

**APPELLATE COURT
OF THE
STATE OF CONNECTICUT**

A.C. 42648

KARL PAUL VOSSBRINCK

V.

MARSHAL BRIAN HOBART

APPENDIX OF THE PLAINTIFF-APPELLANT

**KARL PAUL VOSSBRINCK
173 NEW CANAAN AVENUE
NORWALK, CONNECTICUT 06850
203-293-5789
PAULVOSS@EARTHLINK.NET**

APPENDIX
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Logged-In User: **Karl Vossbrinck (paulvoss)** E-Mail: paulvoss@earthlink.net Logout

UWY-CV15-5016933-S VOSSBRINCK, KARL PAUL v. HOBART, BRIAN

Prefix: W01 Case Type: T90 File Date: 04/20/2015 Return Date: 05/05/2015

[Case Detail](#) | [Notices](#) | [History](#) | [Scheduled Court Dates](#) | [Self-rep Help Manual](#)

[To receive an email when there is activity on this case, click here.](#) [↗](#)

Select Case Activity:

Information updated as of: 09/23/2019

Case Information

Case Type: T90 - Torts - All other
 Court Location: Waterbury JD
 List Type: REMOVED FROM TRIAL LIST (00)
 Trial List Claim:
 Last Action Date: 05/20/2019 (The "last action date" is the date the information was entered in the system)

Disposition Information

Disposition Date: 01/18/2019
 Disposition: SUMMARY JUDGMENT-GENERAL
 Judge or Magistrate: HON ANDREW RORABACK

Party & Appearance Information

Party	No Fee Party	Party Category	Party Type
P-01 KARL PAUL VOSSBRINCK Self-Rep: 173 NEW CANAAN AVE NORWALK, CT 06850 File Date: 04/20/2015		Plaintiff	Person
D-01 BRIAN HOBART Attorney: e ROME MCGUIGAN P.C. (027726) File Date: 03/11/2016 1 STATE STREET HARTFORD, CT 06103		Defendant	Person

Viewing Documents on Civil, Housing and Small Claims Cases:

If there is an [e](#) in front of the docket number at the top of this page, then the file is electronic (paperless).

- Documents, court orders and judicial notices in electronic (paperless) civil, housing and small claims cases with a return date on or after January 1, 2014 are available publicly over the internet.* For more information on what you can view in all cases, view the [Electronic Access to Court Documents Quick Card](#).
- For civil cases filed prior to 2014, court orders and judicial notices that are electronic are available publicly over the internet. Orders can be viewed by selecting the link to the order from the list below. Notices can be viewed by clicking the **Notices** tab above and selecting the link.*
- Documents, court orders and judicial notices in an electronic (paperless) file can be viewed at any judicial district courthouse during normal business hours.*
- Pleadings or other documents that are not electronic (paperless) can be viewed only during normal business hours at the Clerk's Office in the Judicial District where the case is located.*
- An Affidavit of Debt is not available publicly over the internet on small claims cases filed before October 16, 2017.*

*Any documents protected by law Or by court order that are Not open to the public cannot be viewed by the public online And can only be viewed in person at the clerk's office where the file is located by those authorized by law or court order to see them.

Motions / Pleadings / Documents / Case Status				
Entry No	File Date	Filed By	Description	Arguable
	04/20/2015	P	SUMMONS	
	04/20/2015	P	COMPLAINT	
	03/11/2016	D	APPEARANCE Appearance	
	06/09/2017		CLAIM/RECLAIM Claim/Reclaim	
	08/01/2017		CLAIM/RECLAIM Claim/Reclaim	
	03/21/2018		CLAIM/RECLAIM Claim/Reclaim	
	08/17/2018		CLAIM/RECLAIM Claim/Reclaim	
100.30	04/20/2015	P	RETURN OF SERVICE	No
101.00	03/23/2015	P	MOTION TO WAIVE ENTRY FEE AND PAY COSTS OF SERVICE <i>RESULT: Granted 3/23/2015 HON MARK TAYLOR</i>	No
102.00	06/15/2015	P	MOTION FOR DEFAULT -FAILURE TO APPEAR PB 17-20 <i>RESULT: Order 12/2/2015 HON ANDREW RORABACK</i>	No
102.10	06/22/2015	C	ORDER <i>RESULT: Order 12/2/2015 HON ANDREW RORABACK</i>	No
102.15	12/02/2015	C	ORDER <i>RESULT: Order 12/2/2015 HON ANDREW RORABACK</i>	No
103.00	08/03/2015	P	CERTIFICATE OF CLOSED PLEADINGS AND CLAIM FOR TRIAL LIST	No
104.00	10/08/2015	C	ORDER <i>RESULT: Order 10/8/2015 HON MARK TAYLOR</i>	No
105.00	10/08/2015	C	JUDGMENT OF DISMISSAL <i>RESULT: HON MARK TAYLOR</i>	No
106.00	10/14/2015	P	MOTION TO WAIVE ENTRY FEE AND PAY COSTS OF SERVICE <i>RESULT: Granted 10/14/2015 HON MARK TAYLOR</i>	No
107.00	10/14/2015	P	MOTION TO OPEN JUDGMENT <i>RESULT: Granted 10/26/2015 HON MARK TAYLOR</i> Last Updated: Party Type - 10/14/2015	No
107.10	10/26/2015	C	ORDER <i>RESULT: Granted 10/26/2015 HON MARK TAYLOR</i>	No
108.00	10/26/2015	C	REOPEN FINAL JUDGMENT AND MOVE CASE TO PLEADING STATUS (KEYPOINT 2)	No
109.00	11/27/2015	P	MOTION FOR ORDER OF PAYMENTS Plaintiffs Request for Damages	No
110.00	11/27/2015	P	EXHIBITS Plaintiffs Exhibits for Damages	No
111.00	11/27/2015	P	EXHIBITS Plaintiffs Exhibit 2	No
112.00	11/27/2015	P	EXHIBITS Plaintiffs Exhibit 3	No
113.00	11/30/2015	P	MILITARY AFFIDAVIT Military Affidavit	No

