

STATE OF CONNECTICUT
APPELLATE COURT

Date: Hartford, November 26, 2019

To the Chief Clerk of the Appellate Court.

The Appellate Court has decided the following case:

SEAPORT CAPITAL PARTNERS, LLC

v.

Opinion Per Curiam.

SHERI SPEAR

Docket No. AC 41879

Trial Court Docket No. KNLCV126012072S

The judgment is affirmed.


Chief Judge.

APPELLATE COURT
STATE OF CONNECTICUT

AC 41879

SEAPORT CAPITAL PARTNERS, LLC

v.

SHERI SPEAR

JANUARY 15, 2020

ORDER

THE MOTION OF THE DEFENDANT-APPELLANT, FILED DECEMBER 9, 2019,
TO RECONSIDER EN BANC, HAVING BEEN PRESENTED TO THE COURT, IT IS
HEREBY **ORDERED** DENIED.

BY THE COURT,

 /S/
CARL D. CICHETTI
ASSISTANT CLERK-APPELLATE

NOTICE SENT: JANUARY 16, 2020
HON. JOSEPH Q. KOLETSKY
COUNSEL OF RECORD
CLERK, SUPERIOR COURT, KNL-CV12-6012072-S

193223

DOCKET NO. AC 41879 : APPELLATE COURT
SEAPORT CAPITAL PARTNERS : AT HARTFORD
VS :
SHERI SPEER : JANUARY 23, 2020

**MOTION FOR EXTENSION OF TIME TO FILE PETITION FOR
CERTIFICATION TO SUPREME COURT**

The undersigned Appellant moves, pursuant to Practice Book §§66-1 and 84-7 moves for an extension of time of up to 30 additional days beyond February 4, 2020, up to March 7, 2020, to petition for certification in the above captioned matter to the Supreme Court, for cause.

The parties to this Appeal have neither indicated that they consent or not, and Appellee Seaport Capital Partners, LLC is unlikely to consent.

I. Brief Procedural History of the Case

This present appeal involves a bizzare, ambiguous and ever evolving order by the Trial Court (Koletsky, J), which has undergone a series of wide ranging permutations. This appeal began with an order that did not specify what case or cases it applied, to, and presumably limited this Appellant's ability to file any document of any kind in New London Superior Court. The order, post appeal, evolved in numerous ways that have been confusing to the Parties and even court staff.

This matter when to opinion per curiam, which did a profound

February 5, 2020: Granted to February 24, 2020. This is a final order.
/s/Carl D. Cicchetti, assistant clerk, appellate

**SUPREME COURT
STATE OF CONNECTICUT**

PSC-190393

SEAPORT CAPITAL PARTNERS, LLC

v.

SHERI SPEAR

ORDER ON PETITION FOR CERTIFICATION TO APPEAL

The defendant's petition for certification to appeal from the Appellate Court, 194 Conn App 902 (AC 41879), is denied.

Sheri Speer, self-represented, in support of the petition.

Decided March 11, 2020

By the Court,

/s/

Carl D. Cicchetti
Assistant Clerk - Appellate

Notice Sent: March 12, 2020
Petition Filed: February 24, 2020
Clerk, Superior Court, KNLCV126012072S
Hon. Joseph Q. Koletsky
Clerk, Appellate Court
Reporter of Judicial Decisions
Staff Attorneys' Office
Counsel of Record

DOCKET NO: KNLCV126012072S

SUPERIOR COURT

SEAPORT CAPITAL PARTNERS, LLC
V.
SPEAR AKA SHERI SPEER, SHERI

JUDICIAL DISTRICT OF NORWICH/NEW
LONDON
AT NEW LONDON

6/7/2017

ORDER

ORDER REGARDING:
05/16/2017 309.00 MOTION FOR ORDER

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

ORDER:

Pending before the court is the plaintiff's motion for contempt and sanctions (Doc. No. 308.00) and motion for order vacating protective order; motion for sanctions and motion for order entering default against the defendant, Sheri Spear. (Doc. No. 309). A hearing was held on the motions on May 30 and June 5, 2017, at which time the plaintiff attended but the defendant did not. While somewhat overlapping, the motions are essentially aimed at the same thing: obtaining sanctions against the party defendant in this case, Sherri Spear, for her refusal or failure to give the plaintiff a copy of certain records, subject to a protective order, that the court allowed the plaintiff to file under seal. See Order, Doc. No. 298.50 (May 1, 2017). The documents contained some medical information purportedly justifying the defendant's request for a short continuance of the trial in this foreclosure action, originally scheduled to start on April 12, 2017. The court ordered the defendant to give a copy of the information to the plaintiff so that the plaintiff could object, with knowledge, as to the reasons for the defendant's request, and it scheduled a hearing on the defendant's motion for continuance. The court also limited the plaintiff's use of the records, inter alia, to this case only, by a protective order. Id. The defendant never gave a copy of the records to the plaintiff and she did not attend the hearing scheduled on motion for continuance. No lasting prejudice came to the plaintiff from the defendant's failure to comply with the court's order, other than it suffered a temporary delay of this case (which has been pending since January 12, 2012), since the motion for continuance was ultimately denied. See Order, Doc. No. 299.02. Nevertheless, the plaintiff seeks sanctions for defendant's flouting of the court's order which would have afforded the plaintiff the right to see the subject records, and for obstructing the progress of the case by use of dilatory tactics.

Contempt is a disobedience to the rules and orders of a court which has the power to punish for such an offense. *Quaranta v. Cooley*, 130 Conn. App. 835, 841, 26 A.3d 643 (2011). Contempt must be proven by clear and convincing evidence. *Brody v. Brody*, 315 Conn. 300, 319, 105 A.3d 887 (2015). In order to constitute contempt, a party's conduct must be willful. *Sablosky v. Sablosky*, 258 Conn. 713, 717, 784 A.2d 890 (2001). Moreover, the order of the court violated must be clear and express. A good faith dispute or legitimate misunderstanding of a court's order may prevent a finding that a party's conduct was willful. Id. Noncompliance alone will not support a judgment of contempt. *Adams v. Adams*, 93 Conn. App. 423, 431, 890 A.2d 575 (2006). Before finding a person in contempt for the willful violation of a court order, the trial court must consider the circumstances and facts surrounding the violation. *Wilson v. Wilson*, 38 Conn. App. 263, 275-76, 661 A.2d 621 (1995). In the instant case, the court finds that the plaintiff has proven by clear and convincing evidence that the defendant willfully violated the court's clear and express order without a good faith excuse when she failed or refused to give a copy of the sealed documents to the plaintiff. Therefore, the court finds the defendant, Sheri Spear, to be in contempt.

A court has the inherent authority to impose sanctions against a party for a course of claimed dilatory, bad faith and harassing litigation conduct, even in the absence of a specific rule or order of the court that

is claimed to have been violated. *Maris v. McGrath*, 269 Conn. 834, 844, 850 A.2d 133 (2004). Before imposing sanctions, the court must find by clear evidence that the challenged actions were entirely without color and were taken for reasons of harassment or delay or for other improper purposes, and that the party's conduct constituted or was tantamount to bad faith. *Id.*, 845; *Rinfret v. Porter*, 173 Conn. App. 498, 509, ___ A.3d ___ (2017). In the instant case, the plaintiff has demonstrated with clear evidence that the defendant manipulated the court's sealing rules and failed to follow the court's order. The defendant precipitated a delay in the trial and denied the plaintiff a right to view documents in the case pertinent to her continuance request. It was a purely dilatory maneuver orchestrated to prevent a fair hearing on the defendant's motion for continuance in the case and it caused a delay in the progress of the case. Therefore, the court finds the defendant, Sheri Spear, to have committed litigation misconduct in that her tactics were entirely without proper use of procedure and she acted in bad faith to accomplish her purpose of delay in deliberate violation of plaintiff's rights to a fair hearing on defendant's motion for continuance.

Sanctions for such behavior may include fines, orders requiring the offending party to pay costs and expenses, including attorney's fees; and orders restricting the filing of papers with the court. Practice Book § 1-25. Disciplinary termination of a claim or defense is also available, but that sanction should be imposed only as a last resort, and where it would be the only reasonable remedy available to vindicate the interest of the other party and the court. Practice Book § 17-19; *Millbrook Owners Ass'n, Inc. v. Hamilton Standard*, 257 Conn. 1, 17, 776 A.2d 1115 (2001); *Ridgaway v. Mount Vernon Fire Ins. Co.*, 165 Conn. App. 737, 760, 140 A.3d 321, cert. granted, 322 Conn. 908, 140 A.3d 978 (2016).

Considering all of the above, the court orders the following with respect to the plaintiff's requests for sanctions:

1. The protective order is vacated inasmuch as the subject records were never given to the plaintiff by the defendant as ordered;
2. The court awards the plaintiff \$4,650.00 for attorney's fees incurred as a result of the defendant's contemptuous flouting of the court's order and litigation misconduct. The amount is based on the affidavits of counsel for the plaintiff showing the work involved, time expended and the fee schedules upon which the charges were based. The court finds those charges and the plaintiff's request to be reasonable. The defendant, Sheri Spear, is ordered to make payment to counsel for the plaintiff within 30 days of issuance of this order.
3. All other requests for other sanctions are excessive, unnecessary, or unjustified under the facts, or are duplicative of sanctions already awarded. Therefore, they are denied.

