

1 APPEARANCES:

2 FOR GERVIL ST. LOUIS:

3 SIMMONS HANLY CONROY, LLP
4 112 Madison Avenue; 7th Floor
5 New York, New York 10016
6 BY: PAUL J. HANLY, JR., ESQ.
7 ANDREA BIERSTEIN, ESQ.

8 LAW OFFICES OF MITCHELL GARABEDIAN
9 100 State Street
10 6th Floor
11 Boston, Massachusetts 02109
12 BY: MITCHELL GARABEDIAN, ESQ.
13 WILLIAM H. GORDON, ESQ.

14 FOR FAIRFIELD UNIVERSITY:

15 DAY PITNEY LLP-STMFD
16 One Canterbury Green
17 Stamford, Connecticut 06901
18 BY: THOMAS D. GOLDBERG, ESQ.
19 JOHN W. CERRETA, ESQ.

20 FOR HOPE E. CARTER:

21 MILANO & WANAT
22 471 East Main Street
23 Branford, Connecticut 06405
24 BY: JEFFREY WILLIAM KENNEDY, ESQ.
25 ADAM F. ACQUARULO, ESQ.

FOR PAUL E. CARRIER:

MURPHY & KING, PC
One Beacon Street
21st Floor
Boston, Massachusetts 02108
BY: THEODORE J. FOLKMAN, ESQ.
TIMOTHY P. O'NEILL, ESQ.

FOR SOVEREIGN MILITARY HOSPITALLER ORDER OF
ST. JOHN OF JERUSALEM OF RHODES AND OF
MALTA, AMERICAN ASSOCIATION, U.S.A.:

ROBINSON & COLE
280 Trumbull Street
Hartford, Connecticut 06103
BY: BRADFORD S. BABBITT, ESQ.

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APPEARANCES CONTINUED:

FOR SOCIETY OF JESUS OF NEW ENGLAND:

SLOANE & WALSH, LLP
Three Center Plaza
Boston, Massachusetts 02108
BY: MICHAEL J. KERRIGAN, ESQ.
WILLIAM J. DAILEY, ESQ.

4:30 P.M.

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2
3 THE COURT: This is oral argument in the Perlitz
4 matter regarding the defendant's motion for relief
5 concerning payments to the plaintiffs

6 MR. FOLKMAN: Thank you, Your Honor.

7 I think as I read the papers, there's little
8 question that if payments like these had been made in a
9 case involving American resident plaintiffs in the United
10 States that they would be improper, and I want to pretend
11 for a moment that all of the payments that were made were
12 for the necessities of life, even though we know that
13 that's not the case. And if you look, for example, at
14 page one of our reply brief, we list some examples of
15 payments for things that, you know, plainly don't fall
16 within that kind of "necessities of life" category.

17 So the question is, pretending for the moment
18 that we're only talking about payments for things that the
19 kids needed to survive and cooperate with their lawyers:
20 Is there a humanitarian exception to Rule 1.8(e)? Is
21 there a Haiti exception to Rule 1.8(e)? Is there a third
22 world exception to Rule 1.8(e)?

23 We've cited the authorities in both of our
24 briefs and I don't want to belabor the authorities. I
25 wanted to make two suggestions to you about how we think

1 about this.

2 You know, there's a famous quote, a foreign
3 judge said once that as a moth is drawn to the flame,
4 litigants are drawn to the courts of the United States.
5 And I think that this case has a lot of examples that
6 explains why that's the case.

7 Look at what these plaintiffs have done. These
8 are the poorest kids in the poorest country in the
9 hemisphere and they have come to our courts; they've been
10 able to retain excellent counsel; they have been able to
11 get tens of thousands if not more than a hundred thousand
12 pages of documents from major educational and religious
13 institutions in the United States, including many
14 documents that my client, at least, and I think all of the
15 defendants, would rather have not produced; they have
16 taken many depositions. Apparently they intend to seek
17 the deposition of Cardinal Dolan. It's a testament to the
18 fairness of the procedures that our court provides to all
19 litigants, the poorest and the richest, that they're able
20 to come to the United States and do that.

21 It's something that even though no defendant
22 says, I'm happy that we had to give discovery, I think
23 everybody in the room ought to be proud that we have such
24 procedures, and that's why people come to our courts
25 because we have procedures and rules that are intended to

1 lead to fair outcomes.