114.00	12/11/2015	P	AFFIDAVIT  Affidavit of service upon marshal Hobart by marshal Makowski	No
115.00	01/21/2016	P	REQUEST  Plaintiff's Request for a Hearing in Damages	No
116.00	03/01/2016	P	MOTION FOR ORDER OF PAYMENTS  Plaintiffs Motion for Damages <i>RESULT: Denied 3/14/2016 HON MARK TAYLOR</i>	No
116.10	03/14/2016	C	ORDER  <i>RESULT: Denied 3/14/2016 HON MARK TAYLOR</i>	No
117.00	03/11/2016	D	MOTION FOR EXTENSION OF TIME TO PLEAD  <i>RESULT: Granted 4/4/2016 HON ANDREW RORABACK</i>	No
117.10	04/04/2016	C	ORDER  <i>RESULT: Granted 4/4/2016 HON ANDREW RORABACK</i>	No
118.00	03/11/2016	D	OBJECTION TO MOTION  for Order of Payments	No
119.00	04/08/2016	D	REQUEST TO REVISE 	No
120.00	05/06/2016	P	REQUEST TO REVISE  Plaintiff's Request to Revise and Ammend	No
121.00	05/06/2016	P	REVISED COMPLAINT  Plaintiff's Revised Complaint	No
122.00	05/09/2016	P	EXHIBITS  Plaintiffs Exhibits	No
123.00	05/09/2016	P	EXHIBITS  Plaintiffs Exhibit Two	No
124.00	05/09/2016	P	EXHIBITS  Plaintiffs Exhibit Three	No
125.00	06/09/2016	D	ANSWER AND SPECIAL DEFENSE 	No
126.00	08/10/2016	P	REQUEST  Plaintiff's Demand for Production and Disclosure	No
127.00	08/25/2016	P	REPLY  Plaintiff's Response to Defendant's Special Defenses	No
128.00	09/02/2016	D	REQUEST TO EXTEND TIME TO RESPOND TO INTERROGATORIES OR PRODUCTION REQ P.B. 13-7(a)(2)/13-10(a)(2) 	No
129.00	10/13/2016	D	NOTICE OF COMPLIANCE  with Plaintiff's Demand for Production and Disclosure	No
130.00	10/13/2016	D	OBJECTION RE DISCOVERY OR DISCLOSURE 	No
131.00	10/19/2016	P	MOTION FOR ORDER OF COMPLIANCE – PB SEC 13-14 (INTERR/PROD – 13-6/13-9)  Motion to Compel <i>RESULT: Order 2/14/2017 HON ANDREW RORABACK</i>	No
131.10	01/25/2017	C	ORDER  <i>RESULT: Off 1/25/2017 HON ANDREW RORABACK</i>	No
131.15	02/14/2017	C	ORDER  <i>RESULT: Order 2/14/2017 HON ANDREW RORABACK</i>	No
132.00	11/29/2016	P	AFFIDAVIT OF ATTEMPT TO RESOLVE DISCOVERY OBJECTION 	No
133.00	01/17/2017	D	OBJECTION TO INTERROGATORIES/PRODUCTION PB 13-8 and 13-10  Supplement	No
134.00	03/01/2017	P	MOTION FOR PERMISSION TO FILE ADDITIONAL INTERROGATORIES PB SEC 13-6(b) 	No