Judicial Notice (JDNO) was sent regarding this order.

427016

Judge: ROBERT F VACCHELLI

DOCKET NO: KNLCV126012072S

SUPERIOR COURT

SEAPORT CAPITAL PARTNERS, LLC
V.
SPEAR AKA SHERI SPEER, SHERI

JUDICIAL DISTRICT OF NORWICH/NEW
LONDON
AT NEW LONDON

7/12/2018

ORDER

ORDER REGARDING:
04/02/2018 343.00 MOTION FOR CONTEMPT

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

ORDER:

This case is a very model of abusive use of the courts, both state and federal, although these orders, of course, will apply only to this court.

At oral argument, the self-represented defendant conceded that there was at the time of this hearing no motion pending to reopen any issue that has not already been decided. She did mention that such a motion was being typed to reopen a previously denied decision in Bankruptcy Court which has already been denied within the last six months. It is startlingly clear to the court that Ms. Speer has no intention of stopping this abusive use of the courts.

The court orders that the clerk accept no filings from this self-represented defendant or anyone on her behalf unless and until she has complied with the court ordered payment of counsel fees of \$4650.00 as well as the \$500.00 additional counsel fees which the court imposes today, for a total of \$5,150.00.

Judicial Notice (JDNO) was sent regarding this order.

080571

Judge: JOSEPH Q KOLETSKY

DOCKET NO: KNLCV126012072S

SUPERIOR COURT

SEAPORT CAPITAL PARTNERS, LLC
V.
SPEAR AKA SHERI SPEER, SHERI

JUDICIAL DISTRICT OF NORWICH/NEW
LONDON
AT NEW LONDON

8/16/2018

ORDER

ORDER REGARDING:
07/20/2018 362.50 MOTION FOR TERMINATION OF STAY OF EXECUTION

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

ORDER:

After hearing held in accordance with P.B.Sec. 61-11(d) the court finds that the defendant Sheri Speer has abused the judicial system beyond imagination and not only does the court find that all of defendant's actions are and will in the future be only for delay, but also finds that the due administration of justice so requires.

Incredibly enough, Ms. Speers twice attempted to remove this case to Federal Court the day before this hearing, the very action which resulted in the sanctions which initially caused the original stay in the first place. Those pleadings were properly rejected by the clerk.

Therefore the motion to terminate stay is granted, and defendant is ordered not to file pleadings in this court unless and until the sanctions imposed by the court have been paid.

Judicial Notice (JDNO) was sent regarding this order.

080571

Judge: JOSEPH Q KOLETSKY
Processed by: Timothy Furman

DOCKET NO: KNLCV126012072S

SUPERIOR COURT

SEAPORT CAPITAL PARTNERS, LLC
V.
SPEAR AKA SHERI SPEER, SHERI

JUDICIAL DISTRICT OF NORWICH/NEW
LONDON
AT NEW LONDON

6/27/2019

ORDER

ORDER REGARDING:
05/06/2019 389.00 OBJECTION TO MOTION

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

ORDER:

For the reasons articulated in court on June 27, 2019 the following order issued:

Objection overruled as to the motion for protective order and sustained as to the motion for sanctions.

Short Calendar Results Automated Mailing (SCRAM) Notice was sent on the underlying motion.

419136

Judge: EMMET COSGROVE
Processed by: Linda Grelotti

This document may be signed or verified electronically and has the same validity and status as a document with a physical (pen-to-paper) signature. For more information, see Section I.E. of the *State of Connecticut Superior Court E-Services Procedures and Technical Standards* (<https://jud.ct.gov/external/super/E-Services/e-standards.pdf>), section 51-193c of the Connecticut General Statutes and Connecticut Practice Book Section 4-4.

DOCKET NO: KNLCV126012072S

SUPERIOR COURT

SEAPORT CAPITAL PARTNERS, LLC
V.
SPEAR AKA SHERI SPEER, SHERI

JUDICIAL DISTRICT OF NORWICH/NEW
LONDON
AT NEW LONDON

7/30/2019

ORDER

ORDER REGARDING:
07/16/2019 405.00 MOTION TO REARGUE/RECONSIDER

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

ORDER: DENIED

The court did not hear argument on this motion but considered the matter on the papers.

Short Calendar Results Automated Mailing (SCRAM) Notice was sent on the underlying motion.

419136

Judge: EMMET COSGROVE
Processed by: Linda Grelotti

This document may be signed or verified electronically and has the same validity and status as a document with a physical (pen-to-paper) signature. For more information, see Section I.E. of the *State of Connecticut Superior Court E-Services Procedures and Technical Standards* (<https://jud.ct.gov/external/super/E-Services/e-standards.pdf>), section 51-193c of the Connecticut General Statutes and Connecticut Practice Book Section 4-4.