

HHD CV18-6101218-S : SUPERIOR COURT FOR THE
INTERNATIONAL ASSOCIATION OF : HARTFORD JD
FIRE FIGHTERS LOCAL 825 :
v. : AT HARTFORD
UNIFORMED PROFESSIONAL :
FIRE FIGHTERS ASSOCIATION : DECEMBER 5, 2018
OF CONNECTICUT

B E F O R E

THE HONORABLE THOMAS MOUKAWSHER, JUDGE

A P P E A R A N C E S

FOR THE PLAINTIFF:

FISHBEIN LAW FIRM
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WALLINGFORD, CT

BY: CRAIG FISHBEIN, ESQ.

FOR THE PLAINTIFF:

THE FAIRNESS CENTER
500 NORTH THIRD ST
HARRISBURG, PA

BY: NATHAN McGRATH, PHV
JOSHUA NONTAGNINI, PHV

FOR THE DEFENDANTS:

GESMONDE PIETROSIMONE & SGRIGNARI
3127 WHITNEY AVE
HAMDEN, CT

BY: NANCY VALENTINO, ESQ.
SHELIA HALL, ESQ.

JOHN McILHONEY

COURT MONITOR

1 **(December 5, 2018.)**

2 THE COURT: All right. Good afternoon.

3 Please be seated.

4 Any matters we need to take up before resuming
5 evidence?

6 ATTY. FISHBEIN: Your Honor, a question:
7 Attorney Valentino has represented to me that she
8 has documents that she'd like to have marked as
9 exhibits. It's my position that we have not
10 previously seen these documents. Instead of us
11 perhaps taking the Court's time in dealing with
12 that on the record, does it make sense for us to --
13 I don't know how many there actually are -- for us
14 to work on that and then reconvene at two? Or I
15 don't know how long it's going to take.

16 THE COURT: Yeah. How many documents are
17 there?

18 ATTY. VALENTINO: It's a copy about this big,
19 your Honor.

20 THE COURT: Oh, well. In other words --

21 ATTY. FISHBEIN: And I -- this just came to my
22 attention.

23 THE COURT: Well, it would be useful to carry
24 on with evidence, not deal with those documents at
25 the moment, if it can be avoided. That's part of
26 the question.

27 ATTY. VALENTINO: It's -- your Honor, if I

1 may? So it can't be avoided. I intend to only
2 call Mr. Carozza today and see -- pretty brief with
3 his testimony. But these --

4 THE COURT: How many separate documents are
5 those?

6 ATTY. VALENTINO: That's a good question, your
7 Honor.

8 THE COURT: Well --

9 ATTY. VALENTINO: I'm at 18 and I'm halfway --
10 less than halfway --

11 THE COURT: There's a lot. There's a lot of
12 separate documents. But what are they? Are they
13 payment records of some sort or financial records
14 of some sort?

15 ATTY. VALENTINO: They're records that --
16 well, they're records, I will indicate, of
17 reimbursement to the UPFFA from the outside
18 organizations.

19 THE COURT: From an outside organization. All
20 right.

21 Mr. Fishbein, if you want to take till 12:30
22 to look at them, maybe we can get some evidence in
23 before one.

24 ATTY. FISHBEIN: That would be great.

25 THE COURT: I'll give you enough time to do
26 that. Obviously, if you're done faster than that,
27 that would be great.

1 ATTY. FISHBEIN: Absolutely.

2 THE COURT: And you can just indicate to Mr.
3 Harvey and we'll get right back on to the record.

4 ATTY. FISHBEIN: Thank you, your Honor.

5 THE COURT: In the meantime, we'll stand in
6 recess. Court's in recess.

7 (WHEREUPON THE COURT STANDS IN RECESS.)

8 THE COURT: Good afternoon. Please be seated.
9 And other issues arising from the documents or do
10 you want to address them as they are offered?
11 Because they haven't been offered yet.

12 ATTY. FISHBEIN: I think we should address
13 them as they're offered, your Honor.

14 THE COURT: Okay. That would be the -- I
15 think the right way in my view, too.

16 So are you ready to resume evidence? Do we
17 have the witness on the stand, do we?

18 ATTY. VALENTINO: Your Honor, I disagree with
19 counsel in that regard. I think that they should
20 be --

21 THE COURT: Well, you can offer -- you can
22 offer documents without a witness testifying, if
23 you wish. But you have to have the foundation and
24 the basis to admit them.

25 ATTY. VALENTINO: Correct, your Honor. It's
26 more of a preliminary matter.

27 THE COURT: All right. What is it?

1 ATTY. VALENTINO: My understanding is that
2 opposing counsel is -- believes that these
3 documents are not in document production that we've
4 provided that was over 37,000 pages. And --

5 THE COURT: So the claim is surprise.

6 Mr. Fishbein, are you claiming surprise?

7 ATTY. FISHBEIN: That is -- that is one of
8 the objections to the document, yes, your Honor.

9 THE COURT: Well, we can talk about surprise,
10 because there's not a foundational issue there.
11 The question is whether they were turned over.

12 Do you, Ms. Valentino, have some proof that
13 they were turned over in discovery?

14 ATTY. VALENTINO: My understanding is that
15 they were amongst the 37,000 pages of documents.
16 But, unfortunately, I didn't have a chance to
17 confer with my office. And that's going to take a
18 little while to ascertain, your Honor. I did a --
19 personally did an audit of several of these
20 documents --

21 THE COURT: Well, but literally, I mean, the
22 thing to do is to turn them over. They're all
23 Bates stamped and they have certain page numbers.
24 And you don't have the copies of the production
25 records with you here now.

26 ATTY. VALENTINO: I don't, because --

27 THE COURT: And where is your office?

1 ATTY. VALENTINO: It's in Hamden.

2 THE COURT: Hamden?

3 ATTY. VALENTINO: Yes.

4 ATTY. FISHBEIN: And, your Honor, I'll
5 represent that we paid to have the electronic
6 copies of these documents created --

7 ATTY. VALENTINO: When they were given?

8 ATTY. FISHBEIN: We paid to have all of
9 documents that were produced Bates stamped. So it
10 was over \$5000 that we paid for that. The
11 documents that are being proffered here today, none
12 of them are Bates stamped. None of the --

13 ATTY. VALENTINO: Your Honor, I --

14 THE COURT: Well, wait a minute.

15 ATTY. VALENTINO: -- personally Bates stamped
16 the documents. That's not --

17 THE COURT: But that doesn't -- that doesn't
18 necessarily -- the question I wanted to know is
19 since you -- you've got all these documents and you
20 Bates stamped them. But the point is is that are
21 you telling me that you have an electronic version
22 of them? Do you have it with you?

23 ATTY. FISHBEIN: I have almost all of them in
24 Dropbox, your Honor. And I'll tell you that all
25 three of us have reviewed on numerous occasions all
26 37,000 of these documents. We have never seen the
27 documents that have been given to us today.

1 There's -- there's a few of them -- we've never
2 seen a document in these forms. I'll tell you that
3 we did --

4 THE COURT: Well, form -- forms or substance?
5 In other words --

6 ATTY. FISHBEIN: Form or substance, your
7 Honor.

8 THE COURT: No.

9 ATTY. FISHBEIN: There's -- there's --

10 THE COURT: The bottom line is this is
11 supposed to show that there was some reimbursements
12 by third parties for some travel and things like
13 that. And you're saying, This is news to us.
14 We've never seen any documents shown.

15 Is that fair?

16 ATTY. FISHBEIN: That is fair.

17 THE COURT: Okay. So then, Ms. Valentino, are
18 you -- if you had your files or something else,
19 would you be able to show that they were part of
20 what was turned over.

21 ATTY. VALENTINO: I -- I believe if I could
22 have my paralegal look through the electronic files
23 at the office, she would be able to ascertain
24 whether or not these were produced.

25 THE COURT: Well, we have 25 minutes right
26 now. And then we're going to have at least until
27 at least 2:30 is what I'm saying. Maybe even a

1 little longer, because this hearing that I have
2 looks a little more complicated that I thought it
3 was going to be initially. So you'll have some
4 time.

5 Can't you determine that over that period of
6 time? Have somebody working on it right now to
7 show -- somebody must have the transmittal
8 documents or electronic transmittal record of
9 saying, Here they are and -- are you telling me
10 that when they were sent they were or were not
11 Bates stamped?

12 ATTY. VALENTINO: They were Bates stamped. I
13 personally Bates stamped them, your Honor. They
14 were -- she would have the documents in electronic
15 format at the office. I just don't have the
16 ability to look on my cell phone to see whether
17 they were produced. And --

18 THE COURT: Right. But, I mean, in other
19 words, can you have her looking for Bate stamp
20 numbers in the transmittal documents: Here are
21 Bates Stamp Numbers X through X for your production
22 purposes.

23 ATTY. VALENTINO: Well, just to clarify: So
24 these documents that I would offer are not Bates
25 stamped. So she would have to do a word search,
26 which is fine. They're text as well as PDF. But
27 it's going to take a little while. And I certainly

1 think that an hour and a half is more than enough
2 time to at least pull up some of these documents.

3 But the problem is is that I intend to limit
4 Mr. Carozza's testimony to these documents. And
5 it's going to be very brief. And so I want be able
6 to have him testify while she's looking through the
7 PDFs.

8 ATTY. FISHBEIN: Well, I think what your Honor
9 was suggesting was that we recess now, give them an
10 opportunity to find the proof, come back at the end
11 of your hearing that's supposed to commence at
12 2:00, and see where we are.

13 THE COURT: Well, it sounds like, given that
14 the only way is to get from Hamden this
15 information, that we may need that much time to
16 find it.

17 Do you agree, Mr. Fishbein, that when the
18 documents were produced by Ms. Valentino's office
19 that they were Bates stamped?

20 ATTY. FISHBEIN: The documents that we have
21 received are Bates stamped. But, however, your
22 Honor -- and, you know, your Honor's going to hear
23 a lot about discovery at some time in the future.
24 We get basically a document dump. Documents are
25 all over the place in the Bates stamps. There's
26 no -- you know, usually, you know, this is your
27 Question No. 1. These are the documents that are

1 responsive to that. Number 2. And you go on.

2 There's none of that.

3 ATTY. VALENTINO: Your Honor, I --

4 ATTY. FISHBEIN: There's 37 documents --

5 THE COURT: Just one at a time.

6 ATTY. FISHBEIN: -- that are all over the
7 place.

8 THE COURT: All right. But the point is you
9 organized them in some way that -- that suited your
10 purposes and reBateS stamped them. Isn't that what
11 you're saying?

12 ATTY. FISHBEIN: No, your Honor.

13 THE COURT: You kept the Bates stamped on them
14 that they had? So, in other words, if they say
15 Bates Stamp No. 1057 --

16 ATTY. FISHBEIN: We'll be able to --

17 THE COURT: -- here's the document we're
18 talking about. You can search for it in your
19 system and say, There it is or --

20 ATTY. FISHBEIN: Absolutely.

21 THE COURT: -- there it isn't. So it sounds
22 like that's the thing to do, then, is that you need
23 to attempt to identify which Bates stamped pages
24 that you would tell them, Here are the documents.
25 I did disclose them.

26 So I'll give you time to do that. And,
27 obviously, you should tell Mr. Fishbein the moment

1 you identify those. Don't wait until the hearing
2 starts again. And then you can discuss whether
3 there's still a surprise issue or not.