				Plaintiff's request for additional interrogatories <i>RESULT: Order 8/14/2017 HON ANDREW RORABACK</i>	
134.05	05/01/2017	C	ORDER	<i>RESULT: Off 5/1/2017 HON ANDREW RORABACK</i>	No
134.10	03/29/2017	C	ORDER	<i>RESULT: Off 3/29/2017 HON ANDREW RORABACK</i>	No
134.15	06/26/2017	C	ORDER	<i>RESULT: Continuance 6/26/2017 HON ANDREW RORABACK</i>	No
134.20	07/12/2017	C	ORDER	<i>RESULT: Off 7/12/2017 HON ANDREW RORABACK</i>	No
134.21	08/14/2017	C	ORDER	<i>RESULT: Order 8/14/2017 HON ANDREW RORABACK</i>	No
135.00	03/01/2017	P	REQUEST	Plaintiffs Request for Production and Interrogatory	No
136.00	03/03/2017	D	OBJECTION TO INTERROGATORIES/PRODUCTION PB 13-8 and 13-10	dated March 1, 2017	No
137.00	04/27/2017	P	MOTION FOR CONTINUANCE	Plaintiff's Motion for Continuance <i>RESULT: Granted 4/28/2017 HON ANDREW RORABACK</i>	No
137.10	04/28/2017	C	ORDER	<i>RESULT: Granted 4/28/2017 HON ANDREW RORABACK</i>	No
138.00	06/29/2017	P	REQUEST	JD-CL-71 Request for Exemption <i>RESULT: Granted 7/6/2017 HON MARK TAYLOR</i>	No
138.10	07/06/2017	C	ORDER	<i>RESULT: Granted 7/6/2017 HON MARK TAYLOR</i>	No
139.00	06/29/2017	P	MEMORANDUM	Plaintiff's Memorandum re Dormancy	No
140.00	07/05/2017	P	MEMORANDUM	Memorandum Regarding Discovery	No
141.00	07/05/2017	D	OBJECTION TO REQUEST		No
142.00	08/22/2017	D	NOTICE OF COMPLIANCE		No
143.00	11/27/2017	P	REQUEST	Form JD-CL-71 - Request for Exemption <i>RESULT: Granted 12/1/2017 HON MARK TAYLOR</i>	No
143.10	12/01/2017	C	ORDER	<i>RESULT: Granted 12/1/2017 HON MARK TAYLOR</i>	No
144.00	01/11/2018	D	OFFER OF COMPROMISE		No
145.00	01/18/2018	P	MOTION FOR ORDER OF COMPLIANCE – PB SEC 13-14 (INTERR/PROD – 13-6/13-9)	Plaintiffs Demand for Discovery <i>RESULT: Off 4/6/2018 HON ANDREW RORABACK</i>	No
145.10	04/06/2018	C	ORDER	re #145 <i>RESULT: Off 4/6/2018 HON ANDREW RORABACK</i>	No
146.00	01/19/2018	D	OBJECTION TO MOTION	for order of Compliance <i>RESULT: Sustained 5/14/2018 HON ANDREW RORABACK</i>	No
146.10	02/09/2018	C	ORDER	<i>RESULT: Off 2/9/2018 HON ANDREW RORABACK</i>	No
146.20	05/14/2018	C	ORDER	re #146 <i>RESULT: Sustained 5/14/2018 HON ANDREW RORABACK</i>	No

147.00	02/02/2018	P	REPLY	No
			Plaintiff's Reply to Defendan't Offer in Compromise	
148.00	02/02/2018	P	REPORT	No
			Plaintiff's Journal Regarding Ejection	
149.00	06/05/2018	D	MOTION TO DISMISS PB 10-30 AND/OR FOR SUMMARY JUDGMENT <i>RESULT: Continuance 9/4/2018 HON ANDREW RORABACK</i>	Yes
149.10	07/23/2018	C	ORDER <i>RESULT: Off 7/23/2018 HON ANDREW RORABACK</i>	No
149.20	09/04/2018	C	ORDER <i>RESULT: Continuance 9/4/2018 HON ANDREW RORABACK</i>	No
150.00	06/05/2018	D	MEMORANDUM IN SUPPORT OF MOTION TO DISMISS AND/OR FOR SUMMARY JUDGMENT	No
151.00	07/02/2018	P	OBJECTION TO MOTION Plaintiff's Motion to Deny	No
151.10	07/16/2018	C	ORDER <i>RESULT: Off 7/16/2018 HON ANDREW RORABACK</i>	No
152.00	09/17/2018	D	MEMORANDUM IN SUPPORT OF MOTION Supplemental Memorandum of Law In Support of Motion to Dismiss and/or Summary Judgment	No
153.00	09/24/2018	P	AFFIDAVIT Affidavit Jon Vossbrinck	No
154.00	09/24/2018	P	AFFIDAVIT Affidavit of Adam Vossbrinck	No
155.00	09/24/2018	P	AFFIDAVIT Affidavit of Alan Gordon	No
156.00	09/24/2018	P	EXHIBITS Plaintiff's Exhibit 1	No
157.00	01/18/2019	C	MEMORANDUM OF DECISION	No
158.00	01/18/2019	C	ORDER <i>RESULT: Order 1/18/2019 HON ANDREW RORABACK</i>	No
159.00	01/18/2019	C	SUMMARY JUDGMENT-GENERAL <i>RESULT: HON ANDREW RORABACK</i>	No
160.00	02/05/2019	P	MOTION TO WAIVE ENTRY FEE AND PAY COSTS OF SERVICE <i>RESULT: Granted 2/5/2019 HON MARK TAYLOR</i>	No
161.00	02/17/2019	P	APPEAL TO APPELLATE COURT Last Updated: Party Type - 02/21/2019	No
162.00	02/27/2019	P	APPEAL TO APPELLATE COURT	No
163.00	03/19/2019	P	MOTION TO VACATE ORDER Plaintiff's Motion to Vacate <i>RESULT: Denied 4/11/2019 HON ANDREW RORABACK</i>	No
163.10	04/11/2019	C	ORDER <i>RESULT: Denied 4/11/2019 HON ANDREW RORABACK</i>	No
164.00	03/21/2019	D	OBJECTION TO MOTION by Plaintiff to Open Judgment	No
165.00	03/26/2019	P	OBJECTION TO MOTION Plaintiff's Objection to Defendant's Objection	No
166.00	04/26/2019	P	MOTION FOR WAIVER Motion to Waive Appellate Filing Fee <i>RESULT: Granted 5/9/2019 HON ANDREW RORABACK</i>	No
167.00	05/14/2019	P	APPEAL TO APPELLATE COURT	No

