

1 P A U L A Z E I N E R,

2 enue, Windsor, Connecticut, having been
3 tified to the following:

4 DIRECT EXAMINATION BY ATTY. FOURNIER:

5 Q And, Paula, what's your relationship to Lisa, the
6 plaintiff?

7 A Lisa and I are first cousins.

8 Q Would you say you're close?

9 A Very close. We're friends, like sisters more than
10 cousins, and we've spent a lot of time in our adult lives
11 together, socially, recreationally, family.

12 Q And as far as 541 Maple Avenue is concerned, you know
13 that -- those premises?

14 A Oh, sure. Lisa bought it. I was living in Hartford
15 at the time. Her mom lived on the first floor, her sister
16 lived on the third floor. I've known the building for many
17 years.

18 Q And you know that neighborhood too?

19 A I do. I have two houses in the neighborhood, the
20 Barry Square neighborhood, on Julius Street.

21 Q Julius Street?

22 A Yup.

23 Q And did there come a time when you became aware that
24 Lisa was cited for a blighted condition at 541 Maple Avenue?

25 A Yes, there did come a time.

26 Q How did you find out about that?

27 A She called me or told me about it. It was very

1 worrisome to her. Lisa has high blood pressure, she gets
2 stressed, and I said, you know, tried to calm her down. I
3 went, Lisa, this is just a letter, you know, I mean, nothing
4 to worry about. And she proved me wrong though; it was a
5 lot to worry about.

6 Q There was something to worry about.

7 A Yes, the City was coming after her; inspectors,
8 notices left on the front porch, that sort of thing.

9 Q Did you have occasion to visit the property after
10 Lisa --

11 A Oh, every month we'd go somewhere, I'd pick her up,
12 we'd visit; sure, I was there throughout the period.

13 Q So during this time -- the -- what does the term
14 "blight" mean to you?

15 A Well, I guess it could mean anything to anybody. I
16 don't know. I don't know enough about the ordinance. I was
17 a former city employee for 22 years. It was anybody's guess
18 what they had in mind or the term "blight." It was an
19 inhabited building, there were tenants on the first floor,
20 tenants on the third floor. Lisa purposely had the second
21 floor vacant for a long time; she didn't like the noise.
22 And business going on from there.

23 And the house needed some paint basically. She had a
24 beautiful garden in the front yard that people would stop
25 and admire. She was a great neighborhood friend. She took
26 care of animals that were in the neighborhood. She fixed
27 animals that needed neutering on her own. She provided

1 shelter and food for animals, and cats especially. And she
2 was a very good citizen. She followed the politics of
3 Hartford and she loved her home. House needed a little
4 paint. And Lisa was alone basically, you know. She had a
5 friend, she had all of us, but did not have a lot of
6 financial resources. And her health wasn't that great.

7 Q And in your opinion was the property blighted?

8 ATTY. BEAMON: Objection, Your Honor.
9 Relevance.

10 ATTY. FOURNIER: What is the objection?

11 ATTY. BEAMON: Relevance.

12 THE WITNESS: I know the neighborhood --

13 THE COURT: I have to --

14 ATTY. FOURNIER: Don't answer yet.

15 THE COURT: -- rule on these first.

16 THE WITNESS: Oh, sorry.

17 ATTY. FOURNIER: It certainly is relevant to the
18 question of whether the property was blighted. A
19 neighbor, a -- somebody that was there that saw it.
20 I don't -- of course it's relevant.

21 ATTY. BEAMON: Your Honor, she's not a plaintiff
22 in this action. And not only that, it's, you know,
23 there's a real issue with foundation as well in that
24 she could determine what's blighted or not.

25 ATTY. FOURNIER: I think I've covered the
26 foundation. I -- she was there, she saw it, she
27 visited it, she saw the notices, she's a property

1 owner herself. She can certainly state an opinion
2 whether it was blighted or not.

3 THE COURT: Well, I guess we have two issues:
4 one is relevancy and the other is whether she's
5 qualified to make -- give an opinion --

6 ATTY. BEAMON: Yes.

7 THE COURT: -- on that. Is that it?

8 Well, as to the relevancy, why is it not
9 relevant whether this house was ever blighted? I
10 mean, the plaintiff testified on that point and there
11 was no objection to her stating what she thought the
12 condition of the property was. But why is it not
13 relevant that -- to get observations by another
14 person too?

15 ATTY. BEAMON: I think it's already established
16 that the plaintiff believes it was blighted, so what
17 is the relevance to have someone else say it was
18 blighted?

19 ATTY. FOURNIER: The plaintiff believes it was
20 blighted? That was not established at all.

21 ATTY. BEAMON: That the plaintiff believed that
22 it was not blighted.

23 ATTY. FOURNIER: No.

24 ATTY. BEAMON: And I assume that this
25 plaintiff -- this witness will also say it was not
26 blighted, but that's just a guess.

27 THE COURT: Okay. Well, I'll overrule that on

1 the relevancy grounds. I guess the, you know, the
2 case is about whether she was unfairly accused of
3 having a blighted house and the City was arbitrary in
4 pursuing her -- I mean, that's what the case is about
5 so -- for having a blighted house -- and so whether
6 it was blighted or not would certainly be relevant,
7 so I'll overrule on that grounds.

8 But on the grounds of, you know, the other
9 point, she is giving an opinion and laypeople are not
10 ordinarily allowed to give opinions.

11 ATTY. FOURNIER: I think on matters of common
12 knowledge I think they are.

13 THE COURT: But some matters upon which
14 nonexpert opinion testimony have been held admissible
15 include the appearance of persons or things: *State*
16 *versus McGuinness*,* 158 Conn at pages 130 to 31;
17 *McLaren* versus Bishop*,* 113 Conn 312 at 313 to 14.

18 So this -- she's giving an opinion on an
19 appearance and that's permitted, so overruled.

20 And so you may answer the question -- if she
21 remembers it.

22 THE WITNESS: No. I would say blighted would be
23 dangerous or risky or hazardous, you know, meaning --
24 or broken windows, glass, obvious dangers to children
25 and whatever, no. As I say, it needed some painting.
26 The windows and doors opened and closed, the building
27 was standing strong, people were living there, and I

1 didn't see where it was -- would meet those
2 definitions, whatever they are.

3 BY ATTY. FOURNIER:

4 Q Even so, you went to the property and helped to do
5 some work there, didn't you?

6 A Yes, yes.

7 Q What did you do?

8 A Some of the cousins --

9 Q Well, what -- all -- how many -- who went, first?

10 A My cousin, my niece Amy, and some friends, my friend
11 Travis came, I think my daughter came and I went, and
12 another friend or two; we had a ladder and scraping and
13 coating up and painting, going to go up two stories to get
14 the peeling paint. And that's what we were doing and
15 working on it for a few weekends.

16 Q Worked on that for a few weekends.

17 A Yeah, we did.

18 Q Mm-hmm.

19 A You know, at the time when this came up -- I don't
20 know if I'm allowed to say this -- I looked around the --

21 ATTY. BEAMON: Objection, Your Honor.

22 THE WITNESS: Nope?

23 ATTY. BEAMON: There's no question pending.

24 THE WITNESS: Okay.

25 THE COURT: Yeah. Sustained.

26 BY ATTY. FOURNIER:

27 Q Okay. So you -- let me ask you that question. Okay?

1 Did you have occasion to take a look around the neighborhood
2 at some point at properties in the neighborhood?

3 A I did, I did.

4 Q With this anti-blight ordinance in mind?

5 ATTY. BEAMON: Objection, Your Honor. It's
6 leading.

7 THE WITNESS: Okay, yup. I did, yes.

8 THE COURT: Well, --

9 ATTY. FOURNIER: Wait, wait --

10 THE COURT: -- overruled.

11 ATTY. FOURNIER: I don't see how it's leading.
12 I'm not -- certainly not -- I asked her if she had
13 occasion to do something.

14 THE COURT: I just -- I agree. I overruled the
15 objection. You're just focusing the witness --
16 you're just focusing the witness on the next
17 question. So overruled. You may ask the question.

18 ATTY. FOURNIER: You overruled the objection?

19 THE COURT: Yes.

20 BY ATTY. FOURNIER:

21 Q Did you have occasion to take a tour of the
22 neighborhood?

23 A I did.

24 Q And what did you find?

25 A I found about 20 or 25 buildings. I just kind of
26 drove up and down Whitmore Street, Bond Street, Barker
27 Street, the whole Barry Square area, with my camera and I

1 said let me just take pictures of these buildings. And
2 there's so many much worse, so many that I looked at, and I
3 said, gee, these porches are falling off. I mean, I wonder
4 if these are on the list, you just don't know. And I think
5 I gave you the pictures. I don't know what came of it, but...