4 ATTY. FISHBEIN: Yes, your Honor.

5 THE COURT: Is that suitable to everybody?

6 ATTY. VALENTINO: Yes. That's fine, your
7 Honor. Thank you.

8 ATTY. FISHBEIN: Absolutely.

9 THE COURT: All right. So then we'll recess
10 again and reconvene -- you should -- you should
11 assume 2:30.

12 ATTY. FISHBEIN: Thank you, your Honor.

13 ATTY. VALENTINO: Thank you.

14 THE COURT: All right. Court's in recess.

15 (WHEREUPON THE COURT STANDS IN RECESS.)

16 THE COURT: All right. Good afternoon.

17 Please be seated. All right. Counsel ready?

18 ATTY. VALENTINO: We found I'd say 99 percent
19 of the documents with the exception of maybe two
20 pages in the documents.

21 THE COURT: Mr. Fishbein, do you agree with
22 that?

23 ATTY. FISHBEIN: Yes, your Honor. And just
24 moving that forward and trying to complete where we
25 are, I would ordinarily object on the basis of
26 business records. It's our position that Mr.
27 Carozza would not be in possession of these

1 documents. However, we've stipulated that through
2 Mr. Carozza any documents of UPFFA, any finance
3 documents can come into evidence, so --

4 THE COURT: All right. So do you have certain
5 exhibits, in other words, that are agreed to go
6 into evidence?

7 ATTY. FISHBEIN: I think we're going to put
8 this in as a brick, as one exhibit is my
9 understanding.

10 THE COURT: All right.

11 ATTY. FISHBEIN: And go from there.

12 THE COURT: These are reimbursement records.
13 They're alleged reimbursement records.

14 ATTY. VALENTINO: Alleged reimbursements.

15 ATTY. FISHBEIN: They are documents, your
16 Honor.

17 THE COURT: They are documents that are
18 claimed to be reimbursement records.

19 ATTY. VALENTINO: Correct, your Honor.

20 ATTY. FISHBEIN: That don't necessarily say
21 reimbursement anywhere on them. So yes.

22 THE COURT: Fine. So what -- what letter,
23 then?

24 THE COURT OFFICER: C.

25 THE COURT: Pardon me?

26 THE COURT OFFICER: C.

27 THE COURT: C. Okay. Exhibit C has it been

1 marked and provided to the clerk, then? Or no.

2 ATTY. VALENTINO: It has not been marked, your
3 Honor.

4 THE COURT: All right. Please approach,
5 provide it to the clerk. I assume it's been
6 reviewed in terms of what's in it. And it's agreed
7 to be a full exhibit. Exhibit C. And so,
8 therefore, it is.

9 ATTY. FISHBEIN: Pursuant to the
10 stipulation.

11 THE COURT: As stipulated.

12 ATTY. FISHBEIN: Thank you.

13 THE COURT: All right. Do you wish to recall
14 your witness now?

15 ATTY. VALENTINO: Yes. I wish to call Mr.
16 Carozza. Thank you.

17 THE COURT: Mr. Carozza.

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1 **P e t e r C a r o z z a**, of West Hartford,
2 Connecticut, having been previously sworn by the
3 court officer testifies as follows:

4 THE COURT: All right. Good afternoon, Mr.
5 Carozza. It's been a few days since you've
6 testified.

7 Do you understand you're still obliged by the
8 oath you took the tell the truth?

9 THE WITNESS: I do, your Honor.

10 THE COURT: Very well. Whenever you're ready,
11 Ms. Valentino.

12 ATTY. VALENTINO: Thank you, your Honor.

13 CONTINUED DIRECT EXAMINATION BY ATTY. VALENTINO:

14 Q Good afternoon, Mr. Carozza.

15 A Good afternoon.

16 Q I'm going to hand you a copy of what's been marked as
17 Exhibit C.

18 ATTY. VALENTINO: Your Honor, may I approach?

19 THE COURT: You may approach. Is there a
20 bench copy or --

21 ATTY. VALENTINO: I can provide one later,
22 your Honor, if that's okay. I mean, if you would
23 like to --

24 THE COURT: No. No. Carry on. I just wanted
25 to know if there was one. You should provide one
26 later. It would be useful.

27 ATTY. VALENTINO: Okay.

1 THE COURT: All right. You may question the
2 witness.

3 ATTY. VALENTINO: Thank you, your Honor.

4 BY ATTY. VALENTINO:

5 Q Mr. Carozza, do you recognize the first page of this
6 document?

7 A I do.

8 Q Do you recognize it to be a check in the amount of 473
9 and 44 cents?

10 A Yes.

11 Q And Mr. Carozza was this a check for reimbursement to
12 you for travel-related expenses?

13 ATTY. FISHBEIN: Objection, your Honor.

14 THE COURT: I'm sorry. You need to stand, use
15 a microphone, and tell me what's the name of it.

16 ATTY. FISHBEIN: Objection. Lack of
17 foundation.

18 THE COURT: Foundation. Sustained.

19 BY ATTY. VALENTINO:

20 Q Mr. Carozza, what is -- what is this -- the --

21 ATTY. VALENTINO: Excuse me. Withdrawn, your
22 Honor.

23 BY ATTY. VALENTINO:

24 Q What is the -- what is this check for?

25 A This check is a reimbursement from the Federation of
26 State and Provincial Professional Fire Fighters.

27 ATTY. FISHBEIN: Your Honor, I know the

1 witness has already answered the question, but I
2 would once again object. Lack of foundation. And
3 ask the answer be stricken.

4 THE COURT: Well, the question that should
5 have been asked is: Do you know what this check is
6 for? That's the way it should be done.

7 So he's already -- I'm not going to strike it.
8 And I'm going to take it. Because it's just a
9 missing step. But the way you should ask future
10 questions is, There's a check. Look a page 3. Do
11 you recognize that check? What is it? If you --
12 do you know what it is? Why do you know what it
13 is? That sort of thing --

14 ATTY. VALENTINO: Thank you, your Honor.

15 THE COURT: -- would be useful, okay.

16 BY ATTY. VALENTINO:

17 Q Looking at the first page, do you know what this
18 document is Mr. Carozza, this check is?

19 A I do.

20 Q Okay. And do you know what it's for?

21 A Yes.

22 Q And what is it for?

23 A It is a reimbursement of \$473.44 from the Federation
24 of State and Provincial Professional Fire Fighters.

25 Q And do you know what this check would have been
26 reimbursement for?

27 A Yes.

1 Q What would it have been for?

2 A For a meeting I attended.

3 Q Was the meeting attended on behalf of the UPFFA?

4 A Yes.

5 THE COURT: Who is the check made out to?
6 since I don't have it in front of me.

7 ATTY. VALENTINO: Oh, I apologize, your Honor.

8 THE COURT: You can just read it to me.

9 ATTY. VALENTINO: Right.

10 THE COURT: You don't have to ask him.

11 ATTY. VALENTINO: Sure.

12 THE COURT: What does it say?

13 ATTY. VALENTINO: It's made out to the UPFFA
14 of Connecticut.

15 THE COURT: Okay. All right.

16 BY ATTY. VALENTINO:

17 Q Okay. And if you look at the next document, Mr.
18 Carozza --

19 A Okay.

20 Q -- the third document in, third page in --

21 A Yes.

22 Q -- that would appear to be an expense voucher from the
23 Federation of State and Provincial Professional Fire
24 Fighters. Is that correct?

25 A Yes.

26 ATTY. FISHBEIN: Objection. Objection. The
27 document speaks for itself.

1 THE COURT: Well, the document says what it
2 says. I don't know what it says. But if you want
3 to read it, read it. If you want to ask him
4 something more about it, ask him.

5 ATTY. VALENTINO: Sure, your Honor.

6 THE COURT: It's a check that must say, State
7 and Provincial Fire Fighters.

8 ATTY. VALENTINO: It's actually an expense
9 voucher, your Honor.

10 THE COURT: It's a voucher. But does it say
11 who's -- has it got somebody's name on it?

12 ATTY. VALENTINO: Yes. The report of Peter
13 Carozza.

14 THE COURT: Report of?

15 ATTY. VALENTINO: Report of Peter Carozza.

16 And it's issued by the Federation of State and
17 Provincial Professional Fire Fighters.

18 THE COURT: All right.

19 BY ATTY. VALENTINO:

20 Q Mr. Carozza, do you recognize this document?

21 A Yes.

22 Q What do you recognize it to be?

23 A It's a -- are we talking about the third page? I
24 think that -- or all of it?

25 Q Yes. Turn to the number on the bottom, if that helps.
26 It should be 934.65 in handwriting.

27 A Yes. This is an expense voucher for the Federation of

1 State and Provincial Professional Fire Fighters.

2 Q And are the items requested on this document your
3 expenses?

4 A Yes.

5 Q So were these expenses that you submitted to the
6 Federation of State and Provincial Professional Fire
7 Fighters?

8 A Yes.

9 Q And the next page of that same document, what do you
10 recognize that item to be?

11 A This is a check, Check No. 1072 from the Federation of
12 State and Provincial Professional Fire Fighters made payable
13 to the Uniformed Professional Fire Fighters of Connecticut
14 for \$934.55.

15 Q And what do you recognize this check to be?

16 A For reimbursement for Carozza at southern federation
17 meeting.

18 Q If you turn to the next page for me, please.

19 A Same document? Or next?

20 Q No. It's the next document. It would be the next
21 page and the next document.

22 ATTY. VALENTINO: And for your Honor's
23 benefit, it's a similar expense sheet -- expense
24 voucher, rather.

25 BY ATTY. VALENTINO:

26 Q And, Mr. Carozza, do you recognize this document?

27 A I do.

1 ATTY. FISHBEIN: Your Honor, I'm going to
2 object to this line of questioning. The document
3 speaks for itself. Whatever's on the document is
4 what is on the document. Because all the witness
5 is doing is parroting what's on the document.

6 THE COURT: Well, yeah. If what you're doing
7 is simply -- if you want me to just take notice of
8 what it says --

9 ATTY. VALENTINO: Well, it's --

10 THE COURT: But if -- that's what you should
11 say. For instance, what you should say, for
12 instance, is, Go to the next one and say, On page
13 4, your Honor, its says it's a -- it says voucher,
14 Federation of State and Provincial Professional
15 Fire Fighters, and it has a dollar amount on it.
16 And if that's the information you want, just read
17 it to me.

18 If you then want to ask him, Do you remember
19 anything about what this was for? as in an event or
20 something, then that's the thing to ask him.
21 Because I assume that's part of what you want to
22 do.

23 But why don't we just go through them,
24 especially since I don't know -- how much this one
25 was for. And I'm assuming it's from the Federation
26 of State and Provincial Fire Fighters.

27 But how much is it for?

1 ATTY. VALENTINO: That's correct, your Honor.
2 It's \$1927.11.

3 THE COURT: What's the date on it?

4 ATTY. VALENTINO: There are a few dates.
5 The -- near the signature on the document, 4/16/14.

6 THE COURT: All right. So there's a voucher
7 submitted to them, \$1900 in 2014.

8 Is there anything you want to ask the witness
9 from his own recollection about it?

10 ATTY. VALENTINO: Yes.

11 BY ATTY. VALENTINO:

12 Q Mr. Carozza, do you remember what these expense items
13 were -- were for, were related to?

14 ATTY. FISHBEIN: Objection, your Honor. Once
15 again -- I'm sorry.

16 THE COURT: What's the name of the objection,
17 please?

18 ATTY. FISHBEIN: The document speaks for
19 itself.

20 THE COURT: Well, does it say on it, Travel
21 and expenses? If all he's going to do is read --
22 is say the same words that are on the document,
23 then he's not doing anything other than reading
24 from the document.

