

JUDICIAL DISTRICT OF MIDDLESEX

AT MIDDLETOWN

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HIGH STREET ASSOCIATES :
:
vs. CV 91-0062496 S
:
WILLIAM J. ZISK :
-----X

Before: HONORABLE RICHARD J. STANLEY

April 1, 1996

A P P E A R A N C E S

On Behalf of the Plaintiff:
JOSEPH MILARDO, Esq.
73 Main Street
Middletown, Connecticut 06457

Pro Se Defendant:
William J. Zisk
205 Thomas Street
Roseville, California 95678

1 THE COURT: Gentlemen, please identify
2 yourselves for the record.

3 MR. MILARDO: Attorney Milardo for the
4 plaintiff, High Street Associates.

5 MR. ZISK: William J. Zisk, pro se
6 defendant in this matter.

7 THE COURT: Okay. I have an objection to
8 the plaintiff's motion for supplemental
9 judgment dated December 22, 1995.

10 What's the history of this matter?

11 MR. MILARDO: The history is, your Honor,
12 that it went to judgment in 1993. It was then
13 taken to Appellate Court, the Supreme Court of
14 the United States as well as our Supreme
15 Court.

16 Mr. Zisk has exhausted all avenues of
17 appeal. And, your Honor, this came to the
18 supplemental judgment stage because this was a
19 committee sale of -- through a partition
20 action. And my reading of the statute did not
21 indicate the supplemental judgment was
22 required. But Barbara Link and I had a
23 discussion and I believe the Court -- some
24 individual in the Court felt that it was the
25 best thing to do because money was still being

1 held in the Court's hands for Mr. Zisk, which
2 was his ownership of the property.

3 So we filed a supplemental judgment in
4 December. That was approved by your Honor, I
5 believe, in March or February. And then
6 Mr. Zisk filed these motions.

7 Your Honor just dismissed a motion to
8 reopen and vacate the entire judgment. Which
9 was wisely done, I might add.

10 So really what we are here today on, as
11 far as I know, is the objection to the
12 supplemental judgment.

13 THE COURT: Well, the supplemental
14 judgment was entered by the Court on
15 January 17th.

16 So why are we here, Mr. Zisk?

17 MR. ZISK: I guess, your Honor, it's that
18 I've been having -- see the distance of the
19 3,000 miles. See, I'm a resident of
20 California. And I had been having difficulty
21 following this matter with the delays and the
22 Court calendars and the actions that have been
23 taken in this matter.

24 And I have been notified that the -- my
25 objections which were submitted on

1 January 11th of this year are just now being
2 heard before the Court. And that's why I
3 travelled from California here to argue the
4 objections as they are printed on the
5 calendar.

6 THE COURT: Well, the only thing that I
7 have really before me is a motion to argue --
8 or reargue defendant's motion to reopen and
9 vacate judgment sale. And that motion is
10 denied.

11 Now, since the motion for supplemental
12 judgment was granted by the Court on
13 January 17th, obviously any objections are
14 also overruled. I would submit they must have
15 been in the file at the time, January 12th.
16 Perhaps not.

17 That judgment -- that supplemental
18 judgment has already entered. And an appeal
19 was taken?

20 MR. MILARDO: Not to --

21 MR. ZISK: -- No.

22 MR. MILARDO: Not to the supplemental
23 judgment, your Honor; to the original
24 judgment.

25 In fact, the sale was stayed until after

1 all appeals were exhausted including the
2 United States Supreme Court, which was
3 denied.

4 If I may, your Honor, while Mr. Zisk is
5 here and so that is not a wasted trip, because
6 I mentioned that to him when I called him when
7 the motion for supplemental judgment was
8 calendared -- we had a discussion on the
9 phone. I said this is to allow you to pick up
10 your check from the Clerk. As long as he's
11 here, he can pick up his \$40,000 from the
12 Clerk at this point.

13 I would make that suggestion through your
14 Honor to him just as being friendly because he
15 is under the impression that somehow by not
16 picking up that check, is going to stay all
17 these decisions or not allow them to take
18 place. And they have taken place, your Honor.

19 THE COURT: Mr. Zisk?

20 MR. ZISK: Yes, your Honor. I would
21 appreciate if the Court would hear me on this
22 matter of my objection.

23 THE COURT: I've already made the
24 decision, sir. So why should I go back and
25 revisit? I'm not going to allow you to go

1 back and revisit -- and reargue this.

2 MR. ZISK: I guess I'm just having
3 extreme difficulty following this, your Honor.

4 THE COURT: I don't think you're having
5 that much difficulty. You've gone all the way
6 up to the Supreme Court --

7 MR. MILARDO: -- On his own, he did a
8 good job.

9 THE COURT: So I think you probably know
10 your way around, Mr. Zisk.

11 But I'm not going to spend more time on
12 this. Frankly, the judgment has been
13 entered. You have your appellate procedures
14 with which you are well acquainted.

15 MR. ZISK: Am I misunderstanding the --
16 that my objections were placed on the calendar
17 for today?

18 THE COURT: I don't take care of placing
19 them on the calendar. You do that. And we
20 have a procedure pursuant to Rule 211 since
21 October 1 of 1995. If you follow that, it
22 gets placed on the calendar.

23 MR. ZISK: Well, the order stated that if
24 I did not show up at this hearing, I would be
25 waiving that. It's been very expense and very

1 time consuming --

2 THE COURT: -- I appreciate that.

3 MR. ZISK: I think this is pretty
4 ridiculous. And I'm here and I'm ready to
5 argue my objection like it was noted on the
6 calendar.

7 THE COURT: I've already entered the
8 judgment. I don't care to hear your objection
9 at this point.

10 Judgment was entered and you could have
11 been present when that was done on
12 January 17th. That's when you should have
13 been here. Okay? You have to take an appeal
14 if you wish to do that.

15 MR. MILARDO: Thank you, your Honor.

16
17 (Whereupon this hearing concluded.)

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C E R T I F I C A T E

No. CV 91-0062496 S

SUPERIOR COURT

HIGH STREET ASSOCIATES

J.D. MIDDLESEX

vs.

AT MIDDLETOWN

WILLIAM J. ZISK

APRIL 1, 1996

STATE OF CONNECTICUT

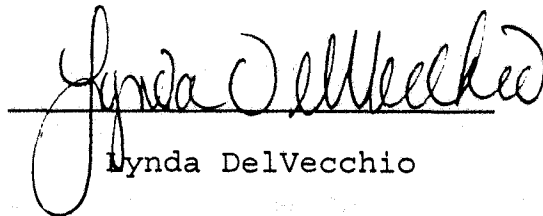
SS:

COUNTY OF MIDDLESEX

I hereby certify that the foregoing is a true and correct transcript of the stenographic notes given at the hearing in the above-mentioned cause heard before the Honorable RICHARD J. STANLEY, in the Superior Court for the Judicial District of Middlesex, Middletown, Connecticut, on the 1st day of April, 1996

Dated at Middletown, Connecticut, this 22nd day of

April, 1996.



Lynda DelVecchio

Certified Court Reporter