

DOCKET NO: LLICV215014019S

SUPERIOR COURT

GOODWIN, JON A.

JUDICIAL DISTRICT OF LITCHFIELD
AT TORRINGTON

V.

MILOT JUNIOR, RAYMOND J. Et Al

4/9/2024

ORDER

ORDER REGARDING:

02/14/2024 168.00 MOTION FOR ORDER

The foregoing, having been considered by the Court, is hereby:

ORDER: DENIED

If the plaintiff wishes to depose Ms Jowdy, his attorney shall conduct the deposition and issue any request for production of documents in accordance with counsel's ethical obligations to all parties, counsel and the court. Given the active protective order in place wherein Ms. Jowdy is the protected party, Mr. Goodwin should participate in the deposition via videoconference.

Documents from 1) the family court matter, Milot v. Milot DBDFA186026439 not otherwise available to the general public, 2) protected under Connecticut General Statutes section 17a-28, or 3) protected under 46b-124 shall not be produced.

The plaintiff may not use a subpoena duces tecum in this matter to conduct a fishing expedition in connection with other anticipated or pending matters. "Use of discovery as a fishing expedition may also be curtailed." Pizzoni v. Essent Healthcare of Connecticut, Inc., No. CV166014136S, 2019 WL 1601794, at *5 (Conn. Super. Ct. Mar. 8, 2019); Roe #1 v. Boy Scouts of America Corp., 147 Conn.App. 622, 626-30, 84 A.3d 443 (2014) (trial court properly limited the scope of the request in time and location). Any request for production of documents should be reasonably calculated to lead to the discovery of admissible evidence for the claims and time period at issue in this case. If counsel for Ms. Jowdy objects to any request for production of documents, the plaintiff's counsel shall be prepared to cite to Ms. Jowdy's counsel to what factual claim that said request pertains.

"Discovery is confined to facts material to the plaintiff's cause of action and does not afford an open invitation to delve into the defendant's affairs ... A plaintiff must be able to demonstrate good faith as well as probable cause that the information sought is both material and necessary to his action ... A plaintiff should describe with such details as may be reasonably available the material he seeks ... and should not be allowed to indulge a hope that a thorough ransacking of any information and material which the defendant may possess would turn up evidence helpful to [his] case ... What is reasonably necessary . . . require call for the exercise of the trial court's discretion." (Citations omitted; internal quotation marks omitted.) Berger v. Cuomo, 230 Conn. 1, 6-7, 644 A.2d 333 (1994).

Counsel is ordered to discuss any discovery disputes either in person or by phone. If the matters cannot be resolved by agreement, the aggrieved party may file an appropriate motion. However, any motion concerning discovery disputes will not be considered by the court unless an attorney affidavit is filed indicating that the parties have undertaken bone fide efforts to resolve the discovery dispute. In addition, both sides shall file a memorandum of law setting forth the reason why the disputed requests should be allowed or disallowed with citation to all pertinent case law.

Judge: ANN E LYNCH

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.