2 In the case of these poor plaintiffs, it's rules
3 about getting discovery from people who socially and
4 economically are in a different place than they are.

5 But there's another kind of rule that we have
6 also, and it's a rule that's intended to guard and
7 safeguard the integrity of the proceedings, and I'm
8 talking of course about Rule 1.8(e).

9 It seems to us that you can't come to the United
10 States and have the benefits of procedures that are
11 intended to lead to fair outcomes and not accept the
12 burden of procedures and rules that are intended to lead
13 to fair outcomes.

14 Basically what we're asking you to do is to
15 apply the rules that all the authorities say should be
16 applied in every case. There is no humanitarian exception
17 and it's for a good reason.

18 The good reason in this case is even stronger
19 than the usual reason in a case of a poor or indigent
20 American plaintiff, and the reason I say that is not
21 because I want to make some sort of stereotyping
22 generalization about kids in Haiti, people in Haiti, but
23 because I read what they have pleaded and I read what some
24 of them have said in declarations and affidavits and so
25 forth.

1 What they have pleaded is that they are so poor
2 and so disadvantaged that the prospect of something worth
3 much less than what Mr. Sibert has paid them was enough to
4 induce them to allow Mr. Perlitz to sexually abuse them.
5 And that's not me saying that, that's the pleading in the
6 complaint.

7 We see Mr. Clervil, and I know you remember him
8 because he's come up in a few instances. Mr. Clervil said
9 he thought [REDACTED] was helping to provide him with
10 the necessities of life and that's why he thought it was
11 okay to write something under oath and present it in this
12 litigation that wasn't true. We have kids who have said
13 that when they received money from someone in Haiti they
14 regard that person as their boss. The implication of
15 course is you do what your boss says.

16 So we are very concerned that in this case in
17 particular, I think it's true in every case, but in this
18 case in particular, the circumstances of these young men
19 are dire. We don't dispute that. They're dire. And so
20 the incentives that this money creates are not okay.

21 And I say that without casting any aspersions on
22 the motives of plaintiffs' counsel, whether their motives
23 were humanitarian or whether their motives were to
24 actually enable their clients to assist them in the
25 litigation. There are some things that anybody else in

1 the world can do that if you're a lawyer with a client you
2 can't do, because we're officers of the court and we do
3 have this obligation to do what we can to make sure that
4 the proceedings have integrity.

5 There's a couple of subsidiary points we make in
6 the motion I want to address very quickly.

7 One is the issue of the young man with the
8 active tuberculosis. We lay this out in the reply brief.
9 We really just don't understand how the representations
10 that were made to my colleagues in the Dominican Republic
11 at the time of his deposition can square with his
12 interrogatory answers and we're concerned -- obviously we
13 think he should be tested again. I don't think it's safe
14 to be in a room with someone with an active case of
15 tuberculosis.

16 So we have no objection to them at their expense
17 testing him to make sure that's not the case. But we
18 really would like to know where this notion that he had
19 tuberculosis comes from because it wasn't in his
20 interrogatory answers.

21 They say he's been diagnosed and treated for it,
22 but as you know from listening to the status conference,
23 we've seen no records of that. It seems to us from his
24 interrogatory answers that at least at the time he wrote
25 them, he didn't know he had tuberculosis. That's not what

1 he said in his answers, he said he had an infection. So
2 we just want to get to the bottom of it.

3 With regard to Mr. Sibert's deposition, I think
4 we're going to be able to work out dates. We did correct,
5 from our perspective at least, a little bit of the record
6 for what the situation was. But I think we're going to
7 get dates on that. I think we're going to work out
8 locations and so forth.

9 I do think it's important that Your Honor order
10 that the plaintiff's counsel produce Mr. Sibert's
11 documents in advance of the deposition. It seems to us
12 beyond dispute that he's their agent for all purposes. In
13 fact, that may be a direct quote from them. The documents
14 are in their control. He's their guy. So I think we need
15 to see the documents that he has that are responsive to
16 our requests. And we're particularly interested of course
17 in flows of money from the United States to him and from
18 him to plaintiffs. But in addition, I think he's probably
19 got a lot of stuff that's relevant to the case that's
20 responsive to our general requests.