Scheduled Court Dates as of 09/20/2019				
UWY-CV15-5016933-S - VOSSBRINCK,KARL PAUL v. HOBART,BRIAN				
#	Date	Time	Event Description	Status
No Events Scheduled				

Judicial ADR events may be heard in a court that is different from the court where the case is filed. To check location information about an ADR event, select the **Notices** tab on the top of the case detail page.

Matters that appear on the Short Calendar and Family Support Magistrate Calendar are shown as scheduled court events on this page. The date displayed on this page is the date of the calendar.

All matters on a family support magistrate calendar are presumed ready to go forward.

The status of a Short Calendar matter is not displayed because it is determined by markings made by the parties as required by the calendar notices and the [civil](#) or [family](#) standing orders. Markings made electronically can be viewed by those who have electronic access through the Markings History link on the Civil/Family Menu in E-Services. Markings made by telephone can only be obtained through the clerk's office. If more than one motion is on a single short calendar, the calendar will be listed once on this page. You can see more information on matters appearing on Short Calendars and Family Support Magistrate Calendars by going to the [Civil/Family Case Look-Up](#) page and [Short Calendars By Juris Number](#) or [By Court Location](#).

Periodic changes to terminology that do not affect the status of the case may be made. This list does not constitute or replace official notice of scheduled court events.

Disclaimer: For civil and family cases statewide, case information can be seen on this website for a period of time, from one year to a maximum period of ten years, after the disposition date. If the Connecticut Practice Book Sections 7-10 and 7-11 give a shorter period of time, the case information will be displayed for the shorter period. Under the Federal Violence Against Women Act of 2005, cases for relief from physical abuse, foreign protective orders, and motions that would be likely to publicly reveal the identity or location of a protected party may not be displayed and may be available only at the courts.

APPEAL **JOINT APPEAL** **CROSS APPEAL** **AMENDED APPEAL** **CORRECTED FORM**

JD-SC-33 Rev. 11-17
 P.B. Sections 3-8, 60-7, 60-8, 62-7, 62-8, 63-3, 63-4, 63-10, 72-3
 C.G.S. Sections 31-301b, 51-197f, 52-470

All appeals must be filed electronically unless an exemption from the requirements of electronic filing has been granted or you are an incarcerated self-represented party. For further information about e-filing or this form, see the Appeal Instructions, form JD-SC-34.

To Supreme Court To Appellate Court

Name of case (State full name of case)

VOSSBRINCK, KARL PAUL v. HOBART, BRIAN

Type of appellate matter (If a writ of error, the writ and the signed marshal's return must be filed on the same business day as this form. See Practice Book Section 72-3.)