25 But if he says, Ah, yes. We went to Disney
26 World. I remember it. I was asked to come because
27 I was speaking on the subject of the dangers of

1 asbestos, something like that. If she's going to
2 do that, that's -- that's something that would add
3 to it.

4 If you if you want, I mean, merely to take
5 note of, Okay. Here's an expense voucher from 2014
6 for 1900. It says travel.

7 What does it say on it, travel or --

8 ATTY. VALENTINO: It doesn't say travel, it
9 says various line items.

10 THE COURT: It says what?

11 ATTY. VALENTINO: It has various line items
12 there, your Honor.

13 THE COURT: Well, what are they? What do they
14 say?

15 ATTY. VALENTINO: Reimbursement, parking and
16 tolls, auto rental, taxi, limo, lodging,
17 entertainment, meals.

18 THE COURT: All right. Airline
19 miscellaneous.

20 ATTY. FISHBEIN: But then --

21 THE COURT: All right. I would probably infer
22 from that that it somehow involves travel. But you
23 can just read those to me.

24 And if you want to ask him something
25 additional other than to say it's for travel, go
26 ahead and ask him. Like, again, Do you remember
27 this one? Ah, yes. This was a series of trips on

1 my asbestos is dangerous tour or something like
2 that.

3 ATTY. FISHBEIN: We are -- and I totally
4 appreciate that. But I'll -- I'll tell your Honor
5 that it even goes on and says the location.

6 THE COURT: Ah. See, I don't know any of
7 this.

8 ATTY. FISHBEIN: The date, the purpose, all of
9 that stuff.

10 THE COURT: All right. But if that's all you
11 want me to note, let's not take the witness's time
12 about it. But if you think he's going to say
13 something additional, ask him.

14 ATTY. VALENTINO: Okay.

15 THE COURT: Because there's this fine line
16 between having him testify from his recollection
17 and having him testify from the document.

18 ATTY. VALENTINO: Thank you, your Honor. My
19 concern is that since opposing counsel is not
20 willing to concede that it's a reimbursement, I'm
21 just trying to --

22 THE COURT: Well, it says it is. I can take
23 that as evidence that it is.

24 ATTY. FISHBEIN: Right.

25 THE COURT: It says it's a voucher asking for
26 reimbursement. Right?

27 ATTY. FISHBEIN: Yes, your Honor. But I'll

1 point out to you that the line that says
2 reimbursement is in the form. And there's a zero
3 next to it.

4 THE COURT: Oh, but that's argument. You
5 know, in other words, as you pointed out, it says
6 what it says.

7 ATTY. FISHBEIN: Correct.

8 THE COURT: If you want to argue about it.
9 The question is if you -- the witness's value here
10 is if he has some actual recollection of it, as
11 opposed to him reading the piece of paper that says
12 line item. So I think the key thing would be to
13 tell me what you want me to take account of from
14 the document, but --

15 ATTY. VALENTINO: Thank you, your Honor.

16 THE COURT: Okay.

17 BY ATTY. VALENTINO:

18 Q Mr. Carozza, do you remember what this was for?

19 A Yes.

20 Q And what was it for?

21 A For a meeting of the Federation of State and
22 Provincial Fire Fighters.

23 Q And do you know whether Uniformed Professional Fire
24 Fighters' Association was reimbursed the amount reflected on
25 this sheet?

26 A Yes.

27 ATTY. FISHBEIN: Objection. Lacks

1 foundation.

2 THE COURT: Overruled on that. What's your
3 next question?

4 ATTY. VALENTINO: Thank you, your Honor. Your
5 Honor, I asked him if he knew --

6 THE COURT: Yes.

7 ATTY. VALENTINO: -- whether --

8 THE COURT: -- whether they got it. His
9 answer was, Yes, he know --

10 ATTY. VALENTINO: And my question -- my next
11 question is --

12 THE COURT: Your next question should be... .

13 BY ATTY. VALENTINO:

14 Q Were they reimbursed this amount, was the UPFFA
15 reimbursed for this amount?

16 THE COURT: Or the question from you could be,
17 How you remember?

18 BY ATTY. VALENTINO:

19 Q How do you remember?

20 A I reviewed a check from the -- from the federation.
21 And the UPFFA was reimbursed.

22 Q Can you turn to the next page of the -- next page in
23 the document.

24 THE COURT: Why don't you start by reading the
25 key parts you want me to take note of and then see
26 if you can ask.

27 ATTY. VALENTINO: Sure, your Honor. So a

1 check in the amount of \$1200. It's dated 5/1/2014.
2 And it's payable to the UPFFA of Connecticut. And
3 it says -- it's a very long acronym. It says
4 FSTTFF stipend for Carozza.

5 THE COURT: Federation of State Provincial
6 Fire Fighters, FF.

7 BY ATTY. VALENTINO:

8 Q Mr. Carozza, what does that stand for, Federation of
9 State and Provincial Professional Fire Fighters?

10 THE COURT: FSPPPF.

11 ATTY. VALENTINO: Yes.

12 THE WITNESS: That's correct.

13 ATTY. VALENTINO: We had the same problem in
14 the deposition, your Honor.

15 THE COURT: You should talk to them about
16 that.

17 THE WITNESS: I will.

18 THE COURT: All right. Continue.

19 BY ATTY. VALENTINO:

20 Q Mr. Carozza, do you remember what this was for?

21 A Yes.

22 Q And what was it for?

23 A It was reimbursement check to -- for \$1200 made
24 payable to the Uniformed Professional Fire Fighters
25 Connecticut.

26 THE COURT: For what?

27 BY ATTY. VALENTINO:

1 Q It's -- right?

2 THE COURT: Does it say on it --

3 ATTY. VALENTINO: It actually says, Applied to
4 account, that long acronym.

5 THE COURT: Right. Stipend for Carozza, your
6 Honor.

7 THE COURT: For Carozza, it says on it. Okay.
8 All right. Continue.

9 ATTY. VALENTINO: And, your Honor, I
10 apologize. Below that, it says, Reimburse for
11 Carozza to FSPFFF spring, comma, Vancouver.

12 THE COURT: Spring Vancouver.

13 ATTY. VALENTINO: Yes, your Honor.

14 THE COURT: All right. Continue.

15 BY ATTY. VALENTINO:

16 Q And so, Mr. Carozza, then was this reimbursement for a
17 trip that you took to Vancouver?

18 A Yes.

19 Q Okay. Turn to the next page, please.

20 ATTY. VALENTINO: This is another fun acronym,
21 your Honor.

22 THE COURT: Well, it's a different
23 organization.

24 ATTY. VALENTINO: It's a different
25 organization.

26 THE COURT: Well, go ahead.

27 ATTY. VALENTINO: It's --

1 THE COURT: I'm bracing myself.

2 ATTY. VALENTINO: It's NCPERS.

3 THE COURT: NCPCRS?

4 ATTY. VALENTINO: NCPERS.

5 THE COURT: Oh, ER --

6 ATTY. VALENTINO: -- S.

7 THE COURT: -- S as in Sam.

8 ATTY. VALENTINO: Yes, your Honor.

9 THE COURT: All right.

10 ATTY. VALENTINO: And it says, NCPERS expense
11 report. And the grand total is \$824.76. And the
12 date that the document was signed was 8/12/14.

13 THE COURT: Did you mention that before? Are
14 they the pension and benefit people or something?

15 THE WITNESS: Yes, your Honor.

16 THE COURT: Yeah. That's what I remember.

17 BY ATTY. VALENTINO:

18 Q And, Mr. Carozza --

19 THE COURT: Does it say on it, in other words,
20 it's -- is it a -- did you say it was a check or a
21 voucher?

22 ATTY. VALENTINO: It's an expense report, your
23 Honor.

24 THE COURT: Expense report. And does it say
25 on it what it purports to be for?

26 ATTY. VALENTINO: Airfare. I don't know if
27 your Honor would like the amounts of the airfare.

1 THE COURT: No. In other words, it's just --
2 say, you know, if it's airfare or another
3 travel-related thing.

4 ATTY. VALENTINO: It is travel related, your
5 Honor.

6 THE COURT: All right. Fine. That's what it
7 says, so you don't need to ask him that.

8 ATTY. VALENTINO: Okay.

9 THE COURT: But does it say where it was to?

10 ATTY. VALENTINO: No, your Honor.

11 THE COURT: Okay. All right. You may
12 continue.

13 BY ATTY. VALENTINO:

14 Q Mr. Carozza, do you know what this document was for?

15 A Yes.

16 Q What was it for?

17 A This is an expense report from NCPERS for July, 2014,
18 executive board meeting.

19 Q And do you know UPFFA was reimbursed by NCPERS --

20 A Yes.

21 Q -- for this check?

22 A Yes.

23 Q And how do you know that?

24 A I reviewed the expense check.

25 Q Can you turn to the next page, please.

26 Mr. Carozza, I'm going to actually ask you to look
27 at the next two pages.

1 ATTY. VALENTINO: And, your Honor, that is
2 once again Federation of State and Provincial Fire
3 Fighters expense voucher.

4 THE COURT: Yeah. Let's just call them "the
5 federation."

6 ATTY. VALENTINO: Okay.

7 THE COURT: So it's easy for me. I'm thinking
8 about the federation, the pension and benefits
9 people, the state union and the local union and the
10 international. It makes it easy for me.

11 ATTY. VALENTINO: Sure, your Honor.

12 THE COURT: So the federation, it's another
13 check from them, check or voucher.

14 ATTY. VALENTINO: So it has an expense voucher
15 from the federation dated 10/5/14 in the amount of
16 674 and 26 cents.

17 THE COURT: All right.

18 ATTY. VALENTINO: And the other page is a
19 check from the federation written to, payable to
20 UPFFA. The check is dated -- check is dated
21 September 4, 2014.

22 THE COURT: All right. All that's noted. And
23 does its indicate travel related items on it or?

24 ATTY. VALENTINO: Well, I would like your
25 Honor to take note of the fact that the check is
26 for the same amount as the amount on the expense
27 voucher.

1 THE COURT: Yeah. I noted that.

2 BY ATTY. VALENTINO:

3 Q Mr. Carozza, do you know what -- do you know what this
4 expense voucher was for?

5 A Yes.

6 Q And what was it for?

7 A Federation meeting in Cincinnati, Ohio.

8 Q And do you know if the UPFFA was reimbursed for your
9 travel-related expenses?

10 A Yes.

11 Q Okay. And how -- I believe I already know the answer
12 to this, but how do you know that, Mr. Carozza?

13 A I've reviewed the reimbursement checks.

14 Q And would that be the next document?

15 A Yes.

16 Q Okay. Turn to page --

17 ATTY. VALENTINO: The next document, your

18 Honor --

19 BY ATTY. VALENTINO:

20 Q -- is a check from the federation in the amount of
21 \$1200 payable to UPFFA. And it's dated 10/7/14. The
22 document reads, Carozza fall federation '14 reimbursement.