21 For example, we know that he interviewed many --
22 some, at least, of these boys on his radio show, and that
23 was one of the instigators of people coming forward. We
24 see in an email that has been produced to us in reference
25 to MP4 files, which is a digital file that's a sound

1 recording. So if there are any sound recordings of
2 plaintiffs or former plaintiffs or people at PPT that are
3 not plaintiffs, if he has any documents that are related
4 to PPT, to Mr. Perlitz, to Father Carrier to the other
5 institutional defendants, I think we are entitled to see
6 them.

7 Thank you.

8 THE COURT: Thank you.

9 MS. BIERSTEIN: Good afternoon, Your Honor,
10 Andrea Bierstein for the plaintiffs.

11 I think the plaintiffs see this motion rather
12 differently from the defendants. Mr. Folkman
13 characterizes that we're asking for various exceptions to
14 the rule. We don't view it as a question of exceptions to
15 the rule. We think this rule is not as clear as they
16 claim it is. Although they claim it's very clear on the
17 one hand, but on the other hand, I think the positions
18 they take illustrate that it's very -- very much less than
19 clear.

20 They concede that we can pay for a medical exam
21 for Jacques Mackenson because they think that's an expense
22 of litigation, but they apparently think we can't pay for
23 him to be treated for it. And I assume they think we
24 couldn't have paid for him to be treated for it six months
25 in advance of the deposition so they wouldn't have had to

1 take to waste their time not being able to take his
2 deposition.

3 They concede that we can pay for hotel rooms and
4 meals in the Dominican Republic during the deposition, but
5 apparently are of the view that a meal the day before or
6 the day of the prep session or a day when the client needs
7 to assist the lawyer in answering questions, that those
8 meals are outside the boundaries.

9 They agree that we can pay for the plaintiffs to
10 take the bus from Haiti to the Dominican Republic, but
11 they say that the shoes that the plaintiff wears when he
12 gets on the bus in order to make him do that are outside
13 the bounds.

14 They seem to be upset about paying for cell
15 phones when cell phones are the only way for counsel to
16 communicate with clients who don't have land lines in
17 their home, and yet they insist that we be able to talk to
18 the clients and gather the information needed for the
19 interrogatory answers.

20 I think part of the problem here, Your Honor, is
21 that it's not entirely clear to us, and it has not been
22 clear to us, where the line between litigation expenses
23 ends and where other things begin. I think you saw in
24 Mr. Garabedian's declaration when you have a client that
25 shows up and you want to sit down and have a working

1 session with him and he says, okay, but first I haven't
2 eaten in a few days. The idea that it's not an expense of
3 litigation to feed someone who cannot help you in
4 answering the questions that you need to have him assist
5 his case, we view that as litigation expenses.

6 Now, my understanding is that this motion is
7 forward looking in terms of what should happen going
8 forward, and as we said in our papers, we welcome guidance
9 from the Court. But I think this is not as
10 straightforward an issue as the defendants have presented
11 it. There's a very murky line here about what we can and
12 should and need to be able to pay for and what may be
13 viewed as perhaps going too far. And in that respect, I'd
14 like to make two additional points.

15 Mr. Folkman waxes kind of lyrical about the
16 wonders of the American justice system, but none of those
17 advantages and none of those procedures are going to make
18 any difference if the plaintiffs can't participate, and so
19 there is this question about what is needed for them to be
20 able to participate. And I think we've laid out in our
21 papers why we think that's a little fuzzier here than it
22 might be elsewhere, and I note elsewhere outside of
23 Connecticut. And I should note that there are courts in
24 the U.S. that interpret this rule differently, and I
25 understand we're dealing with the rules in Connecticut.

1 But the notion that the rule is rigid and inflexible, it's
2 the same rule as other jurisdictions in the U.S. but not
3 all of them interpret it exactly the same way. So I think
4 the notion that there is some flexibilities here is, you
5 know, in terms of what this rule means is important and we
6 look to the Court for guidance on that.

7 I should also mention, Your Honor, we do not
8 disavow what Mr. Sibert has done and we have said many
9 times that he is our agent and we don't want to pretend
10 that all of this is kind of behind our back, and it's not,
11 and we accept responsibility for that. But I wanted to
12 note to Your Honor, and I think this is clear from
13 Mr. Sibert's declaration, some of the money that he gives
14 to people who may be plaintiffs, to people at PPT -- who
15 are at PPT who have never become plaintiffs, to people he
16 sees on the street who have no connection to PPT, is his
17 own personal, charitable contributions. And I think it's
18 important to note that I don't think anything that we're
19 doing here can or should affect that.