Trial Court History	Tried to Court	Trial court location 300 GRAND STREET Waterbury CT 06702		
	Trial court judges being appealed HON. ANDREW W. RORABACK	List all trial court docket numbers, including location prefixes UWY-CV-15-5016933-S		
	All other trial court judges who were involved with the case HON. MARK H. TAYLOR	Judgment for (Where there are multiple parties, specify those for whom judgment was rendered) BRIAN HOBART		
	Date of judgment(s) or decision(s) being appealed 01/18/2019	Date of issuance of notice on any order on any motion that would render judgment ineffective	Date for filing appeal extended to	
	Case type Civil	For Juvenile Cases <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Order of Temporary Custody <input type="checkbox"/> Other		
	For Civil/Family Case Types, Major/Minor code: T90			
Appeal	Appeal filed by (Party name(s)) Karl Vossbrinck			
	From (the action that constitutes the appealable judgment or decision) Court's failure to recognize 42 U.S. Code §71983. Civil action for deprivation of rights.			
	If this appeal is taken by the State of Connecticut, provide the name of the judge who granted permission to appeal and the date of the order			
	Statutory Basis for Appeal to Supreme Court			
Appearance	By (Signature of counsel of record) ▶ paulvoss	Telephone number 203-267-6500	Fax number	Juris number (If applicable)
	Type name and address of counsel of record filing this appellate matter (This is your appearance; see Practice Book Section 62-8) Karl Vossbrinck 487 Berkshire Road Southbury CT 06488			E-mail address paulvoss@earthlink.net
Certification	"X" one if applicable <input type="checkbox"/> Counsel or self-represented party who files this appeal will be deemed to have appeared in addition to counsel of record who appeared in the trial court. <input type="checkbox"/> Counsel or self-represented party who files this appeal is appearing in place of:			
	I certify that a copy of the appeal form I am filing will immediately be delivered to each other counsel of record and I have included their names, addresses, e-mail addresses and telephone numbers; the appeal form has been redacted or does not contain any names or other personal identifying information that is prohibited from disclosure by rule, statute, court order or case law; and the appeal form complies with all applicable rules of appellate procedure in accordance with Practice Book Sections 62-7 and 63-3. Date to be delivered 02/27/2019		If this appeal is a criminal or habeas corpus matter, I certify that a copy of this appeal form will immediately be delivered to the Office of the Chief State's Attorney Appellate Bureau. Date to be delivered _____	
	If you have an exemption from e-filing under Practice Book Section 60-8, attach a list with the name, address, e-mail address, and telephone number of each counsel of record and the address where the copy was delivered.		Signed (Counsel of record) ▶ paulvoss	Date signed 02/27/2019
Required Documents	To be filed with the Appellate Clerk within ten days of the filing of the appeal, if applicable. See Practice Book Section 63-4.			
	1. Preliminary Statement of the Issues 2. Court Reporter's Acknowledgment or Certificate that no transcript is necessary 3. Docketing Statement	4. Statement for Preargument Conference (form JD-SC-28A) 5. Constitutionality Notice 6. Sealing Order form, if any		
<input type="checkbox"/> Entry Fee Paid <input type="checkbox"/> No Fees Required <input checked="" type="checkbox"/> Fees, Costs, and Security waived by Judge (enter Judge's name below)				<i>Court Use Only</i> Date and time filed
Judge HON Mark Taylor	Date waived 02/05/2019			

Print Form

Reset Form

Appeal Form (continued)

CASE NAME:
VOSSBRINCK, KARL PAUL v. HOBART, BRIAN

Parties & Appearances

PARTY/PARTIES INITIATING THE APPEAL

KARL PAUL VOSSBRINCK
Self Rep: KARL PAUL VOSSBRINCK

Karl Vossbrinck
Self Rep: Karl Vossbrinck
487 Berkshire Road
Southbury, CT 06488
Phone: (203) 267-6500 Fax:
Email: paulvoss@earthlink.net

ALL OTHER PARTIES AND APPEARANCES

BRIAN HOBART - Judgment For
Juris: 027726 ROME MCGUIGAN P.C.
1 STATE STREET
HARTFORD, CT 06103
Phone: (860) 493-3586 Fax: (860) 724-3921
Email: tsheedy@rms-law.com

FILING PARTY CORRECTED INFORMATION

Karl Vossbrinck 173 New Canaan Avenue, Norwalk, CT 06850 (203) 293-5789 paulvoss@earthlink.net

UWY-CV15-5016933-S : SUPERIOR COURT
KARL PAUL VOSSBRINCK, A/K/A : J.D. OF WATERBURY
PAUL VOSSBRINCK, et al
V. : AT WATERBURY
MARSHAL BRIAN HOBART : FEBRUARY 17, 2019

DOCKETING STATEMENT [63-(a)(4)]

The plaintiff-appellant submits the following docketing information pursuant to Sec.

64-4:

Joseph B. Burns
Thomas A. Plotkin
Rome McGuigan, P.C.
One State Street
Hartford, Connecticut 06103
(860) 549-1000
jburns@rms-law.com
tplotkin@rms-law.com

Marshal Brian Hobart
56 Center Street
Waterbury, Connecticut 06702
203-757-4748

- i. To my knowledge there are no pending appeals, at this time, which arise from the same controversy or involve issues closely related to those presented by this appeal
- ii. There were exhibits presented to the Superior court

PLAINIFF-APPELLANT

_____/S/_____
By Karl Paul Vossbrinck
Plaintiff pro se
173 New Canaan Avenue
Norwalk, Connecticut 06850
paulvoss@earthlink.net
(203) 293-5789

CERTIFICATION

I hereby certify that on the above captioned date, a copy of foregoing was filed and served electronically, wherever possible, and by USPS mail where no email address was known, to all counsel of record as indicated below.