23 THE COURT: And that's a check. Okay.

24 ATTY. VALENTINO: Correct.

25 BY ATTY. VALENTINO:

26 Q Mr. Carozza, do you know what this was for?

27 A Yes.

1 Q And what was it for?

2 A Reimbursement from the federation for the fall 2014
3 meeting.

4 Q Okay. And if you go to the next two pages -- it
5 should be stapled -- two documents stapled together?

6 ATTY. VALENTINO: And, your Honor, that is
7 a -- the second page of a NCPERS --

8 THE COURT: NCPERS or just --

9 ATTY. VALENTINO: I forgot what you called
10 them.

11 THE COURT: Pension and benefit.

12 ATTY. VALENTINO: Yes, your Honor.

13 THE COURT: Pension and benefit group,
14 whatever they are.

15 ATTY. VALENTINO: The pension people.

16 THE COURT: Is it employee benefits generally
17 or are they just pension or --

18 THE WITNESS: Pension -- employee benefits.

19 THE COURT: Okay. The employee benefits
20 organization. How's that?

21 ATTY. VALENTINO: Employee benefits.

22 THE COURT: Also --

23 ATTY. VALENTINO: Also known as NCPERS.

24 THE COURT: Also known as NCPERS. This is 11
25 and 12? In other words, this is two pages.

26 ATTY. VALENTINO: This is two pages stapled
27 together, your Honor.

1 THE COURT: Okay.

2 BY ATTY. VALENTINO:

3 Q So the document is a NCPERS expense report dated
4 1/5/15. And the amount is 945 and 12 cents.

5 ATTY. VALENTINO: And similarly, your Honor,
6 it's for travel-related expenses.

7 THE COURT: All right.

8 ATTY. VALENTINO: And then the other document
9 is a check from NCPERS. And it's dated 1/22/15.
10 This check is payable to Peter Carozza, and it's in
11 the same amount as the expense report.

12 BY ATTY. VALENTINO:

13 Q Mr. Carozza, do you know what the expense report --
14 what this expense report is in relation to?

15 A Yes.

16 Q And what is it in relation to?

17 A The NCPERS executive board meeting for December,
18 2014.

19 Q The other document, the check, this document is
20 payable to you. Did you --

21 THE COURT: What did you do with it?

22 ATTY. VALENTINO: What did you -- thank you,
23 your Honor.

24 BY ATTY. VALENTINO:

25 Q What did you do with it?

26 A I endorsed the check and handed -- turned it over to
27 our treasurer, UPFFA treasurer.

1 Q Do you know what the treasurer did with the check
2 after that?

3 A He deposits those checks.

4 Q Where does he deposit them?

5 A It's my understanding he deposits them into the
6 general fund.

7 Q And if you look at the next document --

8 ATTY. VALENTINO: Which, your Honor, is two
9 pages stapled together.

10 BY ATTY. VALENTINO:

11 Q -- this is a federation expense voucher dated 2/1/15
12 in the amount of \$247.95. And the next page of the document
13 is a check for the same amount payable to the UPFFA. And the
14 note says, Reimburse for Carozza expenses to JT meeting. And
15 the check is dated 2/11/15. I don't know if I entered that.

16 Mr. Carozza, do you know what the -- this expense
17 voucher is for?

18 A Yes, reimbursement for the -- well, the expense
19 voucher was for -- from the Federation of State and
20 Provincial Fire Fighters. And it says, For the purposes of
21 the joint task force meeting.

22 Q Okay. And the second document, the check -- were
23 you -- was the UPFFA reimbursed --

24 A Yes.

25 Q -- for these expenses. And how do you know?

26 A Reviewing the check, check number -- well, the date
27 2/11/15, for 247.95.

1 Q And that would be the second page that you're looking
2 at?

3 A Yes.

4 Q Okay. And then turn to the next page. This is a
5 federation check for \$1200.

6 ATTY. VALENTINO: Your Honor, it's dated
7 4/15/15. And it's payable to the UPFFA. And it
8 indicates, Hawaii expenses.

9 THE COURT: How much is the check? I didn't
10 hear that.

11 ATTY. VALENTINO: Sorry, your Honor. It's
12 \$1200.

13 THE COURT: This is the check to UPFFA.

14 ATTY. VALENTINO: Correct, your Honor.

15 THE COURT: All right.

16 BY ATTY. VALENTINO:

17 Q Mr. Carozza, do you know what this is for?

18 ATTY. FISHBEIN: Your Honor, I'm going to
19 object.

20 THE COURT: What's the name of the objection,
21 please?

22 ATTY. FISHBEIN: Document speaks for itself.
23 I've given a lot of leeway. All Mr. Carozza's
24 doing is reading what's on the --

25 THE COURT: Well, if all he's going to tell me
26 is it was for travel to Hawaii, that's what it
27 says. Right?

1 ATTY. VALENTINO: I -- I mean, I'd like to
2 know what -- what it was in relation to.

3 THE COURT: All right. So it says Hawaii.
4 And do you know what was happening in Hawaii in
5 the -- she's certainty can go into, Do you see
6 this? And, What was in Hawaii? And what were you
7 getting reimbursed for? That's not on the
8 document.

9 ATTY. FISHBEIN: I have no problem with
10 that.

11 THE COURT: Okay.

12 ATTY. FISHBEIN: But the pattern has been
13 something different.

14 THE COURT: Well, let's confine it to that.
15 Yeah. Let's see.

16 BY ATTY. VALENTINO:

17 Q Mr. Carozza, what was the trip to Hawaii for?

18 A A meeting of the Federation of State and Provincial
19 Professional Fire Fighters.

20 Q If you go to the next page -- and this would be a
21 federation expense voucher dated 4/30/15.

22 ATTY. VALENTINO: It's dated 4/30/15, your
23 Honor.

24 BY ATTY. VALENTINO:

25 Q Mr. Carozza, do you know what this document is?

26 ATTY. FISHBEIN: Objection, your Honor.
27 Document speaks for itself.

1 BY ATTY. VALENTINO:

2 Q Do you know what this document was for?

3 ATTY. VALENTINO: I didn't get to finish my
4 question.

5 THE COURT: Well, in other words, why don't
6 you do what we've been doing. Is there any reason
7 not to just tell me what it -- you said it's a
8 voucher for the federation for 4/30/15, I thought
9 you said. What's the amount? And does it indicate
10 what it's for?

11 ATTY. VALENTINO: Yes. So the date is
12 4/30/15, your Honor.

13 THE COURT: Yes.

14 ATTY. VALENTINO: Well --

15 THE COURT: What's the amount? Is there an
16 amount?

17 ATTY. VALENTINO: 39 -- excuse me -- 391 and
18 30 cents, your Honor.

19 THE COURT: And does it indicate what it's
20 for, what types of expenses, in other words?

21 ATTY. VALENTINO: It gives an acronym as to
22 the place, name, and location.

23 THE COURT: Figures.

24 ATTY. FISHBEIN: Well, your Honor, it's DCA,
25 which I believe --

26 THE COURT: Okay. It's the airport. It's
27 Reagan.

1 ATTY. VALENTINO: See, I've never been, so I
2 don't know.

3 THE COURT: Oh.

4 ATTY. FISHBEIN: And then it says, FSPPFF
5 meeting with GP Schatenberger. I mean --

6 THE COURT: Okay. So that's what it says. We
7 know what DCA means on it. But you can ask him
8 what does the rest of it mean. I don't -- who's GP
9 Schapnacker or whatever it is? You can ask him
10 that. I don't know who that is.

11 BY ATTY. VALENTINO:

12 Q Mr. Carozza, who is GP Shakeberger?

13 A General President Shakeberger, Harold Shakeberger,
14 who's the general president of the International Association
15 of Fire Fighters.

16 Q Okay.

17 ATTY. VALENTINO: The document that follows,
18 your Honor, it's a check in the same amount: 391
19 and 30 cents.

20 THE COURT: So who's this voucher submitted
21 to? What does it say is it? Oh. This is the
22 federation paid for this?

23 ATTY. VALENTINO: Correct.

24 THE COURT: Okay. I mean, it's a voucher to
25 the federation. Is there -- then a check --

26 ATTY. VALENTINO: Yes, your Honor.

27 THE COURT: -- in the same amount, 391.30.

1 All right.

2 ATTY. VALENTINO: Correct. Your Honor, and it
3 says reimburse for GP -- I'm going to mispronounce
4 this gentleman's name -- but Shakeberger meeting.

5 THE COURT: All right. I see it. Noted.

6 BY ATTY. VALENTINO:

7 Q And the next two document, your Honor, are -- it's an
8 expense report from NCPERS dated 7/10/15. And it's for
9 \$1100.80.

10 THE COURT: And --

11 ATTY. VALENTINO: And it's for travel-related
12 expenses, your Honor.

13 THE COURT: Does its give a location for
14 anything else? Just flights, et cetera?

15 ATTY. VALENTINO: Just airfare, your Honor.

16 THE COURT: Okay.

17 ATTY. VALENTINO: From what I can tell. And
18 then, proceeding that page, is a check from NCPERS
19 to Mr. Carozza in the same amount.

20 THE COURT: It's the next page or --

21 ATTY. VALENTINO: It's the proceeding page.

22 THE COURT: Okay. But there are two pages.

23 ATTY. VALENTINO: There are, yeah. Yes. In
24 the same amount. And it's dated 7/20/15.

25 THE COURT: All right.

26 BY ATTY. VALENTINO:

27 Q I just ask, Mr. Carozza, what did you do with this

1 check?

2 A This check is endorsed by myself and then turned over
3 to the treasurer of the UPPFA.

4 Q Okay.

5 THE COURT: Is the check in front of you a
6 canceled check or is it a copy of the check before
7 it was processed?

8 ATTY. VALENTINO: It appears to be a copy of
9 the check before it was processed, your Honor.

10 THE COURT: All right. So then as in, for
11 instance, the endorsement isn't part of the copy of
12 anything.

13 ATTY. VALENTINO: Correct, your Honor.

14 THE COURT: All right. Continue.

15 BY ATTY. VALENTINO:

16 Q And the next two pages are an expense voucher for the
17 federation once again. And this is in the amount of \$815.74
18 dated 8/18/15. And the purpose was, Invited to Kentucky
19 state FF convention.

20 And behind that is the check?

21 ATTY. VALENTINO: A check for the same amount,
22 your Honor.

23 THE COURT: Where's this check from? Is this
24 the federation?

25 ATTY. VALENTINO: Federation. It's dated
26 9/25/15.

27 THE COURT: And what was the date of the event

1 it says?

2 ATTY. VALENTINO: Sure. So there's several
3 dates on the document, your Honor. There's the
4 date of the event. There's the date that he signed
5 it. The date that I've been going off of is the
6 date that he signed it. And I indicated that to
7 opposing counsel.

8 But it's, for your Honor's purpose, if he
9 would care to know, the event was August 10th
10 through the 12th of 2015.

11 THE COURT: All right. Thank you.

12 ATTY. VALENTINO: You're welcome, your
13 Honor.

14 BY ATTY. VALENTINO:

15 Q And the check behind that -- the expense report is
16 payable to the UPFFA; I believe I said that. And reimbursed
17 for Carozza for Hawaii FF convention.

18 The next document is a check from the federation
19 in the amount of \$1042.84, dated 8/20/15, payable to the
20 UPFFA. And the -- it indicates, Carozza to Texas for
21 presentation to Guy Turner.

22 And, Mr. Carozza, who's Guy Turner?

23 A Guy Turner was the past president of the Professional
24 Fire Fighters of Texas. And this was for his retirement.

25 Q And if you go to the next document, it is another
26 expense voucher to -- excuse me -- from the federation. And
27 it is for \$1585.25 dated 10/16/15.