20 Obviously whatever the rules are in terms of
21 what we can do, we understand we can't have Mr. Sibert do
22 instead. We can't tell him to make payments that we can't
23 make, and we appreciate that. But whatever the rules are
24 in terms of money that is passed through him, it needs to
25 be clear that for a Haitian, Mr. Sibert is much better off

1 than many of the people in that country. He's employed by
2 us. He has other employment there. His wife is employed
3 and they live in the United States. And it is not I think
4 realistic or fair to ask that he cease to be a generous
5 person and do what he wants to do but, you know, in a
6 personal way but that that needs to be separated to some
7 extent from what he does on our behalf as our agent. And I
8 wanted to point that out.

9 Two other things that Mr. Folkman raised. One
10 has to do with the representations about tuberculosis and
11 I want to explain that a little to the best I can.

12 When Mr. Mackenson answered his interrogatories,
13 he stated that he had been treated for an infection in
14 2014. He didn't specify what the infection was, and my
15 understanding from what I've been able to gather in trying
16 to get to the bottom of this is that: Unlike in the
17 United States, tuberculosis is not unusual, it's not
18 remarkable and apparently he didn't think it was
19 significant to say what the infection was. He had an
20 infection and that's what he -- and so he noted it and he
21 noted -- it's in the interrogatory answers -- that he was
22 treated, and he didn't specify the nature of it.

23 My understanding is that in preparation for the
24 deposition in terms of reviewing that, he elaborated to a
25 greater extent that it was tuberculosis which would not in

1 and of itself been an issue, because presumably it would
2 have either been elaborated on at the deposition or
3 somewhere else, but when he showed up at the resort with
4 this active hacking, liquidy, productive cough, as it's
5 been described to me, I wasn't there, it raised alarm
6 bells because of the fact that he had clarified that this
7 infection from 2014 had in fact been tuberculosis.

8 We have not seen the medical records. I can't
9 confirm to Your Honor that's what he had. But he had told
10 us that that's what this infection was before he showed up
11 apparently with the cough.

12 And so there wasn't any intent here to hide the
13 ball or play fast and loose with it. The infection was
14 disclosed. It just hadn't been labeled with a diagnosis,
15 which we had no idea that that was the case or that it
16 would ever be relevant frankly if he hadn't shown up as
17 sick as he did.

18 I think with regard to Mr. Sibert's deposition
19 and documents, I just want to note, Mr. Folkman is right,
20 I think we'll be able to work out the dates. I don't
21 think there's a need for a court order. I don't think
22 there's an order for documents. We agree that documents
23 need to be produced in advance of the depositions. Some
24 may be withheld on grounds of privilege and they'll be
25 logged as appropriate, you know, where it's appropriate to

1 do that. We are working to get those documents ready and
2 to get logged what needs to be logged and we intend to
3 make a production before that.

4 I just want to note that the issues of
5 scheduling Mr. Sibert's deposition are tied up first of
6 all with the need to take care of the document production
7 first because we want to make sure that's done in advance
8 and, second of all, with the need for him to remain in
9 Haiti to get the last six passports and visas that were
10 discussed earlier. So if he were to come back to the U.S.
11 now they could do the deposition sooner, but it would
12 compromise the ability of the rest of the plaintiffs'
13 depositions.

14 So given those constraints, we are working with
15 him to get dates that don't interfere with anything, but
16 we do intend to produce him for deposition, and we do
17 intend to produce his documents.

18 So just to sum up:

19 On the issue of the payments, we're not
20 suggesting that there are no limits here. I will say that
21 in terms of the incentives, there is not the slightest
22 shred of testimony here that any of the plaintiffs has in
23 any way fabricated the allegations. Despite all these
24 depositions, there's none of that here. In fact there's a
25 fair amount of testimony about the disincentives to come

1 forward and say that you are a victim of Douglas Perlitz
2 because of the stigma in Haiti about homosexuality and the
3 boys who have been labeled fags, who have been called
4 Douglas's wives who can't get jobs because of that. I
5 think what we've seen is this is not something that these
6 people come forward and say lightly.

7 And in fact, as I think we tried to demonstrate
8 to Your Honor, there's not as much focus on the money as
9 defendants suggest when you actually look at the
10 plaintiffs' testimony.

11 But putting aside the incentive issue, we think
12 that this expenses of litigation should be construed
13 realistically here in a way that allow these particular
14 plaintiffs to participate in the litigation and allow us
15 to advance to them the money that is necessary for them to
16 do that so that none of them has to drop his case for the
17 inability to assist his lawyers in preparing his case,
18 provide the discovery needed or even, you know, be well
19 enough to travel to participate in his deposition. And we
20 would ask Your Honor to construe the rule appropriately to
21 allow for that.

22 THE COURT: All right.

23 MR. FOLKMAN: Your Honor, just a handful of
24 points in response.

25 I think the issue of paying for treatment versus

1 paying for examination is an issue that's dealt with in
2 the Rubenstein case, which we cite. We think it is
3 appropriate to pay for the examination because it is
4 clearly litigation related in the sense we're trying to
5 make it safe for him to attend the deposition without
6 risking anybody else's health.

7 In terms of the amount of money, I just want to
8 remind Your Honor what the per capita income is in Haiti
9 is. I mean, the going rate for these kids apparently is
10 about \$300, some receive more, some receive less. But in
11 general what we hear when we ask is over time I received a
12 total of 300 U.S. dollars. The average income for an
13 average Haitian is a thousand dollars a year. So when we
14 look at that and we imagine paying an American plaintiff
15 four months salary, we think about what those incentives
16 would be like. Human nature in America is the same as
17 human nature in Haiti, and that's our concern about the
18 money.

19 With regard to Mr. Sibert, I don't think it's
20 acceptable to say, he's our agent for all purposes, but if
21 he's doing charitable stuff on his own time, there's
22 nothing we can do to stop him. They don't have to employ
23 him. They can employ someone else. If he's going to be
24 their agent, their guy down there who is doing all the
25 work for them, he cannot be the one to be charitable

1 towards these kids.

2 I don't want to sound cold about it. My
3 personal wish is that all of these kids could have what
4 they need. But it's just not appropriate for their own
5 lawyers or their own lawyers' agents to pay. If you were
6 Mr. Garabedian's secretary and you wanted to be charitable
7 and send down money to one of these kids, that would not
8 be okay.

9 With regard to the -- the last point I want to
10 make with regard to the stigma in Haiti and what these
11 kids face coming forward. I want to make sure you
12 understand how we understand the testimony.

13 As I understand it, any kid who attended PPT, if
14 it's known that they attended PPT, they're regarded as --
15 I'm going to put it in quotes, "a fag" or "Douglas's
16 wife." In other words, people who have no knowledge
17 whether they were abused or not will call them that
18 because they know they attended the school. So we think
19 the kids are already laboring under a stigma and I don't
20 think it's a correct reading of the evidence to say they
21 face disincentives to come forward. In fact, since they
22 already face the stigma, the incentive is to come forward
23 because the harm has already been suffered.

24 Thank you.

25 THE COURT: Is any publicity given to their

1 involvement in the litigation?

2 MR. FOLKMAN: In Haiti? I don't know the answer
3 to that today. Certainly Mr. Sibert has widely publicized
4 the fact of the abuse. Certain kids have been interviewed
5 on his show in the past. And the fact that cases settled
6 is well-known in Haiti.

7 THE COURT: But the identity of plaintiffs were
8 currently before this court?

9 MR. FOLKMAN: What we hear when we ask them
10 questions like that, you know, it's funny, I've asked
11 kids, you know, what happens when you go to apply for a
12 job. They'll say, well, you know, I won't get hired
13 because he says, you know, you're Douglas's wife. That's
14 I guess a Haitian way of saying you've been homosexually
15 abused. And I say, well, do you know the person who
16 you're talking to? And in some cases the answer is no.
17 They just sort of somehow know that this child had gone to
18 the school and therefore they make an assumption. Or
19 sometimes the answer is, yes, I know the person. Well,
20 have you ever applied for a job with someone who didn't
21 know? No.

22 So it's very difficult for us to get a clear
23 picture of that. But my sense is that in the
24 neighborhood, so to speak, it is known that these kids
25 were at the school and all the harms that apparently the

1 plaintiffs say follow from that attach to the kids whether
2 they were abused or not.

