ambrose case on multiple occasions by filing a
27 complaint in the Juvenile Court, restraining orders,

1 at least one of which was in the New Haven Superior
2 Court, and an injunction action in the Hartford
3 Superior Court.

4 Another aggravating factor is multiple offenses.
5 I've listed seven rules of the Rules of Professional
6 Conduct that have been violated with multiple
7 incidents supporting each violation.

8 The next is refusal to acknowledge the wrongful
9 nature of her conduct. As I previously noted I
10 counted at least 10 times when Your Honor cautioned
11 her about being an officer of the court, and/or the
12 serious nature of the allegations, and again, rather
13 than heed the warning she emphatically pressed on
14 with her unfounded accusations. She clearly does not
15 acknowledge the wrongful nature of her conduct as she
16 has not backed down on any of her unfounded and false
17 accusations. And I think further evidence of that
18 are her comments made at the beginning of this
19 hearing.

20 The last aggravating factor is Attorney Cunha's
21 substantial experience in the practice of law. As
22 she indicated she's been practicing since 1999.

23 The only mitigating factor that I would note, is
24 a lack of a disciplinary history.

25 So, now we go to the appropriate sanction. And,
26 again, looking to the ABA Standards for Imposing
27 Lawyer Sanctions, section 5.11 subsection (b) of the

1 standards under failure to maintain personal
2 integrity provides that disbarment is generally
3 appropriate when a lawyer engages in any other
4 intentional conduct involving dishonesty, fraud,
5 deceit or misrepresentation that seriously adversely
6 affects on the lawyer's fitness to practice.

7 I think there's no further explanation needed on
8 that one, that's based on all the conduct that I've
9 already discussed.

10 Section 5.21, under failure to maintain public
11 trust, provides that disbarment is generally
12 appropriate when a lawyer and an official or
13 governmental position knowingly misuses the position
14 with the intent to obtain a significant benefit or
15 advantage for himself, or another, or with the intent
16 to cause serious or potentially serious injury to a
17 party or to the integrity of the legal process.

18 Attorney Cunha's motions to disqualify Judge
19 Adelman and Grossman were certainly done with the
20 intent to obtain a significant benefit, or advantage,
21 for her and her client as they did not like the
22 rulings of either judge.

23 Her actions were also intended to cause serious
24 injury to the integrity of the legal process because
25 she accuses judges, attorneys, GAL's and evaluators
26 involved in the family court system of a Jewish
27 conspiracy and the crime of racketeering.

1 Section 6.11, under false statements, fraud and
2 misrepresentation, provides that disbarment is
3 generally appropriate when a lawyer, with the intent
4 to deceive the court, makes a false statement, submits
5 a false document or improperly withholds material
6 information and causes serious, or potentially
7 serious, injury to a party or causes a significant,
8 or potentially significant, adverse effect on the
9 legal proceeding. Again, no further explanation
10 needed other than what's already been discussed.

11 Section 7.1, under violations of other duties
12 owed as a professional, provides that disbarment is
13 generally appropriate when a lawyer knowingly engages
14 in conduct that is a violation of a duty owed as a
15 professional with the intent to obtain a benefit for
16 the lawyer, or another, and causes serious, or
17 potentially serious, injury to a client, the public
18 or the legal system. Again, the explanation is the
19 same.

20 Now, those above recommendations, for
21 appropriate sanctions, do not take into consideration
22 any aggravating factors that may exist. So given
23 that there do exist aggravating factors, in this
24 matter, there's no question that disbarment is the
25 appropriate sanction.

26 The extreme seriousness of Attorney Cunha's
27 accusations further support a sanction of disbarment.

1 Taking a quote from the case of *Burton v. Mottolese*,
2 which is at 267 Conn. 1 (2003), gender bias,
3 particularly bias based on stereotypes has no place
4 in the courtroom. Of all the charges that might be
5 leveled against one sworn to administer justice and
6 to faithfully and impartially discharge and perform
7 all the duties incumbent upon me the charge of bias
8 must be claimed at or near the very top in
9 seriousness or bias kills the very soul of judging
10 fairness.

11 In this matter not only has Attorney Cunha
12 alleged a bias against Judge Adelman, based on a
13 stereotype, that being that Jews know and protect
14 other Jews, but she's made a claim of bias against an
15 entire family court system by alleging a sweeping
16 Jewish conspiracy.

17 And finally, cases have long held, and again,
18 pulling from the *Burton* case, that a court
19 disciplining an attorney does so not to punish the
20 attorney but rather to safeguard the administration
21 of justice and to protect the public from the
22 misconduct or unfitness of those who are members of
23 the legal profession.

24 An attorney is an officer of the court and the
25 administration of justice is continually accountable
26 to it for the manner in which she exercises the
27 privilege which has been afforded her. Her admission

1 is upon the implied condition that her continued
2 enjoyment of the right conferred is dependent upon
3 her remaining a fit and safe person to exercise it so
4 that when she, by misconduct in any capacity,
5 discloses that she has become or is an unfit or
6 unsafe person to be entrusted with the
7 responsibilities and obligations of an attorney her
8 right to continue in the enjoyment of her
9 professional privilege may and ought to be declared
10 forfeited.

11 Therefore, if a court disciplines an attorney it
12 does so not to mean a punishment to an offender but
13 so that the administration of justice may be
14 safeguarded and the courts and the public protected
15 from the misconduct or unfitness of those who are
16 licensed to perform the important functions of the
17 legal profession.

18 Attorney Cunha, I do not believe is a fit and
19 safe person to be entrusted with the responsibilities
20 and obligations of an attorney. She's a danger to
21 the family court system.

22 Since Connecticut does not have permanent
23 disbarment, disbarment in Connecticut, is for a
24 period of five years. My recommendation of an
25 appropriate sanction, again, based upon the ABA
26 Standards for Imposing Lawyer Sanctions, is that
27 Attorney Cunha be disbarred for a period of five

1 years and that she be required to apply for
2 reinstatement pursuant to section 2-53 of the
3 Practice Book.

4 Thank you, Your Honor.

5 THE COURT: Thank you, Ms. Larson.

6 All right. Attorney Cunha, reminding you again
7 of your duty, and my repeated orders to you, to
8 address the subject at hand. A lot of time has gone
9 by since you last spoke. And I'm hoping that during
10 that time period you considered whether you should
11 make some statement that might address the substance
12 of any action I might take against you with respect
13 to the findings I've made, again, advising you, in
14 the strictest terms, to address what is actually
15 before me. I'll give you a last opportunity to do
16 so. Do you wish to take that opportunity, Attorney
17 Cunha?

18 ATTY. CUNHA: Your Honor, I'd like to take the
19 opportunity to offer that information to the Court.
20 I'd also like to take -- I'd also like to be given
21 the opportunity to respond to the position that
22 Attorney Larson has taken and to the statements that
23 she has made openly and publicly. And to the
24 statements and claims that have been made by Attorney
25 Aldrich. If I may do so.

26 THE COURT: You may.

27 ATTY. CUNHA: Thank you. Just one moment

1 please.

2 First and foremost, I do apologize, but it is
3 not to the Court, it is to the Jewish Americans of
4 this state and of this country. And I want to extend
5 a sincere apology to each and every single one of
6 them for responding to the questions from Your Honor
7 in haste.

8 In response to a line of inquires I indicated to
9 the Court that professionals in this case share the
10 commonality of practicing in the Jewish faith. That
11 response was misconstrued to extend far beyond what I
12 believe and the point that I intended to articulate
13 to the Court. For that I am sorry.

14 I am also well informed and contingent of the
15 fact that we live in a very small state. Overall,
16 based on the 2020 research center survey, Jewish
17 Americans reflect the U.S. population was only 2.4
18 percent, that's 5 million, 800 thousand. And of that
19 350 million is our total population in the United
20 States. In Connecticut we have a total population as
21 of the same review in 2020 of 3 million citizens. Of
22 those 3 million citizens we have a Jewish American
23 population of 3.28 percent.

24 Based on that I believe it is common knowledge,
25 and that the Court is well aware, that when you are
26 in a small state, among certain groups of
27 professionals, your culture, your hobbies, your

1 beliefs are well known among that professional group.

2 And in Connecticut it's not just attorneys, we
3 have a court system that's broken up into different
4 sections. And the family law section breaks it down
5 even much smaller. So, yes, I am well aware that
6 Attorney Aldrich, Attorney Hurwitz, the custody
7 evaluator, Jessica Biren Caverly, and Dr. Horowitz,
8 Dr. Rob Horowitz, are all of the Jewish faith and
9 American Jewish individuals.

10 At no time was my intent, or is it my belief,
11 that because those professionals are Jewish Americans
12 that I believe that they are engaged in a conspiracy
13 or a RICO. Under no circumstances was that my
14 position or my point.

15 I will remind the Court that I specifically came
16 back, after the lunch break, and apologized to the
17 Court for the morning session going completely
18 offtrack and streamed from the claims that I brought
19 in my written motion before this Court to disqualify
20 Judge Adelman. I pled with the Court to focus on
21 those claims.

22 Not the claims that arose to the Court during
23 the Court's questioning of me, which threw me off,
24 and I will acknowledge to the Court, and for this I
25 do apologize to the Court, that I should have known
26 better and I should have taken a moment before I
27 responded to the Court and we probably could have

1 avoided much of this that is occurring today.

2 I further would like to indicate to the Court
3 that I apologize to my client and to all the past and
4 present protected parents that are victims of
5 domestic violence, along with their children, at the
6 hands of the abuse of professionals that support
7 isolation from their parents seeking to protect them
8 from harm.

9 I make this apology because this issue is a very
10 important issue to me. I take it extremely serious
11 and I take it personal. Not that I am a victim of
12 domestic violence, because I'm not. I'm fortunate
13 enough to be married to the same person now for
14 almost 34 years. I'm very proud of that and maybe
15 that's because I practice within the family area.

16 However, I have experienced domestic violence
17 like this Court could never, ever understand. It's
18 the first time I've ever publicly said this so when I
19 say something in court, I assure that what I say is
20 honest and can be supported because I do know how
21 serious this subject is. I apologize for being
22 emotional. But let me explain to this Court, I grew
23 up with a father who came from Italy. Unfortunately
24 the Italian culture is known for aggressiveness and
25 my father was extremely abusive. I have witnessed
26 things that nobody should ever, ever witness. But I
27 will tell this Court I love my father with every part

1 of my being. I totally support 100 percent that
2 children should always have a connection to both
3 parents.

4 That being said, it is of extreme importance
5 that the children are protected. That is the
6 position I have made in this case the entire time.

7 So when this Court opines that I have lied and
8 made material misrepresentations I take it
9 offensively and it goes to the core of my being. I
10 have never, ever made a misrepresentation to a court,
11 or anyone else, knowingly, or intentionally, I stand
12 by that principal. I strive to have my children
13 understand it, I strive to have my nieces, that I am
14 raising, understand it. Because of my family
15 dynamics and circumstances I've raised more children
16 than probably any of you combined. I've done so
17 willingly and proudly. And I've done so with the
18 same, same always position no matter what the
19 circumstances are you tell the truth, and you work
20 around it because lying only complicates it. And the
21 truth will always come out, whether it's today,
22 whether it's tomorrow, whether it's next week.

23 So when this Court puts in writing that I lied
24 and that I done so intentionally when the record is
25 abundantly clear that Attorney Aldrich and Attorney
26 Hurwitz have made material knowing misrepresentations
27 to this Court.

1 evidence, in this case, does not support those
2 claims.

3 THE COURT: Now, just to be specific, what I
4 repeatedly returned to was that you claim that the
5 DCF report reported a multidisciplinary team had
6 found that Mr. Ambrose had sexually assaulted his
7 children. And I repeatedly asked you that if I go to
8 Exhibit 71, you're telling me I'm going to find that
9 there, and you repeatedly said, yes. And when I went
10 to look at it, it said the opposite, that the charge,
11 the claims, were unsubstantiated and that, in fact,
12 there had been no abuse was the net result of it.
13 And there was no multidisciplinary task force finding
14 that Mr. Ambrose had sexually abused his children.
15 It was a very specific statement about what I'd find
16 in the DCF report. And I found the opposite.

17 So if you'd like to address that, that's the
18 narrow thing that we were having an extended
19 discussion on, because I basically told you your
20 credibility is on the line with this. I'm going to
21 go and look at this exhibit and if it says what you
22 say I'll credit it. If it says the opposite, then
23 you've got something to answer for. And now you're
24 here to answer for it because it did say that
25 opposite of what you represented to me. Now, if
26 you'd like to address that, you may.

27 ATTY. CUNHA: I would, Judge. First of all

1 could you tell me what page that it is that you're
2 referring to in that exhibit?

3 THE COURT: Well, if you read my decision it's
4 cited in the decision.

5 ATTY. CUNHA: The page in the exhibit is cited
6 in there? If it is --

7 THE COURT: Page in Exhibit 71 is cited in my
8 decision.

9 ATTY. CUNHA: So, I will indicate two things
10 with respect to that. Number one --

11 THE COURT: Page 67 is one page and page 18 is
12 the other. Page 18 of that report, which I am also
13 going to attach to my decision, in a redacted form,
14 in any case, states that the claim of abuse, that
15 you've repeated so many times, was unsubstantiated,
16 that's the word in the report, which is the opposite
17 of what you told me.