_____/S/_____
By Karl Paul Vossbrinck
Plaintiff Pro-Se
173 New Canaan Avenue
Norwalk, Connecticut 06850
paulvoss@earthlink.net
(203) 293-5789

Service To:
Joseph B. Burns
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(860) 549-1000
jburns@rms-law.com
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RETURN DATE: **MAY 5, 2015** : SUPERIOR COURT
KARL PAUL VOSSBRINCK, A/K/A : J.D. OF WATERBURY
PAUL VOSSBRINCK, et al
V. : AT WATERBURY
MARSHALL BRIAN HOBART : APRIL 9, 2015

VERIFIED COMPLAINT FOR DAMAGES

I THE PARTIES

1. At all times relevant herein Plaintiff, Karl Paul Vossbrinck, resided at 487 Berkshire Road, Southbury, Connecticut 06488, then at 173 New Canaan Avenue, Norwalk, CT 06850.
2. At all times relevant herein The Defendant Marshal Brian Hobart has had his principle place of business at 56 Center Street, Waterbury, Connecticut 06702.

II STATEMENT OF FACTS

1. On October 2, 2012, Marshal Brian Hobart (Defendant) appeared at Plaintiff's house, gave Plaintiff one hour to collect his things and leave. Defendant then began the process of emptying Plaintiffs house and property with the help of about ten people. Both Defendant and officer Tierney of the Southbury Police Department informed Plaintiff that he was to leave his home and not to return to his home under any circumstance.
2. From October 2, 2014 and lasting for about one week Defendant removed Plaintiffs belongings from his home.
3. Approximately one week after Defendant ejected Plaintiff from his home Defendant and his crew vacated Plaintiffs premises.

JURY TRIAL REQUESTED

4. At no time did Defendant provide any inventory of the items removed from Plaintiffs property nor did he inform Plaintiff of the location of his removed possessions.
5. On numerous occasions, for a period of approximately three weeks thereafter, Plaintiff contacted Marshal Hobart and any and all of his designees regarding the disposition of Plaintiffs belongings. Marshal Hobart refused to tell Plaintiff where his belongings were. This was also true of Geraldine Cheverko, counsel for the Defendant and Estelle Stevenson, real estate agent present at Plaintiff's ejection and later listing agent at Prudential Real Estate in Monroe, Connecticut, for Plaintiff's property.
6. Plaintiff finally learned that Marshal Brian Hobart placed Plaintiffs possessions in five separate locations in Southbury, Oxford and Southington, Connecticut.
7. When Plaintiff retrieved his possessions he noticed that many items were missing including but not limited to those listed (Exhibit 1).
8. One month after Plaintiff's ejection Plaintiff learned that Marshal Brian Hobart left a vast amount of Plaintiffs belongings at Plaintiffs premises. A partial list can be seen in (Exhibit 2) These belongings represented roughly 50% of Plaintiffs belongings the day he was ejected from his home. At the time that Plaintiff came to realize that much of his possessions were never removed from his property. Plaintiff was initially concerned but came to believe that these remaining belongings would be safe and secure until his Appeal was decided.
9. Sometime during the second quarter of 2014 Geraldine Cheverko, attorney for the Defendant, had the remaining entirety of Plaintiff's personal property removed from all exterior areas of Plaintiff's home and liquidated same without any notification to Plaintiff whatsoever. A partial list of those items can be seen as (Exhibit 2).

10. On June 6, 2014 Estelle Stevenson of Prudential Real Estate listed Plaintiff's property for sale for \$363,600.00. At the time that Estelle Stevenson listed Plaintiff's property for sale there were items remaining inside Plaintiff's house. Those items included a fully functional antique Garland commercial range, a washing machine and dryer, a full kitchen in each of the two (2) downstairs guest apartments and an Ivory colored Vermont Castings cast iron airtight wood burning stove in the family room. Many of those items were/are visible on Prudential Realty's, (*now Berkshire Hathaway, Shelton, Connecticut*) website just as they were when Plaintiff's house was listed for sale. Additional photographs taken roughly at the time that the house was listed for sale revealing additional items in the house but not shown in the listing photos. (Exhibit 3)
11. Sometime after Plaintiff's property was listed for sale the entire interior contents of Plaintiff's home were removed. These items, mentioned in item 10, can be seen in (Exhibit 3). These items would normally be left in a house listed for sale.
12. The intrinsic or replacement value of Plaintiff's property remaining after Defendant initially vacated Plaintiff's premises at the time of Plaintiff's ejectment was in excess of \$200,000. The personal property has value far in excess of that to Plaintiff.
13. The items liquidated post ejectment are listed in (Exhibit 2) as well as those in (Exhibit 3)
14. The items removed from the inside of Plaintiff's home after his property was listed for sale are listed in (Exhibit 3).