3 THE COURT: I see. Thank you.

4 MS. BIERSTEIN: Your Honor, if I could have
5 another 30 seconds?

6 THE COURT: Thirty seconds.

7 MS. BIERSTEIN: On the issue about charitable
8 donations of employees, the suggestion that we shouldn't
9 employ Mr. Sibert if he's making charitable contributions,
10 I would suggest that it's unlikely that defense counsel
11 knows what charities all their employees in their office
12 contribute to and it would be inappropriate to inquire
13 into and I think it would be equally inappropriate to
14 inquire into what Mr. Sibert does with his own money.

15 In terms of the issue of the stigma, I mean,
16 there's a huge stigma in Haiti and I think the defendants
17 on the one hand claim that almost no one at PPT was
18 actually abused because they insist it was a tiny
19 percentage of the people there, and yet they also claim
20 that all of them share in the stigma. I think part of the
21 reason there's a widespread stigma is because there was
22 widespread abuse. And one of the plaintiffs has testified
23 about his girlfriend breaking up with him because of the
24 stigma. And I don't think we read the testimony in terms
25 of the issue the way they do.

1 THE COURT: You have the last word if you're
2 interested.

3 MR. FOLKMAN: Thank you, Your Honor.

4 I would just like to encourage the Court to the
5 extent it's possible to give us a ruling sufficiently in
6 advance of the next round of depositions which are
7 supposed to be beginning on February 29. To some extent
8 the bell is already rung and we can't unring it. We're
9 not going to get a second shot at the kids who we have
10 already deposed who have been paid, but it would be
11 interesting for us to be able to depose some kids who have
12 been made aware, as we're requesting, that in fact they
13 can't be on the payroll of Mr. Sibert or their lawyers.

14 THE COURT: Okay. Well, thank you for your
15 input.

16 You seek my guidance on how this rule should be
17 construed and applied. I'll do my best to be of some
18 assistance.

19 Rule 1.8(e), which applies here, prohibits a
20 lawyer from providing financial assistance to a client in
21 connection with a pending or contemplated litigation. The
22 rule provides for one exception: Court costs and expenses
23 of litigation.

24 Counsel for the plaintiff submits that the rule
25 is murky and should be construed realistically to permit

1 the payment of money to or on behalf of these impoverished
2 plaintiffs in a way that would not be permissible in the
3 state of Connecticut.

4 I gather that the financial circumstances of the
5 plaintiffs and their peers are desperate. Counsel paints
6 a picture of perspective client sitting down with counsel
7 being unable to have a discussion without first getting
8 something to eat. I would say that's pretty dire. I
9 think that it is appropriate to consider the financial
10 circumstances of these plaintiffs in deciding what conduct
11 is prohibited and what conduct is permitted.

12 Based on my reading of your papers, I think the
13 best guidance I can provide is that responsible counsel
14 should proceed with extreme caution recognizing that the
15 interest in the integrity of the proceeding, and the
16 appearance of the integrity of the proceeding, must be
17 given scrupulous attention at all times. I think
18 especially in this case if behooves counsel to err on the
19 side of dotting every "i", crossing every "t" and doing
20 whatever can be done to minimize the risk of an appearance
21 of impropriety.

22 That said, it seems to me that cash payments
23 should not be made except when unavoidably necessary. If
24 a plaintiff needs some form of assistance that can
25 honestly and reasonably be characterized as an expense of

1 litigation, then that payment should not be made in cash
2 to the plaintiff unless absolutely necessary, but instead
3 should be made to the provider of the needed service, be
4 it transportation or food or healthcare, and in this way I
5 think the compelling interest in maintaining the integrity
6 of the proceedings and the appearance of integrity can be
7 maintained; otherwise I think the risk of an impropriety
8 and the appearance of impropriety is sufficient to justify
9 an order prohibiting the payment.

10 I think counsel can appreciate my concern. If I
11 haven't eaten for three days and it's my understanding
12 that by signing up with Mr. Sibert I can get \$100 and in
13 short order perhaps \$200 or \$300, and all I need to do is
14 say that I was at PPT and Douglas Perlitz abused me,
15 someone who's desperately hungry wouldn't have to be the
16 worst person in the world to succumb to that temptation;
17 and there's no reason why anybody should be paying any of
18 these people hundreds of dollars. If a person needs a
19 pair of shoes, then, okay, I am not sure how that
20 qualifies as an expense of litigation, but if counsel want
21 to maintain that it does because of the particular
22 circumstances confronting that person, then counsel should
23 arrange to have the shoes purchased for the person. The
24 wrong thing to do would be to give the person money to buy
25 shoes, again, because of the risk of impropriety and the

1 appearance of impropriety. I don't need to belabor it, I
2 hope.