1 THE COURT: It was one thousand -- what was it
2 again?

3 ATTY. VALENTINO: \$1585.25.

4 THE COURT: Thank you.

5 ATTY. VALENTINO: You're welcome, your Honor.

6 BY ATTY. VALENTINO:

7 Q Dated 10/16/15. And it appears to be -- it says,
8 Place, name, and location, Boston?

9 THE COURT: What in Boston?

10 ATTY. VALENTINO: Place, name, and location,
11 Boston.

12 THE COURT: Boston.

13 ATTY. VALENTINO: Purpose, federation meeting
14 in Boston, September 29/October 4, 2015.

15 BY ATTY. VALENTINO:

16 Q Mr. Carozza, do you know whether the federation
17 reimbursed the UPFFA for these expenses?

18 A I would assume they did, yes.

19 Q And but what would your assumption be based on, Mr.
20 Carozza?

21 A Because the federation reimburses me for these
22 meetings.

23 Q Okay. And if you go to the next document, which is a
24 stapled document.

25 ATTY. VALENTINO: Your Honor, it's 1, 2, 3, 4,
26 5 pages. The top sheet is another federation
27 expense voucher in the amount of 867.41.

1 THE COURT: And it's 6 --

2 ATTY. VALENTINO: So 867 --

3 THE COURT: 67.

4 ATTY. VALENTINO: -- and 41 cents. And it's
5 dated 10/16/15. The purpose is IAFF EB meeting
6 Colorado Springs. And the documents behind it are
7 a receipt from the Antlers Hilton Hotel, Colorado
8 Springs. Actually all of the pages following are
9 invoices from Antlers Hilton Hotel, Colorado
10 Springs, your Honor.

11 BY ATTY. VALENTINO:

12 Q Mr. Carozza, do you know whether the UPFFA was
13 reimbursed for these travel-related expenses?

14 A I would assume so, yes.

15 Q And, again, what was the -- what was your assumption
16 be based on?

17 A These expenses under the federation are -- are
18 reimbursed for our organization.

19 Q Okay. And the next document is a check from the
20 federation for \$1200 dated November 2, 2015, and payable to
21 UPFFA. And it says, Reimbursed for NA meeting.

22 Okay. The next two documents stapled together,
23 Mr. Carozza --

24 ATTY. VALENTINO: -- is another NCPERS expense
25 report, your Honor, for travel-related expenses.
26 It doesn't indicate where it was to, your Honor,
27 but the amount is 626.05, dated 12/20/15.

1 THE COURT: It's noted.

2 BY ATTY. VALENTINO:

3 Q And the other document is a check from NCPERS in the
4 same amount dated 1/4/15 and payable to Peter Carozza.

5 And, Mr. Carozza, what did you do with this
6 check?

7 A This check was assigned and turned over to the
8 treasurer of the UPFFA -- endorsed. I'm sorry.

9 Q And the next document is a check from -- excuse me --
10 from the federation dated 3/18/15 in the amount of 647.17
11 payable to UPFFA. And the memo line says, Carozza, IAFF EB M
12 to G?

13 Mr. Carozza, what does "EB" stand for?

14 A Executive board.

15 Q Could this -- would this have been a meeting for IAFF
16 executive board. Correct?

17 A Yes.

18 Q Okay.

19 ATTY. VALENTINO: And the next document, your
20 Honor, is a federation voucher, expense voucher.
21 Your Honor, it's a federation expense voucher for
22 \$1024.79 dated 4/10/16. And its purpose is for a
23 federation spring meeting, Resorts Hotel, Atlantic
24 City, New Jersey. And the document that follows is
25 a check in the same amount from the federation.

26 THE COURT: It's noted.

27 ATTY. VALENTINO: Thank you, your Honor.

1 Payable to the UPPFA. The next two pages, your
2 Honor, just they are checks from the federation.
3 And those are -- the documents do speak for
4 themselves.

5 THE COURT: Yeah. If there's nothing you want
6 to ask the witness about, you could note that there
7 are -- just tell me what the dollar amounts -- are
8 they totals or --

9 ATTY. VALENTINO: Yes. They're just checks.

10 THE COURT: Checks. Okay.

11 ATTY. VALENTINO: Yes.

12 THE COURT: Three checks.

13 ATTY. VALENTINO: Three checks, your Honor.
14 One is for \$1557.72 payable to UPPFA. And this is
15 for reimbursement for Carozza at IAFF EB meeting,
16 June 16.

17 THE COURT: Okay. Just give me the
18 amounts.

19 ATTY. VALENTINO: Sure. The next one is
20 1200.

21 THE COURT: All right. Next one?

22 ATTY. VALENTINO: And the one after that is
23 251 and 20 cents.

24 THE COURT: All right.

25 ATTY. FISHBEIN: I was just -- your Honor
26 doesn't have the dates. I would ask that your
27 Honor notice that -- and I think we would agree

1 that all of those checks are postdissolution.

2 ATTY. VALENTINO: Well, we wouldn't agree,

3 your Honor, because that's sort of what the --

4 ATTY. FISHBEIN: Disaffiliation.

5 ATTY. VALENTINO: -- entire crux of the case

6 is.

7 THE COURT: Yes. So they're after January of

8 2016.

9 ATTY. VALENTINO: That is correct.

10 THE COURT: So that's -- all right. I can

11 note that, but -- so are there many more?

12 ATTY. VALENTINO: Nope. We're all done with

13 the documents, your Honor.

14 THE COURT: That's it? All right.

15 ATTY. VALENTINO: Yeah, believe it or not.

16 THE COURT: Do you have any other questions

17 for witness?

18 ATTY. VALENTINO: Yes, just --

19 BY ATTY. VALENTINO:

20 Q Mr. Carozza, why is it that you do not charge these

21 travel expenses on your personal credit card?

22 A These two organizations that I am a delegate to and
23 serve on have a direct impact on Connecticut fire fighters.

24 Q Okay. So when you're on these trips, you're -- are
25 you conducting UPFFA business?

26 A Yes.

27 ATTY. VALENTINO: I have no more questions,

1 your Honor.

2 THE COURT: Very well. Cross-examination.

3 ATTY. FISHBEIN: Yes. Thank you, your Honor.

4 CROSS-EXAMINATION BY ATTY. FISHBEIN:

5 Q Sir, what is your affiliation with "the federation,"
6 as his Honor referred to it?

7 A I current -- I currently serve as chairman of the
8 federation.

9 Q Okay. So you're the -- you're the top dog of the
10 federation. Is there anybody higher than you in the
11 federation?

12 A I'm the chairman.

13 Q Okay. Is there anybody higher than you in the
14 federation in rank?

15 A No.

16 Q No?

17 A No.

18 Q Okay. And the NCPERS group, do you hold some sort of
19 title with that group?

20 A I serve as a member of the NCPERS executive board.

21 Q Okay. And has having -- being the chairman of the
22 federation, so to speak, are you compensated for having that
23 chairmanship?

24 A I am not.

25 Q Okay. And at the time of your deposition and your
26 testimony last week, had you reviewed any documents in
27 preparation for your testimony?

1 A I reviewed my deposition.

2 Q Okay. Did you look at anything else?

3 A I don't believe so, no.

4 Q Okay. Now, you've just testified that certain checks
5 were signed over to Mr. Anthony.

6 How do you remember that?

7 A Because it's been a practice of mine and I -- I check
8 with Mr. Anthony to be sure that he received them. And he
9 acknowledged he had.

10 Q Okay. And how would you check with Mr. Anthony as to
11 that he's received them?

12 A Usually through phone conversations.

13 Q Okay. Ever e-mail him about that?

14 A I may have.

15 Q Okay. And how does Mr. Anthony know that a
16 reimbursement might be coming?

17 A I believe when he sees the expense report or the -- I
18 believe when he sees the expense report.

19 Q Okay. So are you saying that when you submit the
20 NCPERS expense report, you also send a copy to Mr. Anthony?

21 A I -- when I -- usually when I receive the
22 reimbursement check, I attach it to the expense voucher and
23 submit it to Mr. Anthony.

24 Q Okay. So up until the -- the -- well, before we get
25 there, with regard to the federation, it's the same practice?

26 A Yes.

27 Q Okay. So up until the check being actually issued,

1 Mr. Anthony has no idea that a reimbursement is coming. Is
2 it fair to say?

3 A That is not fair to say.

4 Q Okay. Well, how -- please tell us how do you let Mr.
5 Anthony know about a pending reimbursement?

6 A It's usually on my expense report that I submit to
7 him.

8 Q Okay. And how do you indicate that on your expense
9 report?

10 A Could be NCPERS board meeting, could be Federation of
11 State and Provincial Fire Fighters meeting.

12 Q Okay. And then does it say, To be reimbursed or, Has
13 put in for reimbursement, or something else. Does it say
14 that?

15 A I'm not sure.

16 Q Well, what is it -- you've been doing this for how
17 long?

18 A A long time.

19 Q Okay. In excess of ten years?

20 A Yes.

21 Q And -- you don't recall whether or not you put on your
22 activity and expense report a little note for Bob Anthony,
23 you know, This will be reimbursed. You just don't
24 remember?

25 A I don't recall if I do that. I may. I'm just not
26 sure if I do or not.

27 Q Okay.

1 A I mean, the document -- the expense reports speak for
2 themselves.

3 Q Yes, they do. So let's -- if you -- you have a copy
4 of the exhibit that we just went through -- right? -- in
5 front of you.

6 A Yes.

7 Q If you go one, two, three, four, five, six, seven,
8 eight, nine pages down, there's a check for 674.26.

9 See that, sir?

10 A I do.

11 Q And the document after that is what represents to be a
12 federation voucher for expenses?

13 A Yes.

14 Q See that?

15 A Yes.

16 Q For the same amount. And you testified under oath
17 here today that those two documents are attached -- are
18 connected together. Correct?

19 A Well, there's a staple mark in one of them. I assume
20 they're the same -- same --

21 Q But that was your testimony: that you submitted that
22 voucher and you got that check in response to the voucher. I
23 don't want to put words in your mouth, but that's what you
24 testified. Is that your testimony?

25 A I'm not sure what I said.

26 Q Okay. Well, let's try it again, then.

27 A Okay.

1 Q Did you submit that voucher?

2 A I did.

3 Q And do you know if somebody got a check for that
4 amount, that amount of 674.26?

5 A Yes. I would assume a check was made payable to the
6 UPPFA of Connecticut.

7 Q Okay. That's the document that you're looking at
8 that's part of the exhibit?

9 A Yes. Yes.

10 Q Okay. And it's your sworn testimony that those --
11 that you submitted the voucher and you got the check.
12 Somebody got the check.

13 A I think my testimony was I received the check or
14 possibly it went directly to Mr. Anthony in the office. I'm
15 not sure.

16 Q Well, I thought with regard to all of these checks,
17 and particularly this one, you testified that it was paid,
18 deposited, all this stuff.

19 Are you now saying you don't know if it was
20 deposited?

21 A Well, I think what I said was I assumed Mr. Anthony
22 deposits the checks. I do believe that's what my testimony
23 was.

24 Q Okay. So let's look at the voucher first.

25 A Okay.

26 Q Down at the bottom of the voucher, there's a section
27 for you to sign, sir, isn't there?

1 A Yes.

2 Q Okay. And on that voucher, it says, I certify that I
3 am not receiving funds from any other organization for
4 expenses incurred on this voucher.

