

NO: FBT-CV12-6034053-S : SUPERIOR COURT  
KENNETH REED III : JUDICIAL DISTRICT  
 : OF FAIRFIELD  
v. : AT BRIDGEPORT, CONNECTICUT  
3M CO. (F/K/A) MINNESOTA :  
MINING & MANUFACTURING CO. : JULY 23, 2015

BEFORE THE HONORABLE BARBARA N. BELLIS, JUDGE

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

Representing the Plaintiff:

ATTORNEY NEAL MOSKOW  
URY & MOSKOW, LLC  
883 BLACK ROCK TPKE  
FAIRFIELD, CT 06825

ATTORNEY DARREN BERQUIST  
THE LANIER LAW FIRM PLLC  
126 E 56TH ST 6TH FLR  
NEW YORK, NY 10022

Representing the Defendant:

Not Present

Recorded By:  
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1 THE COURT: Reed versus 3M.

2 ATTY. MOSKOW: Plaintiff's here, Your Honor.

3 THE COURT: This is on the pro hac?

4 ATTY. MOSKOW: It is, Your Honor.

5 THE COURT: All right. So just identify  
6 yourself for the record, please?

7 ATTY. MOSKOW: Neal Moskow for the plaintiff,  
8 Your Honor.

9 ATTY. BERQUIST: Darren Berquist for the  
10 plaintiffs.

11 **(PAUSE)**

12 ATTY. MOSKOW: Your Honor, Attorney Dean would  
13 like to address the Court, perhaps in chambers,  
14 before we proceed if that's possible.

15 THE COURT: Let me just address -- let me just  
16 see why you're here.

17 **(PAUSE)**

18 THE COURT: Do you have the -- was it the -- 725  
19 was the entry number on the motion -- the original  
20 motion? Does that sound right?

21 ATTY. MOSKOW: It -- yes.

22 And, Your Honor, it hasn't been filed yet, but  
23 Attorney Dean has a supplemental affidavit and that's  
24 one of the things she'd like to discuss with you.

25 THE COURT: Well, I'm not going to discuss it  
26 with her if she's not in the case, but you could file  
27 it. Do you want to have it e-filed, a supplemental

1 affidavit?

2 ATTY. MOSKOW: Yes, Your Honor. I have a copy  
3 for the Court, I can represent that I'll e-file it  
4 before the end of the day.

5 THE COURT: I -- I'm just going to want it --  
6 can you just call your office and have them e-file?

7 ATTY. MOSKOW: Sure.

8 THE COURT: I just want to get it in the file.

9 ATTY. MOSKOW: Sure.

10 THE COURT: But let -- I -- there must -- just  
11 give me one second if you don't mind.

12 **(PAUSE)**

13 ATTY. MOSKOW: Your Honor, while you're looking,  
14 the only problem I'm going to have is that I -- I  
15 took Attorney Reed's oath just before we came in here  
16 so that the copy that will be e-filed will not be  
17 signed.

18 THE COURT: All right. I suppose we can give it  
19 to Ms. Pulos and have her file it if you have a copy  
20 for her.

21 ATTY. MOSKOW: Thank you, Your Honor.

22 THE COURT: I just -- I'm trying -- just bear  
23 with me because I'm trying to figure out why this is  
24 down. I think I know why.

25 So -- it's been a while so I -- just let me  
26 check one thing.

27 **(PAUSE)**

1 THE COURT: May I see that, please?

2 (PAUSE)

3 THE COURT: Okay. That -- that's -- that's a --  
4 that's the problem. When I went to review the pro  
5 hac motion, I searched her name --

6 ATTY. MOSKOW: And she had --

7 THE COURT: And I showed prior --

8 ATTY. MOSKOW: -- a juris number.

9 THE COURT: She had a juris number with prior  
10 pro hac appearance --

11 ATTY. MOSKOW: Correct.

12 THE COURT: -- but she filed an affidavit  
13 indicating that she had not previously appeared pro  
14 hac. So that's why you're here.

15 ATTY. MOSKOW: That's why we're here, Judge.

16 I can tell you that there's nobody in the  
17 courtroom that feels worse about this than Attorney  
18 Dean and she would like an opportunity to address the  
19 Court on that issue.

20 THE COURT: Well, she can if she wants to. I  
21 don't -- I'm not going to take any action on it,  
22 although it is troublesome to file an affidavit with  
23 the Court that's not accurate. And it really took me  
24 -- I check every pro hac, it only takes a few seconds  
25 to look. So if it's an apology I can accept the  
26 apology. But I'll tell you, I'm not inclined to  
27 grant the pro hac admission because of this.

1           ATTY. MOSKOW: Your Honor, as I said, you know,  
2 we'd love to speak to you about it in chambers but if  
3 --

4           THE COURT: I'm not going to do that.

5           ATTY. MOSKOW: As a practical matter, Your  
6 Honor, it was an oversight. There's certainly an  
7 apology that's part of the discussion. But more  
8 importantly, because of Attorney Dean's experience  
9 and her relationship with the client it would really  
10 be prejudicial to the client not to grant the motion.  
11 And we really do want an opportunity to be heard on  
12 that.