III ALLEGATIONS

COUNT 1

18 U.S. Code § 242 - Deprivation of rights under color of law

Under "color of law", it is a crime for one or more persons using power given to him or her by a governmental agency (local, state or federal), to willfully deprive or conspire to deprive another person of any right protected by the Constitution or laws of the United States.

Defendant used authority vested in him by the state of Connecticut and the Constitution of the United States to violate Plaintiffs right to Due Process thereby deprive same of house, home and property.

COUNT 2

Defendant committed Civil Conspiracy - A direct violation of CGS § 53A - 48

The elements of a civil action for conspiracy are:

A combination between two or more persons to do a criminal or an unlawful act or a lawful act by criminal or unlawful means; An act done by one or more of the conspirators pursuant to the scheme and in furtherance of the object which act results in damage to the Plaintiff.

American Diamond Exchange, Inc. v. Alpert, 101 Conn. App. 83, 99-100 (2007)

COUNT 3

Taking of personal property without due process in Direct violation of the Constitution of the United States, 4th and 15th amendments.

Due process dictates that no process may be begun or enforced without standing to do so and Defendant lacked standing to foreclose on Plaintiff's property.

COUNT 4

Deprivation of Rights by Force or Theft

Defendant's agent, Marshal Brian Hobart, appeared at Plaintiff's residence with a group of people and physically removed Plaintiff from his house and home by threat of force even though Defendant knowingly had no right to do so.

COUNT 5

Defendant's actions were in direct violation of CGS § 53a-119. Larceny

"A person commits larceny when, with intent to deprive another of property or to appropriate the same to himself or a third person, he wrongfully takes, obtains or withholds such property from an owner."

Defendant knowingly removed Plaintiff and his possessions from his(Plaintiff's) home even though Defendant knew that they (Defendant) had obtained title to Plaintiff's home illegally and had no right to do so thereby depriving Plaintiff of his property and taking much of same property for themselves.

COUNT 6

Defendant is guilty of Unjust Enrichment and Quantum Meruit 4.5-13

Vertex v. Waterbury, 278 Conn. 557, 573-75 (2006);
Meaney v. Connecticut Hospital Assn., Inc., 250 Conn. 500, 511-15 (1999);
Monarch Accounting Supplies, Inc. v. Prezioso, 170 Conn. 659, 667 (1976);
Anderson v. Zweigbaum, 150 Conn. 478, 482-84 (1963).
See also *John T. Brady & Co. v. Stamford*, 220 Conn. 432, 447 (1991);
Bernstein v. Nemeyer, 213 Conn. 665, 675-76 (1990)

COUNT 7

Defendant is in violation of CGS 15-140c Abandonment of vessel.

(a) No person shall abandon any vessel on the waters of this state or upon property other than his own without the consent of the owner thereof...

...provided a notice of intent to sell shall be sent to the Commissioner of Environmental Protection, the Commissioner of Motor Vehicles, Commissioner of Transportation and the owner of such vessel, if known, five days before the sale of such vessel. If the owner is unknown, such sale shall be advertised in a newspaper published or having a circulation

in the town where such marina or other place is located three times, commencing at least five days before the sale....

Defendant removed both boats and trailers belonging to Plaintiff from Plaintiff's property with no notification to Plaintiff whatsoever nor to any of the people listed above.

Defendant followed none of the duties or processes proscribed by law.

COUNT 8

Defendant is in violation of CT Gen Stat § 50-10 Duties of Finder

Any person who finds and takes possession of any article of the value of one dollar or more shall report the finding of such article to the police department of the municipality in which he finds such article within forty-eight hours from the time of such finding. The finder of such article shall, at the time of reporting, furnish to the police department the date, time and place of finding, his name and address and a description of the article found, and, within a period of one week from such finding, shall deliver such article to the police department. Any person who violates or fails to comply with the provisions of this section shall be guilty of a class D misdemeanor.

Defendant removed tens of thousands of dollars of Plaintiff's property from Plaintiff's house and land with no notification to the Plaintiff nor any notification to the Southbury police whatsoever. (Exhibit 14). (Exhibit 15) Defendant followed none of the duties or processes proscribed by law.

FREDERICK C. ULBRICH ET AL. v. KELLY J. GROTH ET AL. (SC 18815)

"...The jury returned a verdict for the plaintiffs on four of their counts and awarded compensatory damages of \$462,000, which the trial court reduced to \$417,000. The trial court also awarded attorney's fees of \$274,128 and punitive damages of \$1,251,000..."

COUNT 9

Defendant is in violation of Connecticut Code - Sec. 54-33g Summons to owner on seizure

... within ten days after such seizure, cause to be left with the owner of, and with any person claiming of record a bona fide mortgage, assignment of lease or rent, lien or security interest in, the property so seized, or at his usual place of abode, if he is known, or, if unknown, at the place where the property was seized, a summons notifying the owner and any such other person claiming such interest and all others whom it may

concern to appear before such judge or court, at a place and time named in such notice, which shall be not less than six nor more than twelve days after the service thereof.