5 That's what it says.

6 A Yes.

7 Q Yes. And you didn't sign this voucher, did you?

8 A Well, evidently this is not a signed document, no.

9 Q Well, you've offered it into evidence. You have
10 testified as to this document, and it's not signed.

11 A It's not signed.

12 Q Okay. And it also indicates a date of October 5 of
13 2014 -- do you see that? -- in that section where you're
14 supposed to sign. That's what it says.

15 A I'm trying to find it.

16 Q See where it says "signature" underneath where we were
17 just reading?

18 A Yes.

19 Q Right? Right to the right of that under the word
20 "date," it says 10/5/14.

21 A I do not see that.

22 (PAUSE.)

23 BY ATTY. FISHBEIN:

24 Q Sir, did you create these documents purposely to try
25 to show the Court something that's not factually accurate?

26 A I did not.

27 Q Okay. Is there a reason why the copy that I'm looking

1 at has a date of October 5, 2014, and the one that you're
2 looking at as a July date?

3 A I -- I have no idea.

4 Q And what -- what actual date is on that document,
5 sir?

6 A Which -- which document?

7 Q The voucher. It starts with a 7. I saw that.

8 A 7/23/14.

9 (PAUSE.)

10 ATTY. FISHBEIN: Well, your Honor, I'm going
11 to offer the one that I have that has an October
12 date. I have no explanation how this happened.

13 ATTY. VALENTINO: Your Honor, if I may? There
14 are duplicate documents in the packet that we
15 brought today. And so, in an effort to, as counsel
16 was insistent that he didn't receive any of these
17 documents in the over 37,000 pages of documents
18 that we've produced to him and within a period of
19 less than 15 days, we -- I called my paralegal. I
20 gave her the amount. And she read back to me, she
21 would indicate whether there was a Bates number or
22 whether the document was in there.

23 So we're trying to match up the documents.

24 And the amounts are the same --

25 THE COURT: You mean you're trying to match up
26 the checks with the vouchers? Is that what you're
27 saying?

1 ATTY. VALENTINO: Exactly.

2 THE COURT: Okay.

3 ATTY. VALENTINO: And the Bates numbers, your
4 Honor.

5 ATTY. FISHBEIN: But, your Honor, the problem
6 is is that this is a very detailed voucher.

7 THE COURT: All right. But is there a Bates
8 stamp number?

9 ATTY. FISHBEIN: No. There's no Bates on any
10 of these.

11 ATTY. VALENTINO: Not on these -- right. Not
12 on the ones that we provided, your Honor, which
13 your Honor already noted. We talked about that.

14 ATTY. FISHBEIN: And my problem, your Honor,
15 with the document that I was handed today has a
16 date after the check was written. So somebody did
17 something here.

18 ATTY. VALENTINO: And, your Honor --

19 THE COURT: Well, maybe they don't match --
20 maybe that don't match up. Maybe -- is it the
21 exact same dollar amount, though.

22 ATTY. FISHBEIN: Same dollar amount, same
23 information.

24 THE COURT: Well, which one is this and what's
25 the dollar amount?

26 ATTY. FISHBEIN: This is the 674.26. It's all
27 about the Duke Energy in Cincinnati.

1 ATTY. VALENTINO: And we --

2 ATTY. FISHBEIN: And all of these different
3 entries that are particular to this event. And the
4 only thing different is we have a July of 2014 date
5 and --

6 THE COURT: On the voucher or the check?

7 ATTY. FISHBEIN: On the voucher, your Honor.
8 I'm just centering on the voucher.

9 ATTY. VALENTINO: So literally all of the
10 information matches except the fillable area where
11 you could -- you put in a date for the signature.
12 So if your Honor would like, we can take the
13 exhibit that Mr. Carozza has and the document that
14 Attorney Fishbein and I are looking at and show
15 you.

16 THE COURT: All right. Well --

17 ATTY. FISHBEIN: It's quite clear, your Honor,
18 that somebody created this document after the check
19 was written. It's quite clear.

20 THE COURT: Well, that may be argument that
21 you want to use. But if you want to put that in as
22 an exhibit, put it in as an exhibit. And then,
23 obviously, you can ask the witness questions about
24 it. But, otherwise, if you want to use it in
25 argument because you want me to make some sort of
26 inference from it, let's use it in argument.

27 But I understand what you're -- what you're

1 after. If you want to enter it into evidence, I
2 assume there's no objection to it being something
3 you agree that your side produced. You're not --
4 you just don't agree with his characterization of
5 what it's about. But you don't object to it going
6 in, do you? Or --

7 ATTY. VALENTINO: No, your Honor. That's
8 correct.

9 THE COURT: All right. So what number are we
10 on, then?

11 ATTY. FISHBEIN: We're on -- your Honor, just
12 so that you know, we did last night premark
13 additional exhibits.

14 THE COURT: All right. Well, what number
15 would we be on, assuming that we don't use the
16 numbers that have been put aside?

17 ATTY. FISHBEIN: Twenty-eight, your Honor.

18 THE COURT: Mr. Harvey, is that right? Oh,
19 you didn't mark it with Mr. Harvey? Oh, he doesn't
20 know. Oh.

21 ATTY. FISHBEIN: Yeah. I mean, I can put
22 those -- I can give them --

23 THE COURT: No. No. Let's -- let's -- no, I
24 want you to give them -- on the testimony. So
25 let's take it as 28, full Exhibit 28. Make sure
26 you provide Mr. Harvey with that. And it would be
27 useful if both sides would --

1 ATTY. VALENTINO: I -- yeah, I'm sorry. Your
2 Honor, I didn't mean to interrupt you. But I don't
3 know what the document is, so I can't say I --

4 THE COURT: Well, I thought that the --

5 ATTY. VALENTINO: No.

6 THE COURT: You had discussed it with him.

7 ATTY. VALENTINO: No.

8 THE COURT: Go ahead and take a look at it.

9 ATTY. VALENTINO: Oh. I thought you said you
10 premarked exhibits. I'm sorry.

11 ATTY. FISHBEIN: Oh. No. The other -- the
12 other stuff I wasn't going to do right now. I was
13 just doing this exhibit.

14 THE COURT: Well, in other words, what you
15 want to have in is both versions of it. Right?

16 ATTY. FISHBEIN: Yes.

17 THE COURT: And we've added the different one
18 right now.

19 ATTY. FISHBEIN: Yes. She was talking about
20 the other exhibits.

21 THE COURT: No. I understand. So -- so 28 is
22 the -- is the one with the different date on it.

23 ATTY. FISHBEIN: It is.

24 THE COURT: And we can make whatever of it we
25 will.

26 BY ATTY. FISHBEIN:

27 Q Now, sir, how much on an annual basis -- let's say

1 2014 -- 2013, 2014, how much was the UPFFA spending on
2 lobbying on an annual basis?

3 A I'm not sure.

4 Q Okay.

5 ATTY. FISHBEIN: Your Honor, may I approach?

6 THE COURT: You may.

7 ATTY. FISHBEIN: Your Honor, before we even
8 get there, what I have is the -- the audit for the
9 UPFFA of 2013. And I offer it. I mean, we've
10 previously stipulated that any financial records
11 can come in through Mr. Carozza. And there we
12 are.

13 THE COURT: All right. Do you have any --
14 have you marked that? Has it got a number?

15 ATTY. FISHBEIN: Yeah. I marked it as 27,
16 your Honor.

17 THE COURT: Twenty-seven. Is there any
18 objection to 27?

19 ATTY. VALENTINO: I would object to it, your
20 Honor, just based on the fact that it's outside the
21 scope of direct. And I understand this was four
22 days ago when we heard from Mr. Carozza, but we
23 didn't even -- I don't understand this has anything
24 do with --

25 THE COURT: Well, this is -- is it about
26 expenses?

27 ATTY. FISHBEIN: Yes, your Honor.

1 THE COURT: Well, how would it not be
2 inbounds, then? All right. Objection's overruled.
3 Twenty seven's a full exhibit.

4 BY ATTY. FISHBEIN:

5 Q Sir, I'm showing you Tab 27 in the witness books,
6 which you're familiar with the witness book.

7 That's a audit of the UPFFA for 2013. You are
8 familiar with that document. Right?

9 A I have reviewed it, yes.

10 Q Okay.

11 A It's pending December 31, 2013. I haven't reviewed it
12 recently.

13 Q Okay. And, sir, I'm just pointing your attention to
14 in the financial statement it's page No. 2 where all the
15 numbers are.

16 ATTY. FISHBEIN: Well, your Honor's got a
17 copy, so I can just publish to your Honor.

18 THE COURT: Yes.

19 ATTY. FISHBEIN: I'll point out, your Honor --

20 THE COURT: The one with the number 2 on the
21 bottom of the page?

22 ATTY. FISHBEIN: Yes, your Honor. And it's
23 Bates stamp 37625.

24 THE COURT: All right. I'm there.

25 ATTY. FISHBEIN: It indicates that legislative
26 expenses and lobbying is a total of \$15,990 for
27 that -- that year.

1 THE COURT: I see it. Okay. It's noted.

2 BY ATTY. FISHBEIN:

3 Q So legislative services in total is that amount.

4 And, sir, do you recall what the New Haven fire
5 fighters were paying in this particular time for dues to the
6 UPFFA?

7 A I do not.

8 Q Okay.

9 THE COURT: It's previously in evidence,
10 wasn't it? Twenty-six, twenty-seven, something --
11 was it 27,000 or --

12 ATTY. FISHBEIN: It's around there, your
13 Honor. I -- we do have evidence.

14 THE COURT: Well, it's already been in
15 evidence. I know I wrote it down. But it's
16 something -- if you're interested in making the
17 point, it's twenty -- I was thinking 26,000,
18 something like that.

19 ATTY. FISHBEIN: Yes. And just for
20 completeness, I'll put in the invoices, and then
21 I'll move on, if that's okay. Do you need them?

22 THE COURT: The numbers would be better. So
23 if you can stipulate as to what the dollar amount
24 was for each year, that would be fine.

25 ATTY. FISHBEIN: Yeah.

26 THE COURT: So the New Haven dues do you have
27 for 2013 in front of you?

1 ATTY. FISHBEIN: Yeah. 2014 is what we
2 actually have -- we were able to get all of the
3 invoices through the discovery, your Honor.

4 THE COURT: And show opposing counsel and see
5 if you can stipulate it was -- what the dues amount
6 was.

7 ATTY. FISHBEIN: Your Honor, they're monthly
8 statements. So we -- we --

9 THE COURT: Are they the same amount? And can
10 you multiply by twelve?

11 ATTY. FISHBEIN: No. Because the number of
12 fire fighters times per capita.

13 ATTY. VALENTINO: So the rate is the same,
14 your Honor, if that's the question. But it's --
15 the per capita amount is --

16 THE COURT: In other words, you can't just
17 multiply by twelve?

18 ATTY. FISHBEIN: It's -- it's just -- just
19 south of \$2000 a month.

20 THE COURT: All right. Well, put -- pardon?

21 ATTY. FISHBEIN: It's just south of \$2000 a
22 month.

23 Would you be able to stipulate to that?

24 ATTY. VALENTINO: Yeah. A few hundred -- a
25 few hundred dollars short of 2000 a month, your
26 Honor.

27 THE COURT: So right around \$24,000. Right?

1 ATTY. FISHBEIN: Yeah. Right around there.

2 Yes, your Honor.

3 THE COURT: Okay.

4 BY ATTY. FISHBEIN:

5 Q And then, sir, in --

6 ATTY. FISHBEIN: I'll offer the invoices.

7 THE COURT: If you want to offer them, go
8 ahead.

9 ATTY. FISHBEIN: Just for the record.

10 THE COURT: It's useful for me to know the
11 numbers.

12 ATTY. FISHBEIN: Yes.

13 ATTY. VALENTINO: No objection, your Honor.

14 THE COURT: All right. So what did you mark
15 these?

16 ATTY. FISHBEIN: Twenty-four, your Honor.

17 THE COURT: Twenty-four? Twenty-four is a
18 full exhibit.

19 BY ATTY. FISHBEIN:

20 Q And then, sir, in 2014 do you have any idea how much
21 you spent on lobbying efforts?

22 A I do not.

23 Q Okay.

24 ATTY. FISHBEIN: Your Honor, I have the audit
25 from 2014. I offer it.

26 THE COURT: If you have a series of these and
27 you're going to show the legislative amount and the

1 dues each year.

2 ATTY. FISHBEIN: Just the last -- this is the
3 last one.

4 THE COURT: So -- all right. So what number
5 is that?

6 ATTY. FISHBEIN: Twenty-five, your Honor.

7 THE COURT: Is there any objection to 25?

8 ATTY. VALENTINO: No, your Honor.

9 THE COURT: Twenty-five's a full exhibit. And
10 that's the audit for what year?

11 ATTY. FISHBEIN: 2014, which would tie it to
12 the invoices that we have in evidence, your
13 Honor.

14 THE COURT: And you want me to note that the
15 legislative service expense was?

16 ATTY. FISHBEIN: \$14,133.

17 THE COURT: It's noted.

18 ATTY. FISHBEIN: Thank you.

19 BY ATTY. FISHBEIN:

20 Q Now, sir, you do your own expense reports. Right?

21 A Yes.

22 Q You fill them out yourself. And the codes that you
23 use on your expense reports, what do you use 0 for?

24 A In my expense reports, 0 is other.

25 Q Okay. And what does "other" mean?

26 A Could be a number of situations that are not covered
27 under the other legends.

1 Q Okay. And do you just put an O without a description
2 or what do you do?

3 A At times I -- I explain what the O is. Other times I
4 do not.

5 Q Okay. Who decides whether or not you're going to use
6 a description for the O?

7 A I do.

8 Q Okay. And so if you would turn to -- well, sir, are
9 you aware of the expense report codes legends?

10 A I'm aware of them, yes.

11 Q Okay. And isn't it true that you're required to
12 specify when you use the O code what it's for?

13 A At certain times, yes.

14 Q Okay. Well, sir --

15 ATTY. FISHBEIN: Your Honor, I have the
16 expense report codes. I'm going to offer them, if
17 there's no objection.

18 THE COURT: Is there a number on them?

19 ATTY. FISHBEIN: Twenty-six.

20 THE COURT: Any objection to 26?

21 ATTY. VALENTINO: No, your Honor.

22 THE COURT: Twenty-six is a full exhibit.

23 BY ATTY. FISHBEIN:

24 Q And, sir, if you would please turn to Tab No. 26 in
25 the book, which is the expense report codes and look at the O
26 designation.

27 Where does it say that you get to choose whether

1 or not to specify what it was for?

2 A I make that determination at the appropriate time.

3 Q Okay. Sir, there was a lot of talk about you going to
4 the Wolcott Town Committee and you being compensated mileage
5 for that.

6 How do the wall -- how do New Haven fire fighters
7 benefit from paying you mileage to go to the Wolcott Town
8 Committee?

9 A They benefit in a number of ways.

10 Q Okay. In what ways?

11 A Political action, legislation.

12 Q That's two. Any other ways you can think of?

13 A Political action, legislation.

14 Q Okay. Is that it?

15 A Could be more.

16 Q Okay. Well, what else?

17 A Off the top of my head, I'm not sure.

18 Q Well, you would agree with me that Wolcott has a
19 volunteer fire department?

20 A It does.

21 Q And they are nonunionized. They're not part of the
22 UPFFA.

23 A That's correct.

24 Q And you're on the Wolcott Democratic Town Committee?

25 A I am.

26 Q So is it fair -- what political action particularly
27 with you going to the Wolcott Town Committee meeting do fire

1 fighters benefit from paying you mileage for?

2 A Sure. It -- we represent all the career fire fighters
3 in the State of Connecticut.

4 Q Yes.

5 A I wanted to make sure you were listening.

6 Q Oh, I'm listening. Yes. You represent all of the
7 career fire fighters.

8 A Career fire fighters. We also have a very close
9 working relationship with the volunteer fire fighters. In
10 fact, we just recently met with the leadership this past week
11 to talk about legislation and political action.

12 So when it comes to legislation, political action,
13 we work for career fire fighters and volunteers.

14 Q And I think you testified -- you testified at your
15 deposition that you're always lobbying.

16 A I lobby every day, yes.

17 Q Okay. And you're paid -- was it about 48,000 and
18 change on an annual basis --

19 A Approximately.

20 Q -- by the UPFFA?

21 A Yes.

22 Q And is that the main source of your income or do you
23 have -- do you have a regular job also?

24 A Do I have a regular job?

25 Q Yeah. I mean, like, a punch the clock, something --
26 something other than being the president of the UPFFA?

27 A No.

1 Q Okay. And are you collecting pension benefits from
2 Waterbury Fire Department?

3 A I am.

4 Q Okay. And how many years were you a Wallingford --
5 Waterbury fire fighter?

6 A Thirty-two.

7 Q Okay. And on a weekly basis, how much time do you on
8 average do you spend lobbying?

9 A I lobby just about every day.

10 Q Okay. Eight hours a day?

11 A Could be more.

12 Q Okay. And you haven't registered as a lobbyist, have
13 you?

14 A I have not.

15 Q Okay.

16 ATTY. VALENTINO: Objection, your Honor. This
17 is completely outside the scope of direct. I'm not
18 sure we're getting into.

19 THE COURT: It's overruled. This all going at
20 the appropriateness of expenses. It's too -- it's
21 too -- if it was a completely different topic.
22 Otherwise, I have to allow him latitude about it.
23 It's about challenging his expenses. This is
24 what's been gone into throughout the case and with
25 this witness. So it's overruled.

26 Continue, please.

27 ATTY. FISHBEIN: Thank you, your Honor.

1 BY ATTY. FISHBEIN:

2 Q And, sir, are you aware of Connecticut General Statute
3 1-94, which requires that if you reasonably anticipate being
4 paid at least \$3000 in a calendar year for lobbying that you
5 are required under law to register as a lobbyist?

6 A I understand that.

7 Q Okay. And how long have you understood that?

8 ATTY. VALENTINO: Objection, your Honor.

9 THE COURT: What's the name of the objection?

10 ATTY. VALENTINO: Again, it's outside the
11 scope.

12 THE COURT: Overruled.

13 ATTY. VALENTINO: But more -- more
14 importantly, your Honor, a question -- you
15 indicated of Mr. Anthony when he was testifying,
16 that we should maybe counsel him --

17 THE COURT: Ah, yes.

18 ATTY. VALENTINO: -- if there were a
19 question --

20 THE COURT: Well, then you -- you wish -- you
21 may approach and advise your client future.

22 ATTY. VALENTINO: Thank you, your Honor.

23 (PAUSE.)

24 ATTY. VALENTINO: Thank you, your Honor.

25 THE COURT: All right. You may proceed.

26 ATTY. FISHBEIN: Thank you, your Honor.

27 BY ATTY. FISHBEIN:

1 Q Sir, you testified that you were aware that you were
2 required to be registered as a lobbyist if you reasonably
3 anticipated being compensated in excess of \$3000 per year;
4 that you had not done that.

5 And my question was: When did that come to your
6 attention, that you were required to do that?

7 A It's always -- it's always been a -- I've been aware
8 of it for a while.

9 Q Well, what's "a while"? More than ten years?

10 A I'm not sure.

11 Q Okay. And you heard testimony not only here but at
12 your deposition about Mr. Anthony fraudulently filing
13 documents with the State Election Enforcement Commission.

14 ATTY. VALENTINO: Objection, your Honor.

15 THE COURT: Assumes facts not in evidence? Is
16 that -- because, in other words, it's -- it's the
17 loading into the question. That's the normal -- in
18 other words, you're asking him to assume that
19 there's an admission of fraud here. And that
20 certainly isn't what Mr. Anthony said. So you may
21 not add -- load that into the question --

22 ATTY. FISHBEIN: Perhaps I'll rephrase.

23 THE COURT: -- as an assumption -- perhaps?
24 Well, perhaps you won't get to ask it. That's the
25 other option. Go ahead.

26 ATTY. FISHBEIN: I'll step back.

27 ATTY. VALENTINO: Thank you, your Honor.

1 BY ATTY. VALENTINO:

2 Q Sir, you were here for Mr. Anthony's testimony?

3 A I was here for -- I was in and out from the room,
4 sure.

5 Q Okay. And you heard him testify about approximately
6 \$20,000 that was missing, so to speak, from the PAC account
7 as reflected by the SEEC filings?

8 ATTY. VALENTINO: I would object, again, your
9 Honor.

10 THE COURT: Well, the trouble is is that -- I
11 mean, I recall Mr. Anthony as saying is that he
12 admits that he filed a report with the wrong number
13 on it. It was a mistake, he says. And he
14 corrected it.

15 So if you want to ask him about that. I
16 know -- it is a question for argument what I should
17 make of what Mr. Anthony said. But you have to put
18 it in some sort of form that doesn't answer the
19 question for me as to whether he did this
20 knowingly, deliberately, or anything else. Because
21 what his thing was, he said it was brought to his
22 attention that it was a mistake.

23 So he filed -- Mr. Anthony admitted he filed a
24 document with the wrong information on it about
25 dollar amounts in the PAC, I believe. Is that --
26 isn't that a neutral way of putting it: He admits
27 he filed it with the wrong factual information on

1 it?

2 ATTY. FISHBEIN: I would agree with that
3 except you're going in the singular. Mr. Anthony
4 admitted --

5 THE COURT: -- more than once.

6 ATTY. FISHBEIN: -- many more --

7 THE COURT: He kept filing the thing with the
8 same number on it was what --

9 ATTY. FISHBEIN: Knowing that it was wrong.

10 THE COURT: I don't know that Mr. Anthony
11 would agree with that. I think it's --

12 ATTY. FISHBEIN: Well, your Honor, we can --
13 your Honor --

14 THE COURT: But rather than debate that, in
15 other words, what is clearly admitted here is he
16 filed information that wrongly reported the dollar
17 amounts in the PAC.

18 Can't you ask the question about it that way?
19 Mr. Anthony admitted that: He filed information
20 with information -- with information about what was
21 in the PAC that was wrong.

22 Take it from there and ask him -- and say
23 anything else you want about that. Otherwise, it
24 leaves him having to accept your premise, having to
25 accept this premise in it.

26 ATTY. FISHBEIN: That's fair.

27 THE COURT: Go ahead.

1 ATTY. FISHBEIN: Thank you, your Honor.

2 BY ATTY. FISHBEIN:

3 Q Sir, you're aware of Mr. Anthony's testimony when he
4 testified that he had filed reports with the SEEC with a
5 wrong amount as to what was in the bank for PAC?

6 A I'm not sure if I was in -- in the courtroom when he
7 testified to that or not.

8 Q Okay. Well, you were specifically asked about that at
9 your deposition.

10 Do you remember that?

11 A I do not, no.

12 Q Okay.

13 THE COURT: So I'm not sure if you all got my
14 trial protocols. But if you want to use a
15 deposition -- you've been using them as testimony.
16 You can do that right now. I would just suggest
17 that the smoothest way to do this is to simply
18 enter the question and answer into the record, as
19 opposed to, for instance, asking him, Do you
20 remember now? Do you remember now?

21 Because this is his testimony. And I can take
22 it from this document.

23 So why don't you read me -- read to me what he
24 said in his deposition, and I'll make note of it.

25 (PAUSE.)

26 ATTY. FISHBEIN: Your Honor, I'm drawing your
27 attention to Mr. Anthony -- and let me just share

1 with opposing counsel.

2 THE COURT: Well, if you want to use -- show
3 it to her. But if you wanted to ask him a
4 question -- he's already said he doesn't remember
5 the testimony.

6 ATTY. FISHBEIN: Yes.

7 THE COURT: But you --

8 ATTY. FISHBEIN: Before I get to the
9 testimony, as an officer of the UPFFA there's a
10 portion of Mr. Anthony's testimony that I would
11 read to your Honor.

12 THE COURT: From a deposition or from a --

13 ATTY. FISHBEIN: Yes, your Honor.

14 THE COURT: Oh, okay. I'm sorry. I thought
15 you were talking you got his testimony at this
16 hearing. Go ahead.

17 ATTY. FISHBEIN: No, your Honor.

18 "QUESTION: So under reports could you tell us
19 what you marked as a PAC account balance.

20 "ANSWER: 553.62.

21 "QUESTION: I'd be interested to know your
22 thoughts. We looked up on the SEEC Form 20 for the
23 period ending March 31, 2017. The balance of the
24 PAC is 29,666.12.

25 "ANSWER: That's incorrect.

26 "QUESTION: Do you know why?

27 "ANSWER: It's my mistake, and I never

1 corrected it.

2 "QUESTION: Your mistake was on the summary or
3 on the SEEC form?

4 "ANSWER: On the SEEC form at the bottom of
5 the form, it tells you if you need to correct your
6 starting balance to fix it. And I've never done
7 that. I just shrugged it off."

8 THE COURT: Well, it's noted.

9 BY ATTY. FISHBEIN:

10 Q And Mr. -- Mr. Carozza, at your deposition you were
11 shown SEEC form 20 for the PAC --

12 THE COURT: Well, again, he's just testified
13 he doesn't remember about it. So why don't you
14 just read to me what he said.

15 ATTY. FISHBEIN: Okay. Yes.

16 THE COURT: I'll make a note of what he
17 said.

18 ATTY. FISHBEIN: Thank you, your Honor.

19 BY ATTY. FISHBEIN:

20 Q "QUESTION: I'm showing you PC6. That is the
21 SEEC form 20 filing for the PAC. If you look at page
22 2, line 25, you see an indicated balance on hand at
23 the close of the reporting period. And what's that
24 amount?

25 "ANSWER: 28,223.88.

26 "QUESTION: And you'll see up on top of that
27 page the same amount. Correct? The balance on

1 hand at the beginning of the period and at the end
2 of the period are the same, if you looked at line
3 12.

4 "ANSWER: Okay.

5 "QUESTION: Do you agree? I'm not trying to
6 trick you.

7 "ANSWER: What was the question?

8 "QUESTION: The line 12, the balance on hand
9 at the beginning of the reporting period --

10 "ANSWER: Okay.

11 " -- is the balance on hand at the end of the
12 reporting period.

13 "ANSWER: Yes.

14 "QUESTION: Okay. So you want to take me and
15 leave it open. And I'm going to show you PC5. And
16 that's the form 20 of the PAC that was filed
17 recently. In fact, it was filed October 1st. And
18 that indicates at line 20 how much was on hand.
19 Well, let's start at line 12 actually.

20 How much was on hand at the beginning of the
21 reporting period?

22 "ANSWER: You're asking me to read this,
23 what's on hand. \$517.38."

24 And I go down.

25 "QUESTION: So where did the \$26,000 go?

26 "ANSWER: I'm not sure. I can't comment. I
27 didn't fill these reports out. It's the first time

1 I'm seeing them. I'm not sure."

2 This deposition, your Honor, was taken October
3 11 of 2018 of Mr. Carozza.

4 So with that I'd like to follow up with regard
5 to where we are.

6 BY ATTY. FISHBEIN:

7 Q Mr. Carozza, since your deposition October 11 of 2018,
8 has the executive board met to discuss where \$26,000 from the
9 PAC went?

10 A We did.

11 Q And when did you do that?

12 A We did that Tuesday.

13 Q Okay. And what was the answer?

14 A The answer was, Mr. Anthony explained to the board
15 what happened. And he was -- that it was an error on his
16 part. And he has full support of the board: that he was the
17 most honest, hardworking individual that this organization
18 has ever had. And that was taken. It was actually a
19 standup, unanimous vote to support him. It was an error.

20 Q And did Mr. Anthony indicate to the executive board on
21 Tuesday, a couple days ago -- or yesterday -- what that
22 actual error was?

23 A He explained that he had inadvertently made a
24 mistake.

25 Q And what was the mistake?

26 A I'm not sure if he got into very -- the specifics of
27 the complete mistake. But he talked about the transfer of

1 funds. And it was a mistake. And discussed by the executive
2 board.

3 And, again, I'll stand by my previous statement:
4 that after hearing his explanation -- and I believe it was
5 the same explanation he made in court -- the executive board
6 spoke to him about a vote of confidence and the fact he was
7 the most honest, hardworking individual this organization has
8 had.

9 Q So did Mr. Anthony show the executive board where that
10 actual increase came from?

11 A He did not. It was a verbal report to the board.

12 Q Okay. And he just said it was a mistake?

13 A He explained what happened. And in addition to that,
14 he actually had a state delegates' meeting immediately
15 following. We had approximately 60 --

16 Q That's nonresponsive. Sir, I just asked you about
17 what he said.

18 So he did not explain how, where, what particular
19 report he allegedly made the mistake?

20 A He explained that he made a mistake --

21 Q Okay.

22 A -- concerning the question you asked.

23 Q And what protections do the UPFFA have in place to
24 prevent Mr. Anthony from writing himself a check for
25 \$26,000?

26 A I believe there's a number of --

27 Q Well, give me one.

1 A Well, I'm going to if you'd let me answer the
2 question.

3 Q Sure.

4 A First of all -- I know it's been explained here. It's
5 been explained at the deposition, that every month, expenses
6 are submitted to the organization, reviewed by our finance
7 committee, reviewed by our executive board, and then followed
8 up by a presentation to our statewide delegates or
9 presidents.

10 In addition to that --

11 Q So to prevent --

12 A In addition to that --

13 Q What's to prevent Mr. Anthony --

14 A In addition to that --

15 Q -- from writing a check --

16 A In addition -- I'm trying to answer the question.

17 Q -- to himself?

18 THE COURT: You're going to have to -- let him
19 finish the question[sic] in case -- you don't know
20 what it's going to provide until he's finished his
21 answer.

22 So finish your answer, please, Mr. Carozza.

23 THE WITNESS: In addition to that, Mr. Anthony
24 announces at every executive board meeting, at
25 every state delegates meeting, and any function we
26 attend with out members, that any expense of the
27 organization, including the checkbook, could be

1 reviewed at any time in our offices.

2 THE COURT: That's the complete answer. Now
3 you may ask another question.

4 Oh, you may not. Because we have to stop. So
5 the question for us now is, What next? I had hoped
6 we'd have a little more progress today than we
7 have. But what do the parties want to do in terms
8 of finishing up the evidence here?

9 ATTY. FISHBEIN: Your Honor, I would expect
10 we're going to have a little bit of testimony
11 tomorrow morning -- tomorrow afternoon.

12 THE COURT: Tomorrow afternoon.

13 ATTY. VALENTINO: Well, I didn't indicate that
14 we were available. So I don't know why we --

15 ATTY. FISHBEIN: Yeah. We talked about
16 tomorrow afternoon, yeah.

17 ATTY. VALENTINO: No, we didn't. Actually,
18 what I indicated to your Honor last week was that
19 we -- we weren't -- we were having a difficult time
20 even being available today and that it was going to
21 be an issue to be available for -- I believe more
22 than one day this week.

23 They're having the state convention this
24 entire week. They already drove down here from
25 Foxwoods just to be here for this afternoon.

26 I have no probable continuing the examination,
27 but I mean, we have to have some sort of

1 conversation for the witnesses' availability.

2 THE COURT: Well, as my schedule looks, my
3 thinking is that we recessed at two o'clock. How
4 much more cross do you have?

5 ATTY. FISHBEIN: Not much.

6 THE COURT: So then the witness should be here
7 and an effort should be made to focus on the
8 essentials. And same thing for any redirect. And
9 we'll get done with that.

10 And what's -- what's the next piece of
11 evidence here? That's it?

12 ATTY. VALENTINO: That's my last witness, your
13 Honor.

14 THE COURT: All right. And is there any
15 rebuttal testimony?

16 ATTY. VALENTINO: Maybe I should rephrase. If
17 I need a rebuttal witness. But as of right now, I
18 don't --

19 ATTY. FISHBEIN: You don't get a rebuttal
20 witness. I do.

21 ATTY. VALENTINO: Well, I understand that.

22 THE COURT: Surrebuttal.

23 ATTY. FISHBEIN: That's true.

24 THE COURT: So that's a good reason for you
25 not to have any rebuttal.

26 ATTY. FISHBEIN: I just want to be able to
27 stipulate that Mr. Ricci was re-elected

1 yesterday.

2 ATTY. VALENTINO: Yes. And Mr. Vendetto was
3 not. Can we stipulate to that?

4 THE COURT: He did not run, as I understood.
5 Right?

6 ATTY. VALENTINO: Correct.

7 THE COURT: Okay. But you -- but I understand
8 what you want me to make of that because about the
9 irreparable harm to him.

10 All right. So the point is is that we can
11 finish with his testimony and do closing arguments
12 tomorrow afternoon. Right?

13 ATTY. FISHBEIN: Yes, your Honor.

14 ATTY. VALENTINO: May I just look at my
15 calendar one second, your Honor?

16 THE COURT: Yes.

17 ATTY. VALENTINO: I don't recall what I said
18 last week.

19 And that would be at 2 p.m., your Honor?

20 THE COURT: Two p.m.

21 ATTY. FISHBEIN: I'm in Middletown court
22 tomorrow morning.

23 ATTY. VALENTINO: Mr. Carozza, would you be
24 able to make yourself available at 2 p.m.?

25 THE WITNESS: Yes.

26 ATTY. VALENTINO: Okay.

27 THE COURT: All right. Any other matter we

1 need to take up before adjourning, then?

2 ATTY. FISHBEIN: No, thank you, your Honor.

3 THE COURT: All right. Hearing nothing else,

4 I thank the parties. Court is adjourned.

5 (WHEREUPON THE COURT STANDS ADJOURNED.)

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INTERNATIONAL ASSOC. OF FIRE FIGHTERS LOCAL 825

v.

UNIFORMED PROFESSIONAL FIRE FIGHTERS ASSOC. OF CONNECTICUT

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

I hereby certify that the foregoing is a true and accurate transcript of the recording of the above-entitled hearing before the Honorable Thomas Moukawsher, Judge of the Superior Court for the Hartford Judicial District, at Hartford, on the 5th day of December, 2018.

Dated this 21st day of December, 2018, in Hartford, Connecticut.

John McIlhoney, Court Monitor