6 Q You took some pictures.

7 A Oh, I took a lot of pictures, yes.

8 Q I'm going to show you some pictures. They're marked
9 as -- well, I'm going to show you some pictures. Okay?

10 A Are those the ones I took?

11 Q And they're all marked.

12 A Okay.

13 Q And you tell me if those are the ones that you were
14 referring to.

15 A Oh, yeah. Yes, they are.

16 Q And you put those address labels on them, didn't you?

17 A Yes. And I signed on the -- on the rear side too and
18 dated them.

19 Q And are they -- those are the properties that you're
20 talking about that you toured?

21 A Some of them, sure.

22 Q Yeah. And they are in the very square neighborhood?

23 A All of them.

24 Q Yeah. And let's -- just pick one and tell me what
25 you were looking for -- what you intended -- identify it
26 by -- on the back is a label. Identify it by the label and
27 then tell me how you came to take that particular picture.

1 THE COURT: Are these full exhibits?

2 ATTY. FOURNIER: Excuse me, please?

3 THE COURT: Are these all full exhibits?

4 ATTY. BEAMON: No, Your Honor.

5 ATTY. FOURNIER: No, they're for identification
6 only so far.

7 THE WITNESS: 91 Whitmore Street, it had peeling
8 paint that's similar to what Lisa had, very similar,
9 and so that's why I took that picture.

10 374 New Britain Avenue seemed peeling paint 100
11 percent and to the point where the paint was holding
12 the porch up, I thought, and I wondered if that
13 building had been cited.

14 57 Mountford Street looked -- appeared similar
15 to Lisa. It did have some graffiti and a door was
16 missing.

17 Small area on 261 Wethersfield Street, very
18 similar to what Lisa's house had, and just was
19 wondering whether they were -- they too were
20 blighted.

21 And some of these much, much worse. 55 Colonial
22 Street, two full stories, all three sides were
23 peeling and coming off.

24 You know, so...

25 ATTY. FOURNIER: All right. And I'm going to
26 move these as full exhibits, Your Honor.

27 THE COURT: Any objection?

1 ATTY. BEAMON: Well, I'd again object to
2 relevance, Your Honor.

3 THE COURT: Okay. Well, --

4 ATTY. FOURNIER: Well, they're relevant to the
5 question of whether the -- as I pleaded, this -- the
6 process by which the properties were chosen to be
7 cited and fined was a deficient process, and these
8 are -- this is evidence of that because these are
9 properties that were not cited and fined and have
10 basically the same characteristics as the one that
11 was that I'm complaining about.

12 ATTY. BEAMON: Again, Your Honor, --

13 THE COURT: Wouldn't that be relevant if she can
14 say that?

15 ATTY. BEAMON: If she can. But I, you know, I
16 don't know about if these photographs by someone
17 driving by has the same, you know, inspection that an
18 inspector went to 541 Maple Avenue, but that's why I
19 don't believe they're relevant, Your Honor.

20 THE COURT: Okay. Well, that goes to the
21 weight.

22 ATTY. FOURNIER: Say again, please, Your Honor?

23 THE COURT: His argument would go to the weight
24 of it rather than the admissibility. But I didn't
25 hear her say that I know and I looked up and I know
26 that these were not cited for blight.

27 ATTY. FOURNIER: No, we're --

1 THE COURT: All she said was --

2 ATTY. FOURNIER: -- going to get to that.

3 THE COURT: -- I drove around and took pictures
4 and --

5 ATTY. FOURNIER: We're going to get to that.

6 THE COURT: Okay. So then we need to lay that
7 foundation before we admit them.

8 ATTY. FOURNIER: All right.

9 THE COURT: If that's the grounds for why you
10 say they're relevant, we need to hear her explain
11 that she knows in fact that none of these were cited.

12 ATTY. FOURNIER:

13 Q I have in my hand Exhibit 9 and this is the six month
14 report. And there's a table at the end of the report and I
15 have it here. And it purports to be a list of all the
16 properties that were cited and fined as of June -- as of
17 August 31st of 2012; that's what it purports to be. And my
18 question is have you seen that before?

19 A Was this on the internet? Was this on the internet,
20 a report? Yeah, I kind of kept up with the case somewhat.

21 Q You did?

22 A I looked at it, sure.

23 Q And the properties that you have taken pictures of
24 don't appear on that list, am I right, none of them?

25 A No.

26 Q That was one of your criteria in going around was to
27 take pictures of properties that were not on that list.

1 Isn't that correct?

2 A I don't think so. I think I just wanted to get, you
3 know, some kind of perspective on, you know, what the
4 neighborhood look like, what the standards are in the
5 neighborhood, and what's a fair picture. I don't think I
6 really knew about this particular list at that time.