13           THE COURT: Well, normally you're not entitled  
14 to argument on a pro hac motion, but I'm hearing you  
15 now and I'll continue to hear what you have to say on  
16 it, counsel. And I -- but it is a -- you know, you  
17 don't have a right to pro hac appearance, the Court  
18 has the absolute obligation to regulate attorneys who  
19 appear before it, and it raises concerns to the  
20 Court. I don't mean to put anybody on the spot, but  
21 it raises concerns to the Court when you -- an  
22 attorney files an affidavit with the Court under oath  
23 saying that there were no -- I mean, it's pretty easy  
24 to check --

25           ATTY. MOSKOW: Right.

26           THE COURT: And so my position is if you can't  
27 manage those affairs that easily then you shouldn't

1 be given pro hac admission but --

2 ATTY. MOSKOW: May -- may Attorney Dean speak,  
3 Your Honor?

4 THE COURT: Certainly.

5 ATTY. MOSKOW: Thank you, Your Honor.

6 ATTY. DEAN: Your Honor, the oversight was not  
7 for -- forgetting the case. And I want to apologize  
8 for the -- for signing something that was an error.  
9 The irony of the problem is that I'm not only -- I'm  
10 well aware reporting her case, I've tried it with  
11 Chris Meisenkothen in this courtroom with Judge  
12 Tobin. It was a meaningful case to me, I am still  
13 friends with the family.

14 In fact, before talking to The Lanier Firm about  
15 this, I've told them because Chris Meisenkothen had  
16 told me the -- deny pro hacs because of past  
17 involvement, that there was a potential because in  
18 2009 I was involved in the case. I held one case I  
19 didn't think was a problem.

20 I had had a lot of activity with the family,  
21 with the lawyers as associated with them with the  
22 firm I was with in Connecticut before, where I was  
23 candidly sloppy as having this communicated to my  
24 paralegal four weeks before the actual document was  
25 signed and walking out the door and her asking to  
26 look at it looking at it much too quickly and signing  
27 something that had an error in it.

1           The error was not forgetting the case. The  
2 error was not looking at a pro hac application close  
3 enough where it is sworn to and the Court. And it is  
4 an error that I take very seriously, I am embarrassed  
5 by, and I wanted the Court to know it wasn't  
6 forgetting a case from nine years ago. It's a case  
7 near and dear to my heart, it was not looking at the  
8 -- I looked at the motion carefully, not the  
9 affidavit. And it was contained in paragraph 8 of  
10 the affidavit, but not the motion, and it was sloppy.  
11 And it's -- the Court deserves better.

12           The fact that there's a room full of attorneys  
13 having to hear this is something that you should not  
14 have to go through. And so I, very much, want to  
15 extend my apology --

16           THE COURT: I accept the apology. I'm just  
17 looking at the four year case, it looks like you  
18 entered your appearance in early 2007, and then the  
19 appeal was withdrawn in February, 2010, does that  
20 sound about right?

21           ATTY. DEAN: That's correct.

22           THE COURT: All right. So I do accept the  
23 apology but I am going to deny the motion because I  
24 am troubled by the error contained in the affidavit.  
25 And it is the obligation of the Court to manage the  
26 attorneys who appear before it. But I'm also, in  
27 addition to that, going to deny it because pro hac

1           appearances for special and infrequent occasion. You  
2           were involved in a case that was pending here from  
3           2007 to 2010, so I'm not sure that admitting you now  
4           would have been for -- considered infrequent.

5           But I -- the real truth of the matter is I can't  
6           in good conscience grant your application in light of  
7           the statement in the original affidavit. So I am  
8           going to deny the motion.

9           But I do accept your apology, I'm not going to  
10          do -- take it any further. I'm not -- I don't think  
11          that it was done in bad faith. But I do think it was  
12          careless and negligent and I just don't think I'm  
13          going to -- to grant the pro hac appearance. All  
14          right. But I'm not going to turn it over to  
15          disciplinary counsel or anything like that. So  
16          that's not a concern. Okay?

17          All right.

18          ATTY. DEAN: I, very much, appreciate it.

19          COURT MONITOR: Can I have your name please,  
20          counsel?

21          ATTY. DEAN: Jessica -- I'm sorry. It's Jessica  
22          Dean, D-E-A-N.



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C E R T I F I C A T I O N

I hereby certify the foregoing pages are a true and correct transcription of the audio recording of the above-referenced case, heard in Superior Court, Judicial District of Fairfield, Bridgeport, Connecticut, before the Honorable Barbara N. Bellis, Judge, on the 23<sup>rd</sup> day of July, 2015.

Dated this 17<sup>th</sup> day of August, 2015 in Bridgeport, Connecticut.

  
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Amanda Staron  
Court Recording Monitor