3 With regard to Mr. Sibert, I think transparency
4 is vital and I think Mr. Sibert needs to be available to
5 respond to counsel's reasonable questions and I think that
6 the documents that he has relating to the subject matter
7 of this case need to be produced. If there's a claim of
8 privilege with regard to a document, fine, but generally
9 speaking, based on what you have asked me to read, it
10 appears that there is no privilege and he should produce
11 the documents.

12 With regard to his inclination to be generous
13 toward these plaintiffs with his own funds, I agree with
14 defense counsel that he needs to make a choice. If he
15 wants to continue to be the agent of plaintiffs' counsel
16 in these cases, then he needs to understand that his role
17 as agent for plaintiffs' counsel restricts his freedom
18 when it comes to making payments to plaintiffs or
19 prospective plaintiffs in the interest of avoiding
20 impropriety and the appearance of impropriety, and if he
21 is inclined to continue to pay money to these folks, then
22 he needs to stop working as the agent for plaintiffs'
23 counsel. I don't think that's unreasonable and indeed I
24 think it's necessary to preserve the integrity and
25 appearance of integrity of the proceeding.

1 I think an objective observer informed of that
2 which has been made known to me could reasonably be
3 concerned that Mr. Sibert has been engaged in activities
4 that run afoul of the rules that would apply to him here.
5 I'm not saying that this is the case. I'm simply asking
6 you to be sensitive to the appearance of things.

7 It is distressing to me, as I hope you can
8 appreciate, to see this article in the Connecticut Law
9 Tribune about how Mr. Garabedian has an advocate in Haiti
10 essentially beating the bushes for people who have been
11 abused so that they can be plaintiffs in this case here.
12 I understand the reporter got it wrong, but that
13 underscores the need to be scrupulously careful to avoid
14 giving people the impression that that's what we're doing.
15 That doesn't need to be repeated.

16 So that's the best I can tell you. I think it's
17 incumbent on counsel to proceed with the utmost caution
18 and to err on the side of withholding assistance when
19 providing the assistance could reasonably create an
20 appearance of impropriety.

21 MR. FOLKMAN: Your Honor, if I may? I believe I
22 understand your order. One of the forms of relief that we
23 requested is actually backwards looking, which is to say
24 we've requested an accounting of payments that have been
25 made, and I wonder if you would be willing to order that

1 we receive an accounting.

2 THE COURT: Yes. I think you're entitled to it,
3 and I think I'm entitled to it.

4 It may be an inconvenience, but I think that
5 it's a reasonable request.

6 Counsel say that there's no evidence that there
7 has been any actual corruption. Well, that's very good
8 and I'm glad, but what really does that prove? I mean, I
9 think that the information needs to be put on the table so
10 that people can examine it and satisfy themselves that
11 indeed what counsel represents to be true is true: That
12 there has been no corruption; that Mr. Sibert has not
13 corrupted people with the prospect of hundreds of dollars
14 and perhaps even hundreds of thousands of dollars. And to
15 suggest that that's an unreasonable request is to my mind
16 not helpful. Not helpful.

17 I mean, I've thought about the First Amendment
18 freedom enjoyed by lawyers to solicit clients. I see the
19 faces of counsel plastered on the buses that fill the
20 streets of Hartford, and it's something that I personally
21 regret, but I give due weight to the First Amendment
22 interest and I accept that this is the way the world is
23 today, but that doesn't mean that people should be going
24 around giving people hundreds of dollars when the people
25 are otherwise penniless and going hungry. It worries me,

1 and so I think I'm entitled to an accounting and I'd like
2 to have one.

3 Anything else?

4 MR. FOLKMAN: No, Your Honor.

5 THE COURT: All right. Thank you.

6 (Proceedings adjourned at 5:12 p.m.)

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C E R T I F I C A T E

In Re: ST. LOUIS vs. PERLITZ

I, Darlene A. Warner, RDR-CRR, Official Court Reporter for the United States District Court for the District of Connecticut, do hereby certify that the foregoing pages are a true and accurate transcription of my shorthand notes taken in the aforementioned matter to the best of my skill and ability.

/s/ _____

DARLENE A. WARNER, RDR-CRR
Official Court Reporter
450 Main Street, Room #223
Hartford, Connecticut 06103
(860) 547-0580