7 Q All right. Well, let's just run through these.

8 A Okay.

9 Q They're not in alphabetical order so it's kind of
10 difficult to -- it's kind of difficult to find, okay, but
11 they are by -- the ones that are in the south end and the
12 ones that are in the central section are together. So I'm
13 going to read you these addresses and --

14 THE COURT: Well, she's already testified --
15 just to speed things up -- she's already said none of
16 the pictures that she took are on the list --

17 ATTY. FOURNIER: Okay.

18 THE COURT: -- of blighted. So --

19 ATTY. FOURNIER: That should be sufficient, --

20 THE COURT: -- hasn't she --

21 ATTY. FOURNIER: -- I think.

22 THE COURT: Hasn't she said what you wanted her
23 to say?

24 ATTY. FOURNIER: Right.

25 THE WITNESS: I looked through, yup.

26 ATTY. FOURNIER: Yeah, I was going to go through
27 them one at a time but I'm not sure if that's

1 necessary to do that.

2 THE COURT: Okay. Any objection further? Still
3 the same objection?

4 ATTY. BEAMON: Same objection, Your Honor.

5 THE COURT: Okay. Well, I think it's relevant
6 and the foundation has been laid, so overruled.

7 ATTY. FOURNIER: Good.

8 BY ATTY. FOURNIER:

9 Q Now, you took another tour today, didn't you?

10 A I did.

11 Q And what were you touring today?

12 A I was taking a look around Barry Square south end
13 area --

14 THE COURT: Oh, by the way, before you continue,
15 what exhibit number is this and -- so I can make an
16 order of saying it's full?

17 ATTY. FOURNIER: Oh, Exhibit --

18 THE CLERK: It's 14A through M, Your Honor.

19 THE COURT: Okay. 14A through M is full.

20 ATTY. FOURNIER: Yes, 14A through 14M.

21 BY ATTY. FOURNIER:

22 Q Okay. You made another tour. And what were you
23 touring on this particular tour? What were you -- what was
24 it you were looking for?

25 A I wanted to look at some existing pictures as of
26 today around the south side of town, Barry Square
27 particularly, didn't have time -- you gave me this group of

1 pictures and I just verified what they looked like today,
2 went around and looked at them myself. And I didn't have --
3 didn't do all of them, you had thirty-something on the list,
4 but I was able to look at 10 of them.

5 Q Okay. And so you looked at 10. And these are all
6 properties that are on this list. Am I correct?

7 A Yes, nine buildings plus one, Maple Avenue, 10
8 buildings, and they're on this list.

9 Q And just tell me which ones you looked at.

10 A Sure. I took a quick look at 541 Maple Avenue.

11 Q And that's my sister's property.

12 A Right. 16 Warner Street, it appears to be vacant.
13 The gas meters are removed.

14 98 Whitmore Street appears to be vacant and boarded
15 up.

16 755 Broad Street is vacant.

17 873 Broad Street is vacant.

18 1180 Broad Street is not vacant. It's a commercial
19 business.

20 49 Annawan Street is vacant.

21 197 Bond Street is vacant.

22 And 641 Wethersfield Avenue is an empty lot.

23 Actually, the two of those are empty lots: 197 Bond
24 Street is an empty lot and 641 Wethersfield Avenue is an
25 empty lot. So that's the nine of them.

26 Q Now, you and Raoul Rodriguez are friends. Is that
27 correct?

1 A Yes, we're friends. I also worked for Raoul in his
2 construction outfit for about 10 years.

3 Q And who got Raoul involved in Lisa's property?

4 A I would say I did. You know, he's always kind of
5 looking for a good bargain and this was one that he was
6 interested in acquiring and Lisa was in a tight spot, so it
7 kind of worked for both of them.

8 Q And when you say bargain, what does that mean?

9 A Let's see, he likes them before they go on the market
10 with real estate agents, he likes foreclosure. He likes to
11 get a good, good deal.

12 Q Below market value.

13 A Totally.

14 Q And did he get a good deal on this one?

15 A Yes, he knows he got a good deal and I know he got a
16 good deal.

17 Q And what -- you spent a lot of time with Lisa at the
18 time.

19 A Yeah.

20 Q And you knew that you were involved in a deal that
21 was costing her money. Right?

22 A Yeah.

23 Q Tell me what your motive was.

24 A Well, I think that Lisa's health was very much at
25 risk. I think that the City was not going to let up on her.
26 That property was -- they were just going to keep coming
27 after her until she lost it or the liens just accumulated