18 And I also showed that on page 67, of the
19 report, that the Madison Police Department, that
20 you've repeatedly claim, also found no reason to take
21 any steps against Mr. Ambrose. So, those are the two
22 things.

23 You said that the claims were substantiated by a
24 multidisciplinary task force that concluded he
25 sexually abused his children and that I'd find it in
26 that report. And we went over it and over it. And
27 you insisted that I'd find it there. I was putting

1 it to you as a test of your credibility as to whether
2 you're telling me the truth.

3 I went to the report, it's over 90 pages long, I
4 read every page. And as I just told you on page 18
5 it says it was unsubstantiated and so that's what I
6 am relying on and that's what you need to answer for.
7 Why would you state something and have it be the
8 opposite of the truth?

9 ATTY. CUNHA: I did not say something that was
10 the opposite of the truth, Judge. I don't know what
11 you read and what you have before you other than what
12 you're referring to. I will tell you that I went to
13 the courthouse, Michael Smuda sat and watched me, and
14 I read that report and I took very clear notes
15 because there was not enough time to make copies.

16 And as I've indicated, on the record to Judge
17 Adelman, other than the reports from DCF that have
18 come in by subpoena and what Attorney Aldrich has
19 shared in her disclosure of exhibits, based on
20 information she was able to obtain directly from the
21 Department of Children and Families on behalf of her
22 client, my client request for information from the
23 Department of Children and Families have not been
24 responded to. I have not received any of their
25 material, which is why I had to go to the court to
26 sit and review the documents.

27 And the documents that I reviewed 100 percent,

1 decision, that there was nothing that you read in
2 those 90 pages about a Multidisciplinary Task Force
3 Team, I will say to this Court the Court now has a
4 problem that needs to be investigated with somebody
5 tampering with the evidence in the court's file
6 because I can read. I know I can read and I know I
7 can understand the words. And my notes are clear.

8 And it was that finding that I made when I went
9 to the court that put my client into a state of panic
10 and she testified to that, before Judge Adelman, that
11 when she learned, from those records, that now her --
12 the youngest son, was engaged in self-harm, in
13 addition to the oldest daughter, that she panicked
14 and sent the children kittens as a way to give them
15 some type of therapeutic intervention and comforting.

16 So, my reasoning and my claims to this Court are
17 extremely supported by the evidence that has come
18 forth before the Court. I am alarmed and I don't
19 know, I cannot explain to this Court why something
20 does not exist in the file that I've seen, that I
21 wasn't even allowed to make a copy of, or take a
22 photograph, so now I can't even reproduce to the
23 Court what it was that I viewed, other than showing
24 the Court my notes. And I believe that I mentioned
25 this in my brief, that I filed with the court, if I
26 may I'll give you the exact date.

27 THE COURT: Well, I'm not sure the date of the

1 brief is important. But the point, the point of this
2 is I asked you, repeatedly, where I would find a
3 conclusion that Mr. Ambrose had sexually assaulted
4 his children. We went back and forth about it at
5 great length and you told me it was in the DCF
6 report, that was Exhibit 71, and so I promised you
7 I'd read it carefully and look for this conclusion
8 that he sexually assaulted his children. I read it
9 and came up with the exact opposite that it was
10 unsubstantiated.

11 ATTY. CUNHA: Which is a problem for me because
12 there was --

13 THE COURT: (Inaudible)

14 ATTY. CUNHA: There was nothing, there is no
15 evidence, in this trial, that Mr. Ambrose has been
16 unsubstantiated for sexual assault. In fact, the
17 exact testimony, from the DCF workers, is that he was
18 never investigated for sexual assault by DCF, that
19 they did what was called a service evaluation and
20 based on that service evaluation they don't make
21 findings of substantiation or unsubstantiation, but
22 they referred the family for intensive outpatient
23 preservation family therapy.

24 THE COURT: The point is that you claimed that
25 this document included a Multidisciplinary Task Force
26 finding that Mr. Ambrose had sexually abused his
27 children, it was not in there. And what you want me

1 to believe now is that someone has tampered with the
2 evidence, is that your claim?

3 ATTY. CUNHA: Well, Judge, look at it from my
4 standpoint for a moment. I have maintained
5 disposition throughout the trial. I have supported
6 this position in motions. I have supported this
7 position in my petition to the Juvenile Court for
8 neglect, which, by the way, I have -- didn't even
9 know that the statute allowed for such a thing to
10 occur until I desperately researched how could I
11 possibly get some recourse, some address for this
12 family to handle this issue? So my client is the
13 petitioner with the Juvenile Court.

14 THE COURT: I'm not sure what that has a bearing
15 on what we're talking about, so if you could --

16 ATTY. CUNHA: It has a bearing, Judge, because
17 it has to do with abuse, you don't bring a petition
18 to the Juvenile Court unless you're alleging neglect
19 and abuse.

20 THE COURT: Well, obviously you alleged it --

21 ATTY. CUNHA: (Inaudible)

22 THE COURT: The point is that you haven't
23 supported it --

24 ATTY. CUNHA: Yes.

25 THE COURT: -- in the document that you told me
26 would be the definitive source for me to find the
27 conclusion on the subject, that's all I care about.

1 I'm not trying the case. What I was doing is looking
2 at whether you were telling me the truth about what
3 was in that document, and you didn't.

4 ATTY. CUNHA: I did. Well, I take issue with
5 that. I did. I absolutely told you the truth.

6 THE COURT: About what was in the document.

7 ATTY. CUNHA: Yes, Judge. 100 percent.

8 THE COURT: Well I read the document.

9 ATTY. CUNHA: That's wonderful. I read the
10 document too, Judge.

11 THE COURT: Okay.

12 ATTY. CUNHA: I read the document and I cross-
13 examined three DCF workers on that document.

14 THE COURT: And you still insist that that
15 document has a conclusion by a Multidisciplinary Task
16 Force that Mr. Ambrose sexually abused his children.
17 You maintain that claim that the document says that?

18 ATTY. CUNHA: The claim that I maintain, and I
19 believe this is what I maintain, again, I don't have
20 the transcript, is that there was a Multidisciplinary
21 Task Force Team evaluation and following that
22 evaluation there was probable cause based on the
23 evaluation which led to them recommending that the
24 children be immediately placed in foster care.

25 I never said, and I am positive about this, that
26 you will find the word substantiation. In fact, I
27 said the reverse, I said, Judge, you're not going to

1 find substantiation or unsubstantiation because that
2 was not the nature of the proceedings that took place
3 with DCF.

4 THE COURT: You insisted that the DCF report
5 would reveal that the Multidisciplinary Task Force
6 concluded that Mr. Ambrose sexually assaulted his
7 children, that's what we're here about. So, do you
8 have anything else to say with respect to what I
9 should do about what I've concluded?

10 ATTY. CUNHA: Well, how can I possibly know what
11 to say, or ask of this Court, when the Court is
12 telling me that what I know that I viewed and existed
13 and was supported by the testimony of three DCF
14 workers and a detective doesn't exist? How can I
15 possibly defend what you're saying that I've seen
16 that you're now telling me doesn't exist in the
17 court's file?

18 THE COURT: So, you're simply talking past what
19 I keep telling you. What I confronted you about at
20 the time was where would I go find this definitive
21 evidence that a Multidisciplinary Task Force
22 concluded that Mr. Ambrose sexually abused his
23 children? And I asked you this over and over again
24 and you insisted that it was in the DCF report, we
25 identified the report as Exhibit 71, I promised I
26 would read it with a view toward finding what you
27 said would be in it, which is a conclusion that he

1 abused his children. It had no such thing in it.
2 That's what this is about. You're talking past what
3 I'm telling you.

4 If there's anything else you want to say about
5 what I am telling you, please do so.

6 ATTY. CUNHA: Judge, please read the transcript.
7 I don't have the transcript so I can't tell you what
8 it says, but I will tell you --

9 THE COURT: I just read it twice to you.

10 ATTY. CUNHA: I am positive -- but you read a
11 section, Judge, this conversation between yourself
12 and I you inquired of me several times, without a
13 doubt, I recalled it, I was very firm in the position
14 that I made to this Court that this information
15 existed and I further stated that not only did the
16 information exist but that the information is
17 supported by the testimony of the three DCF workers
18 and the detective. And I believe I asked you to
19 please listen to not only Detective DeGoursey, but I
20 believe I asked you to also listen to Zavandia
21 (phonetically) Johnson because it was Zavandia
22 Johnson that clarified the difference, I believe,
23 between an investigation and what it was that she was
24 doing and this intense family preservation program
25 that Mr. -- which was the safety plan that was put in
26 place to protect the children. Why would DCF put a
27 safety plan in place and have this gentleman

1 participate in intensive outpatient therapy
2 intervention if he was not considered a danger or
3 high risk to his children? It wouldn't happen,
4 Judge.

5 THE COURT: I'm not here to debate with you what
6 they should have done or why they did things. I have
7 a very discrete thing that I read to you and it came
8 up multiple times in the transcript. The transcript
9 will be attached to whatever decision I make
10 ultimately.

11 Is there anything else you want to say about the
12 appropriate steps that I should make?

13 ATTY. CUNHA: I'm at a loss. How can I respond
14 to appropriate steps, or inappropriate steps, or even
15 discuss mitigating circumstances or address the
16 aggravating circumstances when --

17 THE COURT: (Inaudible) to the claims of
18 aggravating circumstances you can tell me what
19 mitigating circumstances might exist.

20 ATTY. CUNHA: Well, I will try to address, if I
21 just may have a moment, please, just to gather my
22 thoughts.

23 THE COURT: For instance it's been suggested
24 that one mitigating, the only mitigating factor is
25 that you had no disciplinary history, is that
26 correct?

27 ATTY. CUNHA: That is correct.

1 THE COURT: You've never been disciplined in any
2 way?

3 ATTY. CUNHA: No. Because I pride myself,
4 Judge. I follow the rules of practice and the law
5 and being honest to the court.

6 THE COURT: Are there any pending claims against
7 you?

8 ATTY. CUNHA: There are, Judge, yes, there are.

9 THE COURT: (Inaudible)

10 ATTY. CUNHA: Excuse me?

11 THE COURT: How many pending claims are against
12 you?

13 ATTY. CUNHA: I believe there is a claim by
14 Attorney Susan Cousineau, who is a Guardian ad Litem.
15 And in a case that is pending before Judge Nastri and
16 the claim is that I --

17 THE COURT: I don't need to know what the claims
18 are because I can look them up. But how many are
19 there?

20 ATTY. CUNHA: Can you look up a claim that's
21 being litigated? I didn't know that you could do
22 that.

23 THE COURT: You can find whether a claim is
24 pending. The question I'm asking you is, how many
25 pending claims are there, disciplinary claims against
26 you there now?

27 ATTY. CUNHA: I think there's four. I think

1 there's four. But I'd like to have an opportunity to
2 explain them because I --

3 THE COURT: I'm sorry, I'm not going to use any
4 conclusions about those. It wouldn't be right for me
5 to determine that you've done something wrong here
6 because of claims that may be pending. But to --

7 ATTY. CUNHA: But I'd like you --

8 THE COURT: But in the total picture to know
9 whether you've ever disciplined before, and you told
10 me you've never been disciplined before, and to know
11 if there are any pending disciplinary actions, the
12 background is significant. But is there something
13 you'd like to say that would assist me in making
14 decisions about what I have here? Go ahead.

15 ATTY. CUNHA: Well, I do. If you're going to
16 consider those pending claims in that they're just
17 pending.

18 THE COURT: (Inaudible)

19 ATTY. CUNHA: I'm sorry?

20 THE COURT: I'm not going to consider the
21 substance of them in any way. But the question was
22 whether you've been disciplined or whether you have
23 matters pending against you?

24 ATTY. CUNHA: But how -- so please help me
25 understand, Judge, how is it that, I understand you
26 can't make a determination because they haven't been
27 litigated and you're not a (inaudible).

1 THE COURT: Well, I don't know the answer to
2 that, that's one thing that I would, if I -- to
3 determine if there is something pending against you,
4 I then would have to determine if there's been a
5 result. If there's been a result, I have to consider
6 that. If there's been no result --

7 ATTY. CUNHA: And I (inaudible) but --

8 THE COURT: (Inaudible) then I won't consider
9 it.

10 ATTY. CUNHA: Okay. So, if there is no -- I
11 want to make sure, I want to have the opportunity to
12 respond because, you know, obviously when somebody
13 says there's four claims pending, if I were sitting
14 in your seat I would be like that's a problem or
15 that's concerning and I understand that.

16 THE COURT: What matters to me, and that I have
17 to determine, if there's been any steps taken in
18 them.

19 ATTY. CUNHA: Well, one has been -- two, sorry,
20 two have been presented to the panel, we had
21 evidence, we have a brief that's due in one of them.
22 I believe the other one a decision will be
23 forthcoming. And there are -- there is two other
24 ones that are pending. But I will tell the Court
25 three of them -- well, two of -- one is from a GAL,
26 who I claim is engaged in the same exact conduct that
27 has occurred here. And, in fact, that GAL, my

1 position would be acknowledge some of that conduct in
2 that hearing. That's one.

3 The other one happens to be from Attorney
4 Nusbaum who is, and I'm indicating this because I
5 believe it's relevant in this particular case.
6 Because Attorney Nusbaum is Ms. Riordan's prior
7 attorney. And he has claimed something to the -- I
8 don't even know, but essentially the situation has to
9 do with money that he's owed that I have requested to
10 be held in escrow because my client is challenging
11 the total amount that's owed. He is holding it in
12 escrow, I have never asked for the money. And he's
13 grieved me because of that.

14 So, I just want the Court to understand, you
15 know, what -- and that is, that's information that
16 has come forth in this particular case, by the way,
17 but I believe it's a substantial amount of money, I
18 think it's close to \$70,000.00 of my client's money
19 and --

20 THE COURT: We're talking about mitigating
21 factors here and what you'd want me to take away is
22 that you've never been disciplined before. And
23 although there are four claims, none of them have
24 been decided, and that's what I'm taking away from
25 that. So are there any other mitigating factors
26 you'd like to describe?

27 ATTY. CUNHA: Well, before we get to the

1 and the claims that were made as an officer of the
2 court in the statements of fact that I believed were
3 present in this case. I was abundantly clear about
4 that.

5 So I'm having a hard time with this Court
6 indicating that I stood by that Your Honor was to
7 look into whether or not Judge Adelman impacted, as a
8 whole, women with disability, women with mental
9 health issues, or that he had -- I claim 100 percent
10 that Your Honor completely misunderstood, and
11 misconstrued, my statements with respect to the
12 Jewish faith. I never, in fact, I indicated to the
13 court when the court asked me, and this was in the
14 morning session, whether or not why did I believe
15 Judge Adelman would be engaging in this type of
16 behavior. And I stopped myself and I said to the
17 court, I can't answer that question, I don't have the
18 ability, or power, to investigate that nature of the
19 claim. I just don't. Just like when I responded to
20 the court by providing some of the cases. I
21 indicated it was a minimal amount, I don't have the
22 power, the resources, or the ability, to indicate to
23 this Court the grand scope of Judge Adelman's
24 conduct. I don't.

25 THE COURT: Let me ask you this, the statement
26 you actually made on page 4, but it's something that
27 I considered. You say at line 16, page 4, but I'm

1 just pointing out to the court that my belief that
2 Judge Adelman also has a bias against individuals
3 that are not of the faith, of the Jewish faith, has -
4 - is a recent belief based on the enormous amount of
5 information and evidence that's come to me. Those
6 were your words and I asked you what that evidence
7 and information was. And you told me you had a list
8 of cases that would show the pattern. We took a
9 break so you could get me those cases and you came
10 back and said, no, they're not about the Jewish
11 claims that I'm making.

12 But you stated, at the outset of the hearing,
13 that you had enormous amount of information and
14 evidence on the subject of his bias against non-Jews
15 and you ought to reflect on that. Those are the
16 words that came out of your mouth. And if there is -
17 - this is why (inaudible).

18 ATTY. CUNHA: I have to listen to the -- I'd
19 have to listen to the proceedings. If, in fact,
20 that's what the recording reflects, because I don't
21 always go by the transcripts because I will tell you
22 I have caught missing information on transcripts from
23 court proceedings way too many times. Whether it's
24 incidental, accidental, whatever.

25 THE COURT: So you're claiming the transcripts,
26 are you claiming that this transcript has somehow
27 been, is somehow inaccurate in recording what you

1 said?

2 ATTY. CUNHA: See, that's exactly what you did
3 to me on December 1st. You're very good at that,
4 Judge, and I promised myself that I was not going to
5 allow that to happen today. No, Judge, I am not
6 claiming that at all. What I am saying, Your Honor --

7 THE COURT: That's why I ask questions the way I
8 do because I like to get a clear answer as to what
9 you're claiming. And you're not claiming there's
10 anything wrong with the transcript. (Inaudible)

11 ATTY. CUNHA: I can't make that statement
12 because I haven't seen the transcript, I've already
13 told you that, how can I make a claim.

14 But what I am saying, and I stand by, is that
15 for me to give the Court an answer in good faith I
16 need to hear the recording. Because based on my
17 experience I have caught errors in transcripts before
18 where there were missing words or misconstrued words
19 or misunderstood. In fact, in one of my cases, there
20 was an entire section missing. So, I cannot say to
21 this Court, based on my experience, that I can agree
22 with Your Honor one way or the other unless I hear
23 the recording, which is why I requested the
24 recording.

25 THE COURT: Well, is it your memory now, is it
26 your memory now that you said those words or not? Do
27 you have a memory of what (inaudible).

1 ATTY. CUNHA: (Inaudible) it is my memory that I
2 indicated to this Court, in response to your
3 questions regarding what commonalities, or in my
4 interpretation of what I needed to provide to the
5 Court in terms of what commonalities there were among
6 Judge Adelman, Attorney Hurwitz, Attorney Aldrich,
7 Jessica Biren Caverly, and in response to that I
8 indicated that I know that they all are of the same -
9 - they practice the same Jewish faith.

10 THE COURT: See, I was asking you --

11 ATTY. CUNHA: (Inaudible).

12 THE COURT: -- specific question because
13 specific questions are important to accuracy. My
14 specific question is, do you claim that you did not
15 say the words that I read to you, or do you not
16 remember, or do you claim you didn't say them, which
17 is it?

18 ATTY. CUNHA: Could you repeat it please.

19 THE COURT: The words. This is page 4 of the
20 transcript, line 16. But I'm just pointing out to
21 the court that my belief that Judge Adelman also has
22 a bias against individuals that are not of the faith,
23 of the Jewish faith, has -- is a recent belief based
24 on the enormous amount of information and evidence
25 that's come to me. And the question I was asking you
26 is do you deny having said that on the transcript, do
27 you not know whether you said it, or do you agree

1 that you did say it?

2 ATTY. CUNHA: I do not recall specifically
3 saying verbatim as Your Honor just read. I will say
4 to the Court that absent information that I said
5 something different that I have to agree with the
6 transcript.

7 THE COURT: Okay. I just wanted to make sure, I
8 just wanted to get an answer to see whether you made
9 some other claim about the transcript.

10 Is there anything else you want to say about the
11 alleged aggravating and mitigating factors or any
12 other points you want to make? (Inaudible).

13 ATTY. CUNHA: To follow up on that point, Your
14 Honor, I believe that I'd ask Your Honor to take into
15 consideration what I indicated today, which was my
16 apology to the Court, and to my client, and past
17 clients, and that is that in response to inquiries of
18 myself, based on information I was providing to the
19 Court in the morning session, that I spoke with
20 haste, and I apologize for that.

21 THE COURT: And I will take that into
22 (inaudible).

23 ATTY. CUNHA: That haste was not meant to be or
24 was not intended to be done with malice, was not
25 intended to embarrass anyone, was not intended to be
26 anti- (inaudible) in any way. I'm hearing some
27 feedback, I don't know who that is, but.

1 So for that I sincerely apology -- I sincerely
2 apologize. I find it offensive. Anyone that attacks
3 any human being for any attribute that they have or
4 for any belief that they have. 100 percent. I don't
5 tolerate it; I don't accept it. I've never engaged
6 in it. And I have enforced that with my employees,
7 my family, my children. So, to be found to have been
8 someone that engages in that type of behavior is
9 alarming, embarrassing and upsetting. And that is
10 why I apologize to the Court because that is not who
11 I am at all. So for that I do sincerely apologize
12 for the misunderstanding.

13 I do support that I have had hundreds of
14 different individuals reach out to me, both before
15 December 1st and since December 1st, who do believe
16 that to be the case, which is, what I believe I was
17 trying to alert the Court to, that I had come upon
18 information that was surprising to me. If I did not
19 articulate it the right way for that I'm sorry. And
20 that is what comes when you respond to inquiries
21 without stepping back and thinking about it.

22 So, I should not have done that. I should have
23 thought before I opened my mouth, especially being
24 that it was misconstrued and misapplied or
25 misunderstood as to what it was that I believed and
26 what it was that I indicated I could support.

27 I have no way of supporting to this Court, or to

1 anyone, whether or not Judge Adelman, or Judge
2 Grossman, because they are Jewish Americans, engage
3 in the conduct that they engage in. I can't support
4 that claim.

5 What I can support and what the evidence, I
6 whole heartedly believe and stand by 100 percent
7 support, is that it is my strong belief that they
8 have engaged in conduct that has protected Attorney
9 Aldrich and Attorney Hurwitz.

10 You asked me, I believe, why it is that I
11 thought that Judge Adelman did so and I responded I
12 can't answer that, I don't know. I don't know.

13 I do believe that Attorney Aldrich, and the
14 facts support it, in this case alone, Attorney
15 Aldrich and Attorney Hurwitz, Dr. Caverly, in this
16 case, have made a tremendous amount of money.
17 Tremendous. Hundreds of thousands of dollars between
18 Attorney Aldrich and Attorney Hurwitz. I have a
19 problem with that. I have a problem with it on many
20 levels.

21 THE COURT: Anything (inaudible)

22 ATTY. CUNHA: I can support that, the facts
23 support it, it's a problem. I have made these
24 claims (inaudible).

25 THE COURT: Well one of things I asked you is to
26 give me a list of cases, you repeatedly said that he
27 favors Attorney Aldrich whenever she appears, I asked

1 misunderstood.

2 And again, I direct Your Honor to the fact that
3 I don't disagree, the morning session just got out of
4 hand. Went off on a tangent that I was not prepared
5 to discuss. It should not have gone off in that
6 tangent. I can't say it enough. Which is why I came
7 back and I apologized to the court and I asked the
8 court to focus on the issues that I actually raised
9 in this case.

10 So, when Your Honor enters this finding that I
11 did not establish information, on this broad scope, I
12 never completed an effort to do so. And, in fact, I
13 made it very clear to the court that was not my
14 intention, that was not my claim for the court to
15 consider.

16 THE COURT: We're going back over the same
17 ground now repeatedly. So I'm going to give you five
18 minutes to sum up any last statements you want and
19 the hearing is going to be concluded. So you have
20 five minutes.

21 ATTY. CUNHA: Can I just have a moment please?

22 THE COURT: You may.

23 ATTY. CUNHA: I ask the Court to take into
24 consideration the following, number one, it was not
25 me that prompted the process for which we ended up
26 before Your Honor, it was Judge Adelman. Not myself.
27 And I thank Judge Adelman for doing so because I



State of Connecticut Judicial Branch Superior Court Case Look-up



Superior Court Case Look-up
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Small Claims

MMX-CV22-5014533-S

IN RE: v. CUNHA, NICKOLA

Prefix/Suffix: [none] **Case Type:** M90 **File Date:** 02/08/2022 **Return Date:** 02/08/2022

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Case Information

Case Type: M90 - Misc - All other
Court Location: MIDDLETOWN JD
List Type: No List Type
Trial List Claim:
Last Action Date: 04/06/2023 (The "last action date" is the date the information was entered in the system)

Disposition Information

Disposition Date: 02/08/2022
Disposition: JUDGMENT AFTER COMPLETED TRIAL TO THE COURT WITH NO JURY
Judge or Magistrate: HON THOMAS MOUKAWSHER

Party & Appearance Information

Party	No Fee Party	Category
P-01 IN RE: Non-Appearing		Plaintiff
D-01 NICKOLA CUNHA Self-Rep: 28 BROAD VIEW DRIVE WALLINGFORD, CT 06492	File Date: 11/03/2022	Defendant
O-01 OFFICE OF THE CHIEF DISCIPLINARY COUNSEL Attorney: OFFICE OF CHIEF DISCIPLINARY COUNSEL (422382) 100 WASHINGTON STREET HARTFORD, CT 06106	File Date: 02/14/2022	Amicus
O-02 CORINNE BONI-VENDOLA - TRUSTEE FOR NICKOLA CUNHA Attorney: CHARLES & BONI-VENDOLA LLC (419050) P.O. BOX 213 COS COB, CT 06807	File Date: 02/10/2022	Trustee































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Motions / Pleadings / Documents / Case Status				
<u>Entry No</u>	<u>File Date</u>	<u>Filed By</u>	<u>Description</u>	<u>Arguable</u>
	02/10/2022	O	<u>APPEARANCE</u> Appearance	
	02/14/2022	D	<u>APPEARANCE</u> Appearance	
	02/14/2022	O	<u>APPEARANCE</u> Appearance	
	02/18/2022	D	<u>APPEARANCE</u> Appearance	
	11/03/2022	D	<u>APPEARANCE</u> Appearance	
	02/06/2023	D	<u>APPEARANCE</u> Appearance	
	02/06/2023	D	<u>APPEARANCE</u> Appearance	
100.30	02/08/2022	P	<u>SUMMONS</u>	No
100.31	02/08/2022	P	<u>COMPLAINT</u>	No
101.00	02/08/2022	C	<u>ORDER</u> Order scheduling disciplinary hearing	No
102.00	02/08/2022	C	<u>MEMORANDUM OF DECISION</u>	No
102.10	02/08/2022	C	<u>EXHIBITS</u> Exhibit A from Memorandum of Decision 102.00	No
102.20	02/08/2022	C	<u>EXHIBITS</u> Exhibit B from Memorandum of Decision 102.00	No
102.30	02/08/2022	C	<u>EXHIBITS</u> Exhibits C,D,E,F from Memorandum of Decision 102	No
102.40	02/08/2022	C	<u>JUDGMENT AFTER COMPLETED TRIAL TO THE COURT WITH NO JURY</u> <i>RESULT: HON THOMAS MOUKAWSHER</i>	No
102.50	02/08/2022	C	<u>ORDER</u> Order appointing trustee <i>RESULT: Order 2/8/2022 HON THOMAS MOUKAWSHER</i>	No
103.00	02/08/2022	C	<u>ORDER</u>	No
104.00	02/08/2022	O	<u>MOTION FOR ADVICE</u> <i>RESULT: Order 2/8/2022 HON THOMAS MOUKAWSHER</i>	No
104.10	02/08/2022	C	<u>ORDER</u> <i>RESULT: Order 2/8/2022 HON THOMAS MOUKAWSHER</i>	No
105.00	02/10/2022	O	<u>MOTION FOR ADVICE BY COURT-APPOINTED PERSON</u>	No
106.00	02/14/2022	D	<u>MOTION TO CORRECT</u> Motion To Withdraw Erroneous Appearance <i>RESULT: Denied 2/17/2022 HON THOMAS MOUKAWSHER</i>	No
106.10	02/17/2022	C	<u>ORDER</u> <i>RESULT: Denied 2/17/2022 HON THOMAS MOUKAWSHER</i>	No
107.00	02/14/2022	D	<u>APPEAL TO APPELLATE COURT</u>	No
108.00	02/15/2022	D	<u>WRIT OF ERROR</u>	No
109.00	02/16/2022	O	<u>MOTION FOR ADVICE BY COURT-APPOINTED PERSON</u>	No
110.00	02/17/2022	C	<u>ORDER</u> <i>RESULT: Order 2/17/2022 HON THOMAS MOUKAWSHER</i>	No
111.00	03/02/2022	C	<u>ORDER</u> <i>RESULT: Order 3/2/2022 HON THOMAS MOUKAWSHER</i>	No
112.00	03/04/2022	O	<u>MOTION FOR CONTEMPT</u> <i>RESULT: Order 3/18/2022 BY THE CLERK</i>	Yes
112.10	03/18/2022	C	<u>ORDER</u> <i>RESULT: Order 3/18/2022 BY THE CLERK</i>	No

113.00	03/22/2022	D	MOTION FOR ORDER  Motion to Continue <i>RESULT: Granted 3/23/2022 HON THOMAS MOUKAWSHER</i>	No
113.10	03/23/2022	C	ORDER  <i>RESULT: Granted 3/23/2022 HON THOMAS MOUKAWSHER</i>	No
114.00	04/01/2022	D	WRIT OF ERROR 	No
115.00	04/13/2022	O	LIST OF EXHIBITS (JD-CL-28/JD-CL-28a) 	No
116.00	04/27/2022	C	MEMORANDUM OF DECISION ON MOTION  <i>RESULT: Order 4/27/2022 HON THOMAS MOUKAWSHER</i>	No
116.10	04/22/2022	C	LIST OF EXHIBITS (JD-CL-28/JD-CL-28a) 	No
117.00	05/09/2022	O	CASEFLOW REQUEST (JD-CV-116)  <i>RESULT: Granted 5/10/2022 HON THOMAS MOUKAWSHER</i>	No
117.10	05/09/2022	C	ORDER  <i>RESULT: Order 5/9/2022 HON THOMAS MOUKAWSHER</i>	No
117.20	05/10/2022	C	ORDER  <i>RESULT: Granted 5/10/2022 HON THOMAS MOUKAWSHER</i>	No
118.00	05/10/2022	D	CASEFLOW REQUEST (JD-CV-116)  <i>RESULT: Denied 5/10/2022 HON THOMAS MOUKAWSHER</i>	No
118.10	05/10/2022	C	ORDER  <i>RESULT: Denied 5/10/2022 HON THOMAS MOUKAWSHER</i>	No
119.00	05/11/2022	C	ORDER  <i>RESULT: Order 5/11/2022 HON THOMAS MOUKAWSHER</i>	No
119.05	05/11/2022	C	LIST OF EXHIBITS (JD-CL-28/JD-CL-28a) 	No
119.10	05/12/2022	C	ORDER  <i>RESULT: Order 5/12/2022 HON THOMAS MOUKAWSHER</i>	No
119.20	05/13/2022	C	ORDER  <i>RESULT: Order 5/13/2022 HON THOMAS MOUKAWSHER</i>	No
119.30	05/16/2022	C	ORDER  <i>RESULT: Order 5/16/2022 HON THOMAS MOUKAWSHER</i>	No
120.00	05/16/2022	O	REPORT 	No
121.00	05/11/2022	C	CAPIAS ISSUED  Watermark	No
121.10	05/17/2022	C	ORDER  <i>RESULT: Order 5/17/2022 HON THOMAS MOUKAWSHER</i>	No
121.20	06/08/2022	C	RETURN OF SERVICE 	No
122.00	05/31/2022	D	APPELLATE COURT MATERIAL  Motion for Reconsideration	No
122.10	05/31/2022	C	APPELLATE COURT MATERIAL  Order on Motion for Reconsideration	No
123.00	06/01/2022	O	MOTION TO DISBURSE FUNDS  Motion to Disburse Funds Held by Trustee <i>RESULT: Order 7/13/2022 HON THOMAS MOUKAWSHER</i> Last Updated: Result Information - 07/13/2022	No
123.10	06/14/2022	C	ORDER  <i>RESULT: Order 6/14/2022 HON THOMAS MOUKAWSHER</i>	No
123.20	07/13/2022	C	ORDER  <i>RESULT: Granted 7/13/2022 HON THOMAS MOUKAWSHER</i>	No
124.00	06/06/2022	C	ORDER  <i>RESULT: Order 6/6/2022 HON THOMAS MOUKAWSHER</i>	No
125.00	06/06/2022	C	ORDER  <i>RESULT: Order 6/6/2022 HON THOMAS MOUKAWSHER</i>	No
126.00	06/24/2022	C	ORDER  <i>RESULT: Order 6/24/2022 HON THOMAS MOUKAWSHER</i>	No
127.00	06/28/2022	C	ORDER  <i>RESULT: Order 6/28/2022 HON THOMAS MOUKAWSHER</i>	No
128.00	07/06/2022	D	NOTICE  Status Report as ordered by the court.	No

129.00	07/12/2022	O	CASEFLOW REQUEST (JD-CV-116) Request for a court order to allow trustee to disburse funds <i>RESULT: Granted 7/13/2022 HON THOMAS MOUKAWSHER</i>	No
130.00	08/24/2022	C	APPELLATE COURT MATERIAL Dismissal of Boyne Application for Cert to Appeal	No
131.00	09/01/2022	O	MOTION FOR ORDER	No
132.00	11/07/2022	D	MOTION FOR ORDER Immediate Disbursement of Funds <i>RESULT: Order 12/22/2022 HON THOMAS MOUKAWSHER</i>	No
132.05	11/22/2022	C	ORDER <i>RESULT: Order 11/22/2022 HON THOMAS MOUKAWSHER</i>	No
132.10	12/22/2022	C	ORDER <i>RESULT: Order 12/22/2022 HON THOMAS MOUKAWSHER</i>	No
133.00	12/07/2022	O	OBJECTION DISCIPLINARY COUNSEL'S OBJECTION TO RESPONDENT'S Motion for Immediate Disbursement of Funds <i>RESULT: Order 12/13/2022 HON THOMAS MOUKAWSHER</i>	No
133.10	12/13/2022	C	ORDER <i>RESULT: Order 12/13/2022 HON THOMAS MOUKAWSHER</i>	No
134.00	12/21/2022	D	REPLY to Objection (133.00)	No
135.00	02/17/2023	O	MOTION TO DISBURSE FUNDS Trustee's Proposed Motion for Disbursement of Funds <i>RESULT: Order 3/15/2023 HON THOMAS MOUKAWSHER</i>	No
135.10	03/15/2023	C	ORDER <i>RESULT: Order 3/15/2023 HON THOMAS MOUKAWSHER</i>	No
136.00	02/23/2023	D	MOTION TO STRIKE Trustee's Proposed Motion for Disbursement of Funds <i>RESULT: Order 3/15/2023 HON THOMAS MOUKAWSHER</i>	Yes
136.10	03/15/2023	C	ORDER <i>RESULT: Order 3/15/2023 HON THOMAS MOUKAWSHER</i>	No
137.00	03/13/2023	O	MOTION TO DISBURSE FUNDS Amended Trustee's Proposed Motion for Disbursement of Funds	No
137.10	03/13/2023	C	ORDER <i>RESULT: Granted 3/13/2023 HON THOMAS MOUKAWSHER</i>	No
138.00	03/17/2023	D	MOTION FOR STAY	No
139.00	03/17/2023	D	MOTION FOR ARTICULATION and Clarificaion of order #137.10 <i>RESULT: Denied 3/20/2023 HON THOMAS MOUKAWSHER</i>	No
139.10	03/20/2023	C	ORDER <i>RESULT: Denied 3/20/2023 HON THOMAS MOUKAWSHER</i>	No
140.00	03/21/2023	O	MOTION FOR ORDER Notice of claim a former clients J.S. and L.S.	No
141.00	03/23/2023	D	MOTION TO DISMISS PB 10-30 <i>RESULT: Denied 4/5/2023 HON THOMAS MOUKAWSHER</i>	Yes
141.10	04/05/2023	C	ORDER <i>RESULT: Denied 4/5/2023 HON THOMAS MOUKAWSHER</i>	No
142.00	03/30/2023	P	APPELLATE COURT MATERIAL Motion for Review	No
143.00	04/05/2023	C	ORDER <i>RESULT: Order 4/5/2023 HON THOMAS MOUKAWSHER</i>	No

Scheduled Court Dates as of 04/06/2023				
MMX-CV22-5014533-S - IN RE: v. CUNHA, NICKOLA				
#	Date	Time	Event Description	Status
1	04/10/2023		Short Calendar SC-01 #003	

Judicial ADR events may be heard in a court that is different from the court where the case is filed. To check location information about an ADR event, select the **Notices** tab on the top of the case detail page.

Matters that appear on the Short Calendar are shown as scheduled court events on this page. The date displayed on this page is the date of the calendar.

The status of a Short Calendar matter is not displayed because it is determined by markings made by the parties as required by the calendar notices and the [civil](#) standing orders. Markings made electronically can be viewed by those who have electronic access through the Markings History link on the Civil/Family Menu in E-Services. Markings made by telephone can only be obtained through the clerk's office. If more than one motion is on a single short calendar, the calendar will be listed once on this page. You can see more information on matters appearing on Short Calendars by going to the [Civil/Family Case Look-Up](#) page and [Short Calendars By Juris Number](#) or [By Court Location](#).

Periodic changes to terminology that do not affect the status of the case may be made.

This list does not constitute or replace official notice of scheduled court events.

Disclaimer: For civil and family cases statewide, case information can be seen on this website for a period of time, from one year to a maximum period of ten years, after the disposition date. If the Connecticut Practice Book Sections 7-10 and 7-11 give a shorter period of time, the case information will be displayed for the shorter period. Under the Federal Violence Against Women Act of 2005, cases for relief from physical abuse, foreign protective orders, and motions that would be likely to publicly reveal the identity or location of a protected party may not be displayed and may be available only at the courts.

[Attorneys](#) | [Case Look-up](#) | [Courts](#) | [Directories](#) | [EducationalResources](#) | [E-Services](#) | [FAQ's](#) | [Juror Information](#) | [News & Updates](#) | [Opinions](#) | [Opportunities](#) | [Self-Help](#) | [Home](#)

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Page Created on 4/7/2023 at 10:44:39 AM

NO. MMX FA-22-5014533S

: SUPERIOR COURT

In re NICKOLA CUNHA

: J.D. OF MIDDLESEX AT
: MIDDLETOWN

: TRIAL DOCKET - MIDDLETOWN

: APRIL 27, 2022

Memorandum of Decision

This court disbarred Nickola Cunha on January 25, 2022. On January 28, 2022, to implement its order, the court appointed a trustee to protect the interests of Ms. Cunha's former clients. In the appointing document, the court ordered Ms. Cunha within 72 hours of the order to provide the trustee with:

1. A written list of active/pending files to include the client's name, address, telephone number, email address, description of the matter, amount of the retainer paid (if any), itemization of all billing identifying any balance remaining, and whether there are any scheduled court dates, statute of limitations, deadlines, or other activity needing immediate attention.
2. All active/pending files identified.
3. A list of all clients' funds, IOLTA and/or fiduciary accounts maintained by Nickola Cunha, including the name of the banking institution and account number. Nickola Cunha shall also provide the trustee with all remaining original checks for each account.
4. Her contact information including phone number(s) and email address.

The court further ordered Ms. Cunha:

1. not deposit to, disburse any funds from, withdraw any funds from, or transfer any funds from, any clients' funds, IOLTA, or fiduciary accounts.
2. to comply with Practice Book § 2-47B (Restrictions on the activities of Deactivated Attorneys).

Copies mailed to: Patis & Smith; Office of the Chief Disciplinary Counsel; Charles & Boni - Vendola; Reporter of Judicial Decisions
By: Evan Knowlton RFD
on: 4/27/2022

3. to cooperate with the Trustee in all respects.

The order warned Ms. Cunha that, if she didn't comply with the order, it would be considered further misconduct and may subject her to punishment for contempt of court.

She hasn't complied. But Ms. Cunha, through her lawyer says the court is powerless to do anything about it. Ms. Cunha claims that the moment the court disbarred her it lost jurisdiction over her. But if the court had jurisdiction to make its order in the first place, it has jurisdiction to carry it out. Ms. Cunha's cites no authority for her form-over-substance distinction. Therefore, the court will spend no more time explaining why it rejects it. This court has subject matter jurisdiction to carry out its disbarment of Nickola Cunha, including its work to protect Ms. Cunha's former clients.

The court has reason to believe they need protecting. On February 2, 2022, five days after the court ordered her not to withdraw money from her IOLTA client's fund account, Ms. Cunha took for her own use \$30,000 from that account.

On April 18, 2022, the court heard evidence about Ms. Cunha's activities. She claimed she had no notice of the court's order when she took the money, but her testimony was firmly contradicted by the trustee, Attorney Corinne Boni-Vendola. Ms. Boni-Vendola has known Ms. Cunha for years and testified that she has always maintained a good working relationship with her. Thus, it was more convincing when Ms. Boni-Vendola testified that she not only sent Ms. Cunha the order but discussed it with her in general and her obligation not to take client's funds in particular. Ms. Boni-Vendola believed Ms. Cunha had read the order because Ms. Cunha protested the order,

claiming she was owed money by clients. This discussion was on January 31, 2022—two days before Ms. Cunha went to the bank and took her client’s cash.

Ms. Cunha by contrast was not credible. She admitted she got the order in the mail and read it in late February. Yet she variously said she didn’t remember what she talked about with Ms. Boni-Vendola and said that she absolutely did not discuss the bar on withdrawals with her. At another point she said she didn’t read whatever it was Ms. Boni-Vendola sent her—the order that is.

Ms. Cunha also complained that she was depressed and not feeling well at the time in connection with an unnamed and undocumented “emergency surgery” she had a month before the events in question. Yet she didn’t say she might have misunderstood. Instead, she darted around claiming at one point that she had no idea about the order, at another saying she didn’t remember her conversations, and at another point taking the Fifth Amendment. She struck the court as someone trying to avoid the truth but doing a very bad job of it.

From what Ms. Cunha said and the way she said it, the court doesn’t believe her and believes Ms. Boni-Vendola, instead. The court concludes that clear and convincing evidence shows that Ms. Cunha was unequivocally ordered not to take her clients’ money, knew about the order, and willfully took it anyway. She had a motive to take it too. Shortly after taking the money, she hired an attorney. She certainly needs one.

Ms. Cunha is without doubt in contempt of the court’s order prohibiting her from taking her clients’ money, but she may have done something worse. She may have taken it without a legal right to take it. She may have stolen it. The question of her right to

these clients' funds was raised at the April 18, 2022 hearing. She asked for more time, saying she had documents that would prove she had such a legal right.

Ultimately, the court convened the hearing again on April 22, 2022 to give Ms. Cunha the chance she asked for. She offered no documents into evidence. She didn't claim she had any statements of account, had rendered any bills, or had any client acknowledgement of her right to the money in question. Instead, she gave a rambling account of having done a bunch of work for the client in question on various cases. She recited a list of around \$6,000 in expenses she supposedly incurred on behalf of this client but didn't offer the list or any other document in evidence.

Then she offered something even more telling. Ms. Cunha said that before she was disbarred she had discussed her potential disbarment with the client at issue. She warned the client if she did get disbarred, the client would have to get her money from a trustee.

So much for Ms. Cunha thinking she had a right to take the money after being disbarred. And if the money was owed to Ms. Cunha as she claims, what business would her client have getting it at all? It was as though she got her story mixed up again. She was suddenly aware of the trustee and the ban on taking money even *before* she was disbarred and even *before* a trustee was appointed. And if this is so, how can she continue to claim as she does that the court didn't give her adequate notice that she might get disbarred? Now she says she saw it coming and even warned her client about the potential consequences.

And what about Ms. Cunha's promise on April 22nd that she would produce documents vindicating herself on April 25th? She produced nothing, and this sounded

familiar to the court. During the hearing that prompted the disbarment proceeding she kept promising she had documents showing a conspiracy of pedophile-protecting Jews in the court system. She never produced these either. At least she is consistent. She is a stranger to truth.

Still, the court isn't ready to conclude Ms. Cunha stole her clients' money. The trustee and the chief disciplinary counsel aren't asking the court to do this just yet. Instead, the chief disciplinary counsel requested, and the court orders, an audit of Ms. Cunha's dealing with her clients' funds in general and the \$30,000 in particular. The audit is to be completed and a report filed with the court no later than August 1, 2022. The chief disciplinary counsel is authorized in conducting the audit to subpoena any necessary witnesses and documents and to take depositions.

One purpose of ordering the audit is to direct the chief disciplinary counsel—in cooperation with the trustee—to determine if Ms. Cunha stole her client's \$30,000. If she did, she will be in a lot more trouble. The court warned her that what she said in these proceedings might be used in criminal proceedings. But that's only part of her problem. If she stole the money, Practice Book §2-53 bars her from reinstatement, not for five years, but for twelve years. Still, conclusions along those lines—if warranted at all—will have to wait for another day.

For now, we know Ms. Cunha took money she was ordered not to take. We also know that, with one exception, and months to do it, that Ms. Cunha hasn't provided telephone and email information to the trustee so that she may contact Ms. Cunha's clients and ensure their protection.

Ms. Cunha was ordered to provide this information along with complete documentation of whom she represented and what money she had in trust. As she did at the first hearing, at the second hearing held on April 22, 2022, she said she had everything and could produce it by Monday, April 25, 2022. It is thus undisputed that Ms. Cunha has willfully disobeyed the clear orders of the court to turn over client information to the trustee. The court finds her in contempt and will take additional steps to secure compliance.

For violating the court's order against taking clients' funds, the court sanctions Ms. Cunha \$1,000. She must pay this sum to the clerk of the court no later than June 6, 2022. The court wishes to be clear. This monetary sanction is for disobeying the court's order forbidding withdrawals from her clients' funds—assuming she earned the money. It is not in any way a sanction for taking funds she had no right to take—for larceny that is. That is a separate matter, yet undecided. It is not being adjudicated or punished for here.

For failing to provide the client information specified in the order above, the court orders Ms. Cunha to appear in person on May 11, 2022 at 10:00 a.m. at the judicial district courthouse, 1 Court Street, Middletown, Connecticut. If she hasn't provided the information sought before this hearing, the court will consider other steps to ensure compliance, including possible additional monetary sanctions, incarceration to secure compliance, or both. If, before the hearing date, the trustee is satisfied that Ms. Cunha has given her the information ordered, the trustee may notify the case flow coordinator, and the hearing will be cancelled.

BY THE COURT

434447

Moukawsher, J.

DOCKET NO: MMXCV225014533S

SUPERIOR COURT

ORDER 434447

IN RE:
V.
CUNHA, NICKOLA

JUDICIAL DISTRICT OF MIDDLESEX
AT MIDDLETOWN

5/11/2022

ORDER

All Counsel Present.

The following order is entered in the above matter:

ORDER:

For the reasons stated on the record:

1. A capias is issued for the defendant, Nickola Cunha.
2. The capias is stayed until 3:00 P.M. on 5/12/2022.

Judicial Notice (JDNO) was sent regarding this order.

434447

Judge: THOMAS G MOUKAWSHER
Processed by: Evan Knowlton-RFTD

This document may be signed or verified electronically and has the same validity and status as a document with a physical (pen-to-paper) signature. For more information, see Section I.E. of the *State of Connecticut Superior Court E-Services Procedures and Technical Standards* (<https://jud.ct.gov/external/super/E-Services/e-standards.pdf>), section 51-193c of the Connecticut General Statutes and Connecticut Practice Book Section 4-4.

DOCKET NO: MMXCV225014533S

SUPERIOR COURT

ORDER 434447

IN RE:
V.
CUNHA, NICKOLA

JUDICIAL DISTRICT OF MIDDLESEX
AT MIDDLETOWN

5/12/2022

ORDER

ORDER REGARDING:
05/11/2022 119.00 ORDER

No Counsel Present. No Parties Present.

The foregoing, having been considered by the Court, is hereby:

ORDER:

The capias issued by the prior order of the Court, docket entry 119.00, is stayed for an additional twenty-four hours to 3:00 P.M. on 5/13/2022.

Judicial Notice (JDNO) was sent regarding this order.

434447

Judge: THOMAS G MOUKAWSHER
Processed by: Evan Knowlton-RFTD

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DOCKET NO: MMXCV225014533S

SUPERIOR COURT

ORDER 434447

IN RE:
V.
CUNHA, NICKOLA

JUDICIAL DISTRICT OF MIDDLESEX
AT MIDDLETOWN

5/13/2022

ORDER

ORDER REGARDING:
05/11/2022 119.00 ORDER

No Counsel Present. No Parties Present.

The foregoing, having been considered by the Court, is hereby:

ORDER:

The stay of the capias issued by the prior order of the Court, docket entry 119.00, is extended to 3:00 P.M. on 5/16/2022.

Judicial Notice (JDNO) was sent regarding this order.

434447

Judge: THOMAS G MOUKAWSHER
Processed by: Evan Knowlton-RFTD

This document may be signed or verified electronically and has the same validity and status as a document with a physical (pen-to-paper) signature. For more information, see Section I.E. of the *State of Connecticut Superior Court E-Services Procedures and Technical Standards* (<https://jud.ct.gov/external/super/E-Services/e-standards.pdf>), section 51-193c of the Connecticut General Statutes and Connecticut Practice Book Section 4-4.

DOCKET NO: MMXCV225014533S

SUPERIOR COURT

ORDER 434447

IN RE:
V.
CUNHA, NICKOLA

JUDICIAL DISTRICT OF MIDDLESEX
AT MIDDLETOWN

5/16/2022

ORDER

ORDER REGARDING:
05/11/2022 119.00 ORDER

No Counsel Present. No Parties Present.

The foregoing, having been considered by the Court, is hereby:

ORDER:

The stay of the capias issued by the prior order of the Court, docket entry 119.00, is extended to 3:00 P.M. on 5/17/2022.

Judicial Notice (JDNO) was sent regarding this order.

434447

Judge: THOMAS G MOUKAWSHER
Processed by: Evan Knowlton-RFTD

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CAPIAS

JD-CL-33 Rev. 11-16
 C.G.S. §§ 46b-231, 52-143, 54-2a, 54-64d
 P.B. §§ 38-21, 40-45, 44-9

STATE OF CONNECTICUT
SUPERIOR COURT
 www.jud.ct.gov



Court Use Only
CAPIAS - ISSUED
CAPEXE - EXECUTED
CAPRNE - RETURNED NOT EXECUTED
CPVC - VACATED

Instructions to Preparer

1. Prepare in triplicate and keep a copy.
2. Clerk or Support Enforcement Officer must sign original and one copy must be placed in the court file.
3. Proper Officer to make return on signed original.

To: Any Proper Officer of the State of Connecticut

Name of case (Plaintiff vs. Defendant) In re: Cunha, Nickola		Docket number MMXCV225014533
<input checked="" type="checkbox"/> Judicial District <input type="checkbox"/> Housing Session <input type="checkbox"/> Geographical Area Number <input type="checkbox"/> Small Claims Area		Address of court (Number, street, town, and zip code) 1 Court Street, Middletown, CT 06457
Name of person to be arrested Nickola Cunha	Date of birth (if known)	Date failed to appear 05/11/2022
Address of person to be arrested (if known) 28 Broadview Drive, Wallingford, CT 06492		Telephone number (if known) 203-507-2748

The person named above was summoned, ordered, subpoenaed or otherwise required by law to appear before this court on the above date, and that person failed to appear, and

The court orders the issuance of this capias and sets the condition(s) of release, specified below.

You are therefore commanded by authority of the State of Connecticut, to take the person named above and bring that person before this court without excessive delay. If a courthouse lockup operated by the judicial branch is available at the court that issued the capias and is operational at the time you bring the person taken into custody to the court, you shall transfer the custody of such person to a judicial marshal at the court unless such person requires medical attention or there is insufficient space for such person at such lockup. If the court is in session, the judicial marshal shall present such person before the court. If the court is not in session but the clerk's office is open, the judicial marshal shall present such person before the clerk or assistant clerk or a person designated by the Chief Court Administrator. If the court is not in session and the clerk's office is closed, and such person indicates to the judicial marshal that he or she can meet the conditions of release fixed by the court, the judicial marshal shall, without excessive delay, either (A) transport such person to a community correctional center within the judicial district or, if there is no community correctional center within the judicial district, to the nearest community correctional center, for the purpose of entering into the condition of release fixed by the court, or (B) if more expedient, hold the person in custody until the clerk's office is open or the next session of the court,

for the purpose of entering into the condition of release fixed by the court. If such person does not indicate to the judicial marshal that he or she can meet the conditions of release fixed by the court, the judicial marshal shall hold the person in custody until the clerk's office is open or the next session of the court, for the purpose of entering into the condition of release fixed by the court. If a courthouse lockup operated by the judicial branch is not available at the court that issued the capias, or is available but is not operational or has insufficient space, you shall, without excessive delay, transport such person to a community correctional center within the judicial district or, if there is no community correctional center within the judicial district, to the nearest community correctional center for the purpose of entering into the condition of release fixed by the court.

The clerk or assistant clerk or a person designated by the commissioner of correction shall order the person taken into custody on the capias to enter into the condition(s) of release set forth below, on the condition that such person shall appear before the next session of the Superior Court which issued the capias.

If such person fails to enter into the condition(s) of release set forth below, the person named above shall be held in the correctional center pursuant to the capias until the next session of court. In such case, a copy of this capias shall be left with the designee of the commissioner of correction which shall be authority for keeping the person named above.

Therefore, you are commanded to make service and return of this capias according to law.

Conditions Of Release		<i>For Court Use Only</i>
Amount of bond (if any) N/A	Type of bond N/A	File Date
Name of Judge/Family Support Magistrate Judge Thomas Moukawsner		By Order of the Court
Signed (Assistant Clerk/Support Enforcement Officer) <i>[Signature]</i> Superior Court Judge		Date signed 05/11/2022

Optional Information

Name And Address	Name of person to be arrested Nickola Cunha						
	Address of person to be arrested 28 Broadview Drive, Wallingford, CT 06492						
Physical Description	Age	Sex F	Height	Weight	Eyes	Hair	Complexion
	Additional physical description (Scars, marks, etc) See attached						
Employer	Name of employer						
	Address of employer						
Motor Vehicle	Year	Make	Model	Color			
	Registration number and state			Additional description			

Return Of Service

Place of arrest	Date of arrest	Date brought to court/community correctional center <input type="checkbox"/> Court <input type="checkbox"/> Community Correctional Center	
-----------------	----------------	--	--

Then and there, by virtue of the foregoing order of the court, I took the within named person into custody and brought him/her to the following Court Community Correctional Center

Address of court or community correctional center

Title (Proper Officer)	Signature	Date
------------------------	-----------	------

Fees

1. **Itemized Fees** (Do not complete this section if this is a IV-D Child Support case and you are claiming a negotiated fee for service, as indicated in Section 2 below.)

Copy: _____
 Endorsement: _____
 Service: _____
 Travel: _____
 Total: _____

2. **IV-D Child Support Fees** (Check the relevant box only if this is a IV-D Child Support case in which a fee for service has been negotiated between the State Marshal Commission and the Judicial Branch. If you complete this section, do not complete the Section 1 above.)

- Community Arrest - One Proper Officer: \$240
- Community Arrest - Two Proper Officers: \$480
- Secure Facility Arrest - One Proper Officer: \$150

A true and attested copy:

ADA NOTICE
 The Judicial Branch of the State of Connecticut complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation in accordance with the ADA, contact a court clerk or an ADA contact person listed at www.jud.ct.gov/ADA.

Attest _____
 (Proper Officer)

Capias Copy - Not Valid



Nickola Cunha
Attorney For Karen Riordan

DOCKET NO: MMXCV225014533S

SUPERIOR COURT

ORDER 434447

IN RE:
V.
CUNHA, NICKOLA

JUDICIAL DISTRICT OF MIDDLESEX
AT MIDDLETOWN

5/17/2022

ORDER

No Counsel Present. No Parties Present.

The following order is entered in the above matter:

ORDER:

The capias issued by the Court(docket entry 121.00) dated 5/11/2022 is to be executed by a Connecticut State Marshal. The cost of such execution is to be paid by the State of Connecticut.

Judicial Notice (JDNO) was sent regarding this order.

434447

Judge: THOMAS G MOUKAWSHER
Processed by: Evan Knowlton-RFTD

This document may be signed or verified electronically and has the same validity and status as a document with a physical (pen-to-paper) signature. For more information, see Section I.E. of the *State of Connecticut Superior Court E-Services Procedures and Technical Standards* (<https://jud.ct.gov/external/super/E-Services/e-standards.pdf>), section 51-193c of the Connecticut General Statutes and Connecticut Practice Book Section 4-4.

Optional Information

Name And Address	Name of person to be arrested Nickola Cunha						
	Address of person to be arrested 28 Broadview Drive, Wallingford, CT 06492						
Physical Description	Age	Sex	Height	Weight	Eyes	Hair	Complexion
	53	F	504	155	BLU	BLOND	FAIR
Additional physical description (Scars, marks, etc) See attached							
Employer	Name of employer						
	Address of employer						
Motor Vehicle	Year	Make	Model	Color			
	Registration number and state			Additional description			

Return Of Service

Place of arrest CRISTO'S REST. NORTH COLONY RD WALLINGFORD	Date of arrest 06-03-2022	Date brought to court/community correctional center 06-03-2022	<input type="checkbox"/> Court	<input checked="" type="checkbox"/> Community Correctional Center
--	------------------------------	---	--------------------------------	---

Then and there, by virtue of the foregoing order of the court, I took the within named person into custody and brought him/her to the following Court Community Correctional Center

Address of court or community correctional center YORK C.I. 201 W. MAIN ST NIAHTIC		
Title (Proper Officer) STATE MARSHAL	Signature 	Date 06-03-2022

Fees KEVIN C. MCCREWETT, SR #282

1 Itemized Fees (Do not complete this section if this is a IV-D Child Support case and you are claiming a negotiated fee for service, as indicated in Section 2 below.)

Copy: _____
 Endorsement: _____
 Service: _____
 Travel: _____
 Total: 240

Office of the
Superior
REC...
JUN 08 2022

Judicial District of Middlesex
State of Connecticut

2. IV-D Child Support Fees (Check the relevant box only if this is a IV-D Child Support case in which a fee for service has been negotiated between the State Marshal Commission and the Judicial Branch. If you complete this section, do not complete the Section 1 above.)

- Community Arrest - One Proper Officer: \$240
- Community Arrest - Two Proper Officers: \$480
- Secure Facility Arrest - One Proper Officer: \$150

A true and attested copy:

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 The Judicial Branch of the State of Connecticut complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation in accordance with the ADA, contact a court clerk or an ADA contact person listed at www.jud.ct.gov/ADA.

Attest

(Proper Officer)
 KEVIN C. MCCREWETT

CAPIAS

JD-CL-33 Rev. 11-16
 C.G.S. §§ 46b-231, 52-143, 54-2a, 54-64d
 P.B. §§ 38-21, 40-45, 44-9

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Court Use Only
CAPIAS - ISSUED
CAPEXE - EXECUTED
CAPRNE - RETURNED NOT EXECUTED
CPVC - VACATED

Instructions to Preparer

1. Prepare in triplicate and keep a copy.
2. Clerk or Support Enforcement Officer must sign original and one copy must be placed in the court file.
3. Proper Officer to make return on signed original.

To: Any Proper Officer of the State of Connecticut

Name of case (Plaintiff vs. Defendant) In re: Cunha, Nickola		Docket number MmXCV225014533
<input checked="" type="checkbox"/> Judicial District <input type="checkbox"/> Housing Session <input type="checkbox"/> Geographical Area Number _____ <input type="checkbox"/> Small Claims Area		Address of court (Number, street, town, and zip code) 1 Court Street, Middletown, CT 06457
Name of person to be arrested Nickola Cunha	Date of birth (if known)	Date failed to appear 05/11/2022
Address of person to be arrested (if known) 28 Broadview Drive, Wallingford, CT 06492		Telephone number (if known) 203-507-2748

The person named above was summoned, ordered, subpoenaed or otherwise required by law to appear before this court on the above date, and that person failed to appear, and

The court orders the issuance of this capias and sets the condition(s) of release, specified below.

You are therefore commanded by authority of the State of Connecticut, to take the person named above and bring that person before this court without excessive delay. If a courthouse lockup operated by the judicial branch is available at the court that issued the capias and is operational at the time you bring the person taken into custody to the court, you shall transfer the custody of such person to a judicial marshal at the court unless such person requires medical attention or there is insufficient space for such person at such lockup. If the court is in session, the judicial marshal shall present such person before the court. If the court is not in session but the clerk's office is open, the judicial marshal shall present such person before the clerk or assistant clerk or a person designated by the Chief Court Administrator. If the court is not in session and the clerk's office is closed, and such person indicates to the judicial marshal that he or she can meet the conditions of release fixed by the court, the judicial marshal shall, without excessive delay, either (A) transport such person to a community correctional center within the judicial district or, if there is no community correctional center within the judicial district, to the nearest community correctional center, for the purpose of entering into the condition of release fixed by the court, or (B) if more expedient, hold the person in custody until the clerk's office is open or the next session of the court,

for the purpose of entering into the condition of release fixed by the court. If such person does not indicate to the judicial marshal that he or she can meet the conditions of release fixed by the court, the judicial marshal shall hold the person in custody until the clerk's office is open or the next session of the court, for the purpose of entering into the condition of release fixed by the court. If a courthouse lockup operated by the judicial branch is not available at the court that issued the capias, or is available but is not operational or has insufficient space, you shall, without excessive delay, transport such person to a community correctional center within the judicial district or, if there is no community correctional center within the judicial district, to the nearest community correctional center for the purpose of entering into the condition of release fixed by the court.

The clerk or assistant clerk or a person designated by the commissioner of correction shall order the person taken into custody on the capias to enter into the condition(s) of release set forth below, on the condition that such person shall appear before the next session of the Superior Court which issued the capias.

If such person fails to enter into the condition(s) of release set forth below, the person named above shall be held in the correctional center pursuant to the capias until the next session of court. In such case, a copy of this capias shall be left with the designee of the commissioner of correction which shall be authority for keeping the person named above.

Therefore, you are commanded to make service and return of this capias according to law.

Conditions Of Release		<i>For Court Use Only</i>
Amount of bond (if any) N/A	Type of bond N/A	File Date
Name of Judge/Family Support Magistrate Judge Thomas Woodkawner Signed (Assignment Clerk/Support Enforcement Officer) Superior Court Judge		
By Order of the Court		
Date signed 05/11/2022		



DOCKET NO: MMXCV225014533S

SUPERIOR COURT

ORDER 434447

IN RE:
V.
CUNHA, NICKOLA

JUDICIAL DISTRICT OF MIDDLESEX
AT MIDDLETOWN

5/17/2022

ORDER

No Counsel Present. No Parties Present.

The following order is entered in the above matter:

ORDER:

The capias issued by the Court(docket entry 121.00) dated 5/11/2022 is to be executed by a Connecticut State Marshal. The cost of such execution is to be paid by the State of Connecticut.

Judicial Notice (JDNO) was sent regarding this order.

434447

Judge: THOMAS G MOUKAWSHER
Processed by: Evan Knowlton-RFTD

This document may be signed or verified electronically and has the same validity and status as a document with a physical (pen-to-paper) signature. For more information, see Section I.E. of the *State of Connecticut Superior Court E-Services Procedures and Technical Standards* (<https://jud.ct.gov/external/super/E-Services/e-standards.pdf>), section 51-193c of the Connecticut General Statutes and Connecticut Practice Book Section 4-4.

Received 4/3/2023 @ 11:07 am

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

NICKOLA CUNHA,

V.

SUMMONS IN A CIVIL CASE

THOMAS MOUKAWSHER,

CASE NUMBER: 3:23-CV-00037-VAB

TO: Thomas Moukawsher

Defendant's Address:

Thomas Moukawsher, 70 Tyler Avenue, Groton, CT
06430, Groton, CT;

and Thomas Moukawsher, c/o: Attorney General
William Tong, 165 Capitol Avenue, Hartford, CT
06106

A lawsuit has been filed against you.

Within **21** days after service of this summons on you (not counting the day you received it) – or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) – you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

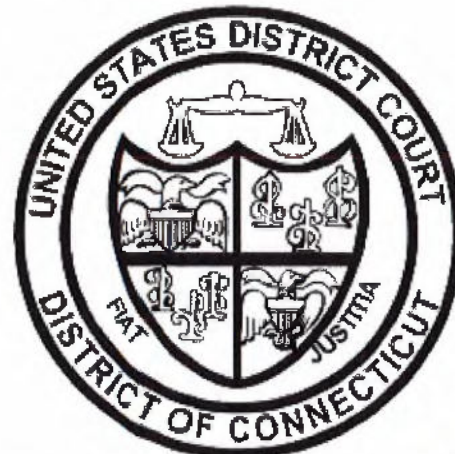
**Nickola Cunha
28 Broad View Drive
Wallingford, CT 06492**

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

/s/ – Susan F Imbriani

Signature of Clerk or Deputy Clerk



ISSUED ON 2023-01-11 09:09:39, Clerk-USDC
CTD

A TRUE COPY ATTEST:



ROBERT W. ARSENAULT
Connecticut State Marshal - Hartford Office
Incapacitated Person

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the summons unexecuted because _____
_____; or

Other *(specify)* _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00

I declare under penalty of perjury that this information is true.

Date: _____

Servers signature

Printed name and title

Servers address

Additional information regarding attempted service, etc:

U.S. DISTRICT COURT CONNECTICUT

NICKOLA CUNHA
Plaintiff

v

THOMAS MOUKAWSHER,
in personal and official capacity
Defendant

COMPLAINT

JURY DEMAND

Civil Case #

Plaintiff, Nickola Cunha, appears pro se, for complaint against defendant Thomas Moukawsher, judge of the Connecticut Superior Court, in his official and personal capacity, alleges as follows:

INTRODUCTION AND PARTIES

1. Ms. Cunha is a resident and citizen of this district, an attorney admitted to the state bar in 1999.
2. Thomas Moukawsher is a resident and citizen of this district, a judge of the Connecticut Superior Court, acting as judge, in exercise of absolute discretion, personal opinion, under color of state law, for private agenda, in abuse of office, outside judicial function, in judicial hearing, did summary disbar Ms. Cunha on 25 January 2022, for cause of speech made in zealous advocacy for her client, being a violation of First, Fifth, and Fourteenth Amendment protections, while chilling expression and advocacy, a societal detriment; implicating Connecticut State government for inability to properly select,

train, manage justices, to assure the proper quality and administration of justice; misuse of federal funds notwithstanding.

3. Moukawsher acts under color of state law, a court practice rule, violating due process protection, ordering summary disbarment, by absolute discretion of a state employee, in constitutional deprivation, beyond judicial function, where no immunity lies.
4. Ms. Cunha brings action against Moukawsher seeking compensatory damages, declaratory judgment, injunctive relief, punitive damages, other damages deemed just and proper, attorney fees per 42 USC §1983 and 42 USC §1988 for violations of constitutionally protected civil rights of protected speech under First Amendment, denial of due process under Fifth Amendment, denial of process and equal protection enforced upon states by the Fourteenth Amendment, violation of the Ku Klux Klan Act of 1871, being criminal mischief under 18 USC §242.

JURISDICTION AND VENUE

5. This action is brought under 42 USC §1983, 42 USC §1988, First, Fifth, and Fourteenth Amendments of the federal Constitution.
6. The jurisdiction of this Court is per 28 USC §1331, 28 USC §1343, and 42 USC §1983. The Court has jurisdiction for declaratory relief pursuant to 28 USC §§2201, 2202.

7. Ms. Cunha invokes Court's pendent jurisdiction, pursuant to 28 USC §1367(a), over any and all state law claims and as against all parties that are so related to claims in this action, within the original jurisdiction of this Court that they form part of the same case or controversy.
8. Venue is proper in D. Connecticut per 28 USC §1391(b) as all acts, omissions, and deprivations occur in the district, in the presence of the defendant.

FACTUAL BACKGROUND

9. Moukawsher acts under color of state law, by absolute discretion in personal dislike of zealous advocacy, before the bench by plaintiff, citing unconstitutional authority of practice rule 2-45, to summary disbar, which states: Cause Occurring in Presence of Court. If such cause occurs in the actual presence of the court, the order may be summary, and without complaint or hearing; but a record shall be made of such order, reciting the ground thereof.
10. The color of state law to summary disbar comes from a practice rule created by CJ Andrews in 1890, under the color of state Practice Act of 1879, authorizing judges to create procedures to effect litigation, present state statute §51-14 codifies the Act, where (a) delegates rule making authority to judges, where (b) provides legislative review and disapproval authority, where (c) requires judges to hold yearly public hearings on rules.

11. Attorney regulation is governed by state statutes §51-80 to 94a, where disciplinary procedures are codified, in application of due process. The state staffs and funds disciplinary counsel and a statewide grievance committee to effect regulation and discipline of attorneys.
12. Practice rule 2-45, unrelated to litigation, suspends statutory framework of attorney discipline, voiding state law, on judicial application of summary disbarment, stating: Without limiting the inherent powers of the court, if attorney misconduct occurs in the actual presence of the court, the Statewide Grievance Committee and the grievance panels shall defer to the court, if the court chooses to exercise its jurisdiction.
13. A state court lacks jurisdiction to void due process, a fundamental protected liberty interest of a citizen with a law license, whose possession does not void the Bill of Rights; allusion to court's inherent powers to defy restrictions imposed by the Fourteenth Amendment is ridicule of the Republic.
14. Disbarment is applied to protect the court, rather than punish a citizen admitted to the bar, it is neither criminal nor civil action, but *sui generis*. The court obtains no protection from free expression, thru disbarment of a zealous advocate arguing for a fellow citizen, in an adversarial forum. The property interest in a law license demands due process invoked by Fourteenth Amendment, denying Moukawsher the combined roles of accuser, trier, judge, jury, and executioner, of one tyrant in a black robe.

15. Practice rule 2-45 violates state statute §51-14(a) which reads: rules shall not abridge, enlarge or modify any substantive right or the jurisdiction of any of the courts.
16. The question of constitutional due process deprivation of rule 2-45 was brought to the attention of CJ Robinson, thru redress right, under provision of state law §52-265a, Direct Appeal In Public Interest, dismissed by state supreme court Justice McDonald on 8/24/22, case SC220040. A writ of error is pending before the state intermediate appellate court, case AC45424; state Attorney General represents Moukawsher.

CLAIMS FOR RELIEF

17. Items 1-15 incorporated herein.
18. Relief sought under Civil Rights Act of 1871, (Ku Klux Klan Act), as defendant acts illegally, outside judicial function, in deprivation of rights protected under Fourteenth Amendment, depriving plaintiff of due process protection, acting under color of state law; incompetent practice rule.
19. Relief claimed for Fifth Amendment violation of due process protection, invoked on the state by the Fourteenth.
20. Relief claimed for First Amendment violation of freedom of expression, invoked on the state by the Fourteenth.
21. Relief claimed for First Amendment violation of redress rights, in professional service of advocacy.

22. Relief claimed for secondary effect of chilling expression and advocacy, as disbarment sends a clear message to the people that judicial authority will not tolerate citizens whose express judicially disfavored advocacy.
23. Relief claimed for secondary effect of State government negligence, fraud, and misuse of federal funds, in administration of justice, while failing to properly train, supervise, employees in execution of judicial duties.

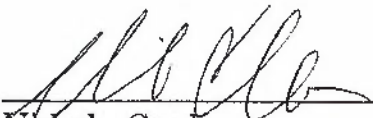
DEMAND FOR JURY TRIAL

24. Per F. Rule Civil Procedure 38, jury trial demanded.

PRAYER FOR RELIEF

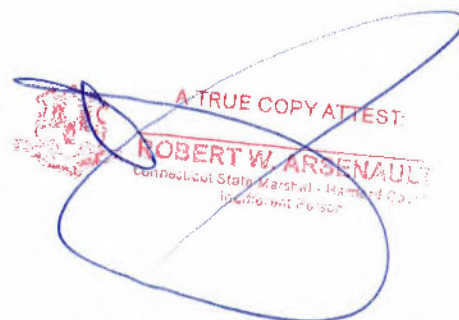
Plaintiff, Nickola Cunha, prays for relief and demands judgment as follows:

1. Ms. Cunha be awarded compensatory damages against defendant in an amount to be determined at trial;
2. Ms. Cunha be awarded punitive damages against defendant in an amount to be determined at trial;
3. This Court, pursuant to 42 USC §1988, award plaintiff reasonable attorney fees, with costs of this action;
4. Court award such further relief, together with any other legal or equitable relief, or both, as the Court deems just and proper.



Nickola Cunha

9 January 2023



UNITED STATES DISTRICT COURT
District of Connecticut

Nickola Cunha

Plaintiff

v.

Thomas Moukawsher

Defendant

Case No. _____

NOTICE OF PRO SE APPEARANCE

To: The clerk of court and all parties of record, I am representing myself in the matter above.

9 January 2023

Date


Filer's signature

Nickola Cunha

Printed name

28 Broad View Drive

Address

Wallingford, CT 06492

City, State, Zip Code

203 376 2119

Telephone number

CERTIFICATE OF SERVICE

I hereby certify that on 9 January 2023 a copy of foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to [Below list the names and addresses of anyone unable to accept electronic filing] as indicate on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

List here:


Filer's signature



UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

Nickola Cunha, Plaintiff

v.

Thomas Moukawsher, Defendant

Case No.
[Put case number here]

CONSENT TO ELECTRONIC NOTICE
BY SELF-REPRESENTED LITIGANT

A. [Complete the first line for electronic notification from the court]

I, Nickola Cunha hereby consent to the court
(name of self-represented litigant)
using my email address, as listed below, for the purpose of sending me notification of orders
and notices issued by the court.

B. [Complete the second line for electronic service from opposing counsel; DO NOT COMPLETE THIS LINE IF YOU WANT OPPOSING COUNSEL TO SEND PAPERS BY REGULAR MAIL]

I, Nickola Cunha hereby consent to opposing
(name of self-represented litigant)
counsel using my email address, as listed below, for the purpose of sending me papers filed
with the court.

In the event I change my email provider or discontinue my email service, I will notify
the court immediately of the address change so my court records may be updated.

Nickola Cunha
Name of Self-represented Litigant

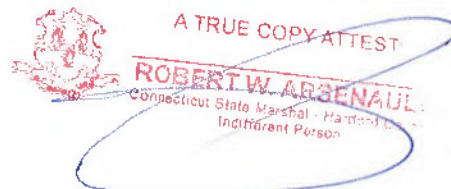
28 Broad View Drive
Street Address

Wallingford, CT 06492 203 376 2119
City, State, Zip Code Telephone

nickolacunha@sbcglobal.net
Email Address

9 January 2023
Date

[Signature]
Signature



UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

ELECTRONIC FILING ORDER

The Court orders that the parties shall file all documents in this case electronically. The following requirements are imposed:

1. Counsel must comply with all applicable Federal Rules of Civil Procedure, the District's Local Rules and the requirements set forth in the District's CM/ECF Policies and Procedures Manual, and any other rules and administrative procedures that implement the District's CM/ECF system.
2. Documents filed electronically must be filed in OCR text searchable PDF format.
3. Unless otherwise ordered, on the business day next following the day on which a document is filed electronically, counsel must provide Chambers with one paper copy of the following e-filed documents:

Civil Cases: All pleadings (including briefs and exhibits) supporting or opposing the following:

- a. Applications for temporary restraining orders, preliminary injunctions or prejudgment remedies;
- b. Dispositive motions (motions to dismiss or for summary judgment);
- c. Requested jury instructions;
- d. Compliance with Pretrial Orders;
- e. Trial briefs, including proposed findings of fact and conclusions of law; and f. Any other filing requested by the court.

/s/ Victor A. Bolden
Victor A. Bolden
United States District Judge

Rev 1/25/15

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

STANDING PROTECTIVE ORDER

1. It is hereby ordered by the Court that the following shall apply to information, documents, excerpts from documents, and other materials produced in this action pursuant to Federal and Local Rules of Civil Procedure governing disclosure and discovery.
2. Information, documents and other materials may be designated by the producing party in the manner permitted (“the Designating Person”). All such information, documents, excerpts from documents, and other materials will constitute “Designated Material” under this Order. The designation shall be either (a) “CONFIDENTIAL” or (b) CONFIDENTIAL-ATTORNEYS’ EYES ONLY.” This Order shall apply to Designated Material produced by any party or third-party in this action.
3. “CONFIDENTIAL” information means information, documents, or things that have not been made public by the disclosing party and that the disclosing party reasonably and in good faith believes contains or comprises (a) trade secrets, (b) proprietary business information, or (c) information implicating an individual’s legitimate expectation of privacy.
4. “CONFIDENTIAL-ATTORNEY’S EYES ONLY” means CONFIDENTIAL information that the disclosing party reasonably and in good faith believes is so highly sensitive that its disclosure to a competitor could result in significant competitive or commercial disadvantage to the designating party.
5. Designated Material shall not be used or disclosed for any purpose other than the litigation of this action and may be disclosed only as follows:
 - a. *Parties:* Material designated “CONFIDENTIAL” may be disclosed to parties to this action or directors, officers and employees of parties to this action, who have a legitimate need to see the information in connection with their responsibilities for overseeing the litigation or assisting counsel in preparing the action for trial or settlement. Before Designated Material is disclosed for this purpose, each such person must agree to be bound by this Order by signing a document substantially in the form of Exhibit A.

- b. Witnesses or Prospective Witnesses:* Designated Material, including material designated "CONFIDENTIAL-ATTORNEYS' EYES ONLY," may be disclosed to a witness or prospective witness in this action, but only for purposes of testimony or preparation of testimony in this case, whether at trial, hearing, or deposition, but it may not be retained by the witness or prospective witness. Before Designated Material is disclosed for this purpose, each such person must agree to be bound by this Order, by signing a document substantially in the form of Exhibit A.
 - c. Outside Experts:* Designated Material, including material designated "CONFIDENTIAL-ATTORNEYS' EYES ONLY," may be disclosed to an outside expert for the purpose of obtaining the expert's assistance in the litigation. Before Designated Material is disclosed for this purpose, each such person must agree to be bound by this Order, by signing a document substantially in the form of Exhibit A.
 - d. Counsel:* Designated Material, including material designated "CONFIDENTIAL-ATTORNEYS' EYES ONLY," may be disclosed to counsel of record and in-house counsel for parties to this action and their associates, paralegals, and regularly employed office staff.
 - e. Other Persons:* Designated Material may be provided as necessary to copying services, translators, and litigation support firms. Before Designated Material is disclosed to such third parties, each such person must agree to be bound by this Order by signing a document substantially in the form of Exhibit A.
6. Prior to disclosing or displaying any Designated Material to any person, counsel shall:
- a.* Inform the person of the confidential nature of the Designated Material; and
 - b.* Inform the person that this Court has enjoined the use of the Designated Material by him/her for any purpose other than this litigation and has enjoined the disclosure of that information or documents to any other person.
7. The confidential information may be displayed to and discussed with the persons identified in Paragraphs 5(b) and (c) only on the condition that, prior to any such display or discussion, each such person shall be asked to sign an agreement to be bound by this Order in the form attached hereto as Exhibit A. In the event such person refuses to

sign an agreement in substantially the form attached as Exhibit A, the party desiring to disclose the confidential information may seek appropriate relief from the Court.

8. A person having custody of Designated Material shall maintain it in a manner that limits access to the Designated Material to persons permitted such access under this Order.

9. Counsel shall maintain a collection of all signed documents by which persons have agreed to be bound by this Order.

10. Documents shall be designated by stamping or otherwise marking the documents with the words "CONFIDENTIAL" or "CONFIDENTIAL-FOR ATTORNEYS' EYES ONLY" thus clearly identifying the category of Designated Material for which protection is sought under the terms of this Order. Designated Material not reduced to documentary form shall be designated by the producing party in a reasonably equivalent way.

11. The parties will use reasonable care to avoid designating as confidential documents or information that does not need to be designated as such.

12. A party may submit a request in writing to the party who produced Designated Material that the designation be modified or withdrawn. If the Designating Person does not agree to the redesignation within fifteen business days, the objecting party may apply to the Court for relief. Upon any such application, the burden shall be on the Designating Person to show why the designation is proper. Before serving a written challenge, the objecting party must attempt in good faith to meet and confer with the Designating Person in an effort to resolve the matter. The Court may award sanctions if it finds that a party's position was taken without substantial justification.

13. Deposition transcripts or portions thereof may be designated either (a) when the testimony is recorded, or (b) by written notice to all counsel of record, given within ten business days after the Designating Person's receipt of the transcript in which case all counsel receiving such notice shall be responsible for marking the copies of the designated transcript or portion thereof in their possession or control as directed by the Designating Person. Pending expiration of the ten business days, the deposition transcript shall be treated as designated. When testimony is designated at a deposition, the Designating Person may exclude from the deposition all persons other than those to whom the Designated Material may be disclosed under paragraph 5 of this Order. Any party may mark Designated Material as a deposition exhibit, provided the deposition witness is one to whom the exhibit may be disclosed under paragraph 5 of this Order

and the exhibit and related transcript pages receive the same confidentiality designation as the original Designated Material.

14. Any Designated Material which becomes part of an official judicial proceeding or which is filed with the Court is public. Such Designated Material will be sealed by the Court only upon motion and in accordance with applicable law, including Rule 5(e) of the Local Rules of this Court. This Protective Order does not provide for the automatic sealing of such Designated Material. If it becomes necessary to file Designated Material with the Court, a party must comply with Local Civil Rule 5 by moving to file the Designated Material under seal.

15. Filing pleadings or other papers disclosing or containing Designated Material does not waive the designated status of the material. The Court will determine how Designated Material will be treated during trial and other proceedings as it deems appropriate.

16. Upon final termination of this action, all Designated Material and copies thereof shall be returned promptly (and in no event later than forty-five (45) days after entry of final judgment), returned to the producing party, or certified as destroyed to counsel of record for the party that produced the Designated Material, or, in the case of deposition testimony regarding designated exhibits, counsel of record for the Designating Person. Alternatively, the receiving party shall provide to the Designating Person a certification that all such materials have been destroyed.

17. Inadvertent production of confidential material prior to its designation as such in accordance with this Order shall not be deemed a waiver of a claim of confidentiality. Any such error shall be corrected within a reasonable time.

18. Nothing in this Order shall require disclosure of information protected by the attorney-client privilege, or other privilege or immunity, and the inadvertent production of such information shall not operate as a waiver. If a Designating Party becomes aware that it has inadvertently produced information protected by the attorney-client privilege, or other privilege or immunity, the Designating Party will promptly notify each receiving party in writing of the inadvertent production. When a party receives notice of such inadvertent production, it shall return all copies of inadvertently produced material within three business days. Any notes or summaries referring or relating to any such inadvertently produced material subject to claim of privilege or immunity shall be destroyed forthwith. Nothing herein shall prevent the receiving party from challenging the propriety of the attorney-client privilege or work product immunity or other applicable privilege designation by submitting a challenge to the Court. The Designating Party

bears the burden of establishing the privileged nature of any inadvertently produced information or material. Each receiving party shall refrain from distributing or otherwise using the inadvertently disclosed information or material for any purpose until any issue of privilege is resolved by agreement of the parties or by the Court. Notwithstanding the foregoing, a receiving party may use the inadvertently produced information or materials to respond to a motion by the Designating Party seeking return or destruction of such information or materials. If a receiving party becomes aware that it is in receipt of information or materials which it knows or reasonably should know is privileged, Counsel for the receiving party shall immediately take steps to (i) stop reading such information or materials, (ii) notify Counsel for the Designating Party of such information or materials, (iii) collect all copies of such information or materials, (iv) return such information or materials to the Designating Party, and (v) otherwise comport themselves with the applicable provisions of the Rules of Professional Conduct.

19. The foregoing is entirely without prejudice to the right of any party to apply to the Court for any further Protective Order relating to Designated Material; or to object to the production of Designated Material; or to apply to the Court for an order compelling production of Designated Material; or for modification of this Order; or to seek any other relief from the Court.

20. The restrictions imposed by this Order may be modified or terminated only by further order of the Court.

IT IS SO ORDERED,

/s/ Victor A. Bolden
Victor A. Bolden
United States District Judge

EXHIBIT A

I have been informed by counsel that certain documents or information to be disclosed to me in connection with the matter entitled _____ have been designated as confidential. I have been informed that any such documents or information labeled "CONFIDENTIAL PRODUCED PURSUANT TO PROTECTIVE ORDER" are confidential by Order of the Court.

I hereby agree that I will not disclose any information contained in such documents to any other person. I further agree not to use any such information for any purpose other than this litigation.

_____ DATED: _____

Signed in the presence of:

_____ (Attorney)

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

ORDER ON PRETRIAL DEADLINES

Unless otherwise ordered by the presiding Judge, parties in civil cases shall adhere to the following deadlines:

(a) All motions relating to joinder of parties or amendment of the pleadings shall be filed within the latest of the following: (i) 35 days after the appearance of the last defendant or (ii) 60 days after the filing of the complaint, the filing of a petition for removal, or the transfer of an action from another District, except that a defendant may file a third-party complaint within 14 days of serving an answer, as permitted by Fed.R.Civ.P. 14(a).

(b) The filing of a motion to dismiss shall not result in a stay of discovery or extend the time for completing discovery.

(c) Formal discovery pursuant to the Federal Rules of Civil Procedure may not commence until the parties have conferred as required by Fed. R. Civ. P. 26(f) and Local Civil Rule 16 but the parties may commence formal discovery immediately thereafter without awaiting entry of a scheduling order pursuant to Fed.R.Civ.P. 16(b). Informal discovery by agreement of the parties is encouraged and may commence at any time. Unless otherwise ordered, discovery shall be completed within 6 months after the latest of the following: the filing of the complaint, the filing of a petition for removal, the transfer of an action from another District, or the appearance of the last defendant.

(d) Unless otherwise ordered, all motions for summary judgment shall be filed within 35 days after the deadline for completion of discovery.

By Order of the Court
Dinah Milton Kinney, Clerk

(Rev. 1-1-22)



UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

141 Church Street
New Haven, CT 06510
(203) 773-2140

450 Main Street
Hartford, CT 06103
(860) 240-3200

915 Lafayette Blvd
Bridgeport, CT 06604
(203) 579-5861

NOTICE TO COUNSEL AND SELF-REPRESENTED PARTIES

The attached case has been assigned to **District Judge Victor A. Bolden**, who sits in **Bridgeport**. Pursuant to Local Rule 3 any pleading or other document to be filed in paper form shall be filed at the seat of Court where the presiding Judge sits.

Counsel and Self-Represented Parties are required to become familiar with and abide by the Federal Rules of Civil Procedure, the Local Rules of Civil Procedure for the District of Connecticut and Standing Orders regarding scheduling in civil cases and the filing of trial memoranda.

Counsel and Self-Represented Parties are alerted to the requirements of Fed. R. Civ. P. 26(f) and Local Civil Rule 26, which require that the parties conduct a case management planning conference and prepare and file a report of the conference on Form 26(f) which appears in the Appendix to the Local Rules

Counsel and Self-Represented Parties are hereby notified that failure to file and serve a memorandum in opposition to a motion, within 21 days after the motion is filed, may be deemed sufficient cause to grant the motion. Failure to file and serve a memorandum in opposition to a motion to dismiss within 21 days after the motion is filed may be deemed sufficient cause to grant the motion, except where the pleadings provide sufficient grounds to deny the motion. See D. Conn. L. Civ. R. 7(a)2.

Counsel and Self-Represented Parties are further notified that they are required to comply with requirements relating to Motions for Summary Judgment as set forth in Fed. R. Civ. P. 56 and D. Conn. L. Civ. R. 56.

Counsel and Self-Represented Parties are further advised that they may request a referral of their case to a United States Magistrate Judge for disposition. See 28 U.S.C. 636 and Rule 73 of the Local Rules for United States Magistrate Judges.

Dinah Milton Kinney, Clerk



UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

ORDER RE: DISCLOSURE STATEMENT

(Amended December 19, 2022)

Any non-governmental corporate party to an action in this court, or any non-governmental party who seeks to intervene, shall file a statement identifying all its parent corporations and listing any publicly held company that owns 10% or more of the party's stock. A party shall file the statement with its initial pleading filed in the court and shall supplement the statement within a reasonable time of any change in the information.

Citizenship of Parties in Diversity Cases

Parties or intervenors in a diversity case: in an action in which jurisdiction is based on diversity under 28 U.S.C. § 1332(a), a party or intervenor must, unless the court orders otherwise, file a disclosure statement. In addition to the information set forth above (if applicable), the statement must name and identify the citizenship of every party. If any party is a partnership, limited liability partnership, limited liability company, or other unincorporated association, the statement must provide citizenship information about that party's members. If any party is a corporation, the statement must provide that party's state or other jurisdiction of incorporation and its principal place of business. The statement shall be filed when the action is filed in or removed to federal court and when any party is added to the action, or when another later event occurs that could affect the court's jurisdiction under § 1332(a).

Counsel for plaintiff(s) or removing defendant(s) shall be responsible for serving a copy of this order upon all parties to the action.

Certification

The undersigned attorney hereby certifies, pursuant to Connecticut Rule of Appellate Procedure § 67-2A, that on April 13, 2023:

- (1) a copy of the brief and party appendix has been sent electronically to each counsel of record listed below in compliance with § 62-7, except for counsel of record exempt from electronic filing pursuant to § 60-8, to whom a paper copy was sent;
- (2) the brief and party appendix being filed with the appellate clerk is a true copy of the brief and party appendix that was submitted electronically pursuant to subsection (f) of this section;
- (3) the brief and party appendix has been redacted or does not contain any names or other personal identifying information that is prohibited from disclosure by rule, statute, court order or case law, unless the brief is filed pursuant to § 79a-6;
- (4) the e-brief contains 13,042 words;
- (5) the brief complies with all provisions of this rule; and (6) no deviations from this rule were requested/approved.

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/s/ Robert J. Deichert

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