Defendant removed tens of thousands of dollars of Plaintiff's property from Plaintiff's house and land with no notification to the Plaintiff whatsoever. (Exhibit 14) and (Exhibit 15) Defendant followed none of the duties and processes proscribed by law.

COUNT 13

Plaintiff is entitled to Replevin pursuant to CGS Sec. 52-515.

When action of replevin maintainable.

The action of replevin may be maintained to recover any goods or chattels in which the plaintiff has a general or special property interest with a right to immediate possession and which are wrongfully detained from him in any manner, together with the damages for such wrongful detention.

COUNT 14

Plaintiff is entitled to damages under CGS § 52-530 and CGS § 52-529

Damages for property not replevied

Defendant, in collusion with Eckert Seamans, Geraldine Cheverko, Prudential Real Estate, Estelle Stevenson, Select Portfolio Servicing and Safeguard removed tens of thousands of dollars of Plaintiffs personal property, disposed of same, without any notification to Plaintiff whatsoever.

COUNT 15

Plaintiff is entitled to recover damages pursuant to CGS § 53a-121 – Value of property or services

(a) For the purposes of this part, the value of property or services shall be ascertained as follows: (1) Except as otherwise specified in this section, value means the market value of the property or services at the time and place of the crime or, if such cannot be satisfactorily ascertained, the cost of replacement of the property or services within a reasonable time after the crime...

Defendant(s) knowingly directed their agent(s) to remove Plaintiff's belongings from his home and place those belongings somewhere unbeknownst to Plaintiff. During that process said agent(s) stole, at will, whatever of Plaintiff's belongings they wanted.

FREDERICK C. ULBRICH ET AL. v. KELLY J. GROTH ET AL. (SC 18815)

"...The jury returned a verdict for the plaintiffs on four of their counts and awarded compensatory damages of \$462,000, which the trial court reduced to \$417,000. The trial court also awarded attorney's fees of \$274,128 and punitive damages of \$1,251,000..."

COUNT 16

Agent for Defendant, Marshal Brian Hobart, was in direct violation of CGS § 49-22.

Execution of ejectment on foreclosure judgment. Disposition of property.

- a. *...The officer shall eject the person or persons in possession and may remove such person's possessions and personal effects and deliver such possessions and effects to the place of storage designated by the chief executive officer of the town for such purposes.*
- b. *...Before any such removal, the state marshal charged with executing upon the ejectment shall give the chief executive officer of the town twenty-four hours notice of the ejectment, stating the date, time and location of such ejectment as well as a general description, if known, of the types and amount of property to be removed from the land and delivered to the designated place of storage.*
- c. *...and shall provide clear instructions as to how and where such person or persons may reclaim any possessions and personal effects removed and stored pursuant to this section, including a telephone number that such person or persons may call to arrange release of such possessions and personal effects.*

Marshal Brian Hobart followed none of these above stated legal procedures. Plaintiff was denied access to his property for more than three weeks despite numerous calls by Plaintiff to recover same. After more than three weeks Plaintiff was informed that his property was not stored in a facility provided by the Town of Southbury but was rather stored in five various locations, both inside and outside, in towns all over Connecticut.

FREDERICK C. ULBRICH ET AL. v. KELLY J. GROTH ET AL. (SC 18815)

"...The jury returned a verdict for the plaintiffs on four of their counts and awarded compensatory damages of \$462,000, which the trial court reduced to \$417,000. The

trial court also awarded attorney's fees of \$274,128 and punitive damages of \$1,251,000..."

Count 17 - Treble Damages

Sec. 52-564. Treble damages for theft. Any person who steals any property of another, or knowingly receives and conceals stolen property, shall pay the owner treble his damages.

COUNT 18X

Defendant is in direct Violation of CUTPA

Defendant confiscated and disposed of Plaintiff's property without any notice whatsoever to Plaintiff.

FREDERICK C. ULBRICH ET AL. v. KELLY J. GROTH ET AL. (SC 18815)

"...The jury returned a verdict for the plaintiffs on four of their counts and awarded compensatory damages of \$462,000, which the trial court reduced to \$417,000. The trial court also awarded attorney's fees of \$274,128 and punitive damages of \$1,251,000..."

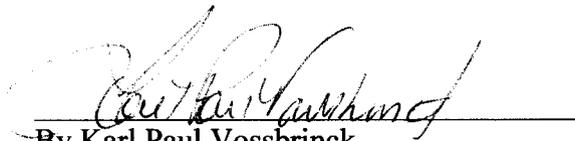
CLAIMS FOR RELIEF

IV REMEDY

Wherefore the Plaintiff claims for theft, larceny as well as malicious and vindictive action against Plