

DOCKET NO.: LLI-CV-21-5014019-S : SUPERIOR COURT
GOODWIN, JON ET AL : JUDICIAL DISTRICT OF LITCHFIELD
VS. : AT TORRINGTON
MILOT, RAYMOND, ET AL : MARCH 17th, 2026

**DEFENDANT'S OBJECTION TO PLAINTIFF'S MOTION FOR DEPOSITION OF
ATTORNEY REBECCA MAYO GOODRICH AND REQUEST FOR PRESERVATION
OF EVIDENCE**

The Defendant, Raymond J. Milot Jr., by and through undersigned counsel, hereby objects to the Plaintiff, Jon Goodwins, Motion for Limited Deposition of Attorney Rebecca Goodrich and for Preservation of Evidence. In support of this Motion, the Defendant states as follows:

I. Introduction

The Plaintiff seeks leave to conduct a ninety (90) minute deposition of Attorney Rebecca Goodrich, counsel of record for the Defendant in this and other related matters, purportedly limited to the following topics:

1. Whether attorney Goodrich was present at The Home Depot in New Milford, Connecticut.
2. The identity of any individual accompanying her:
3. Whether any video, photograph, or audio recording of the plaintiff was made; and
4. The present existence or location of any such recording.

Although the Plaintiff attempts to characterize this request as a "limited deposition," it nevertheless seeks to compel testimony from opposing counsel in an active litigation matter.

Depositions of opposing counsel are extraordinary and strongly disfavored, even when the requesting party attempts to limit the scope of questioning. Courts routinely prohibit such

discovery unless the party seeking deposition demonstrates that (1) the information sought is relevant and non-privileged, (2) the information is crucial to the preparation of the case, and (3) the information cannot be obtained through other means.

The Plaintiff has not come close to satisfying these requirements. Even if the Plaintiff could point to a scintilla of evidence suggesting that the alleged incident occurred exactly as he now claims, which he has not, that would still fall well short of the demanding legal standard required to compel the deposition of opposing counsel. Even under the limited scope proposed, the deposition of Attorney Goodrich is unnecessary, speculative, and improper.

II. Depositions of Opposing Counsel are Strongly Disfavored

Courts generally discourage the deposition of opposing counsel and permit such discovery only in limited and exceptional circumstances. The rationale for this approach is to avoid unnecessary intrusion into the attorney-client relationship, the risk of encountering privileged or work product protected information, and the potential for harassment or disruption of the opposing party's legal representation.

Courts in Connecticut have recognized an analytical framework when determining whether the deposition of opposing counsel is appropriate. This approach derives from the standard articulated by the Eighth Circuit in *Shelton v. American Motors Corp.*, which permits the deposition of opposing counsel only in extraordinary circumstances. Under the *Shelton* test, the party seeking to depose opposing counsel must demonstrate that (1) no other means exist to obtain the information, (2) the information sought is relevant and nonprivileged, and (3) the information is crucial to the preparation of the case. *Shelton v. A.M. Motors Corp.*, 805 F.2d 1323, 1327 (8th Cir. 1986).

Connecticut trial courts applying this framework have emphasized the high burden imposed on the party seeking such discovery. For example, in *Fletcher v. City of New Haven*, the court applied the *Shelton* standard and concluded that the deposition of opposing counsel should only be allowed for the most extraordinary or compelling reasons and should not be permitted absent a clear showing that the stringent requirements of the test were satisfied. *Fletcher v. City of New Haven*, No. CV-02-0466129-S, 2005 WL 1023118, at *2 (Conn. Super. Ct. Apr. 1, 2005).

Courts have demonstrated that requests to depose opposing counsel meet a high burden of necessity to ensure that the discovery sought is truly necessary and cannot be obtained through less intrusive means

Accordingly, while the deposition of opposing counsel is not categorically prohibited, it is subject to significant judicial oversight and is rarely permitted unless the requesting party satisfies the demanding standards articulated in *Shelton* or demonstrates a compelling need.

III. Even as Limited the Requested Deposition is Unnecessary

The Plaintiff alleges that Attorney Goodrich was present at a Home Depot in New Milford and alleges her recording a video of the plaintiff. Even assuming the deposition would be limited to the four topics identified in the Plaintiff's motion, the Plaintiff has failed to demonstrate that testimony from Attorney Goodrich is necessary. .

The Plaintiff himself was present at the alleged incident and can testify regarding the circumstances of the alleged encounter. The Plaintiff is plainly in a better position than anyone to describe the events he claims occurred. Additionally, the Plaintiff may pursue discovery directed toward non-party witnesses who may have been present. To the extent the Plaintiff seeks to determine whether any recording exists, such information may be sought through traditional

written discovery including interrogatories or requests for production.

The Plaintiff has not demonstrated that these other discovery mechanisms have been exhausted or are insufficient. Nor has the Plaintiff shown that the information he seeks could not be obtained from sources far less intrusive than the compelled deposition of opposing counsel.

IV. The Request is Based on Speculation

The Plaintiff's motion is premised entirely on the allegation that Attorney Goodrich supposedly recorded video during the alleged encounter. However, the Plaintiff provides no evidence that any such recording exists. Even assuming, arguendo, that the Plaintiff could point to some minimal indication that such a recording once existed, that alone would not justify compelling testimony from opposing counsel.

Allowing litigants to depose trial counsel based solely on unsupported speculation would create a precedent encouraging parties to seek discovery from opposing attorneys whenever a party claims counsel may possess relevant information. This would allow for endless fishing expeditions by requesting parties targeting opposing counsel in hopes of manufacturing evidence where none presently exists.

V. The Requested Preservation Order Is Unwarranted

The plaintiff also requests an order requiring preservation of electronically stored information relating to the alleged Home Depot incident.

However, the Plaintiff has presented no evidence that any recording exists, nor has the Plaintiff demonstrated any risk that any such alleged evidence is being destroyed or is likely to be lost.

Absent a showing of spoliation or a credible risk of destruction of evidence such

extraordinary relief is unnecessary.

VI. The Requested Deposition Would Prejudice the Defendant and Disrupt Ongoing Litigation

Although the Plaintiff proposes to limit questioning to certain objective topics, in practice such questioning inevitably risks intruding into matters involving attorney-client communications, privileged work product, and litigation strategy, particularly here where counsel has represented the Defendant in multiple related proceedings.

Further, the Plaintiff has failed to demonstrate that the limited deposition of opposing counsel is necessary, provides no compelling justification, and falls short of the demanding standards that govern discovery.

WHEREFORE, the Defendant respectfully requests that the Court:

1. Sustain the Defendant's Objection to Plaintiff's Motion for Limited Deposition of Attorney Rebecca Mayo Goodrich and Request for Preservation of Evidence;
2. Prohibit the deposition of Attorney Rebecca Goodrich requested in the Plaintiff's Motion for Limited Deposition;
3. Deny the Plaintiff's request for preservation and production orders directed to Attorney Goodrich; and
4. Grant such other and further relief as the Court deems just and proper.

DEFENDANT



His Attorney Robert A. Salerno

ORDER

After hearing had, the foregoing Motion is hereby ordered:

GRANTED/DENIED _____.

BY THE COURT

CERTIFICATION OF SERVICE

I hereby certify that a copy of the foregoing was sent to the pro se party and counsel of record by email this 17th day of March, 2026: Jon Goodwin Email: jgoodwin@protonmail.com; Attorney Jon R. William: jrw@johnrwilliams.com

/s/ 430824

Robert A. Salerno
Commissioner of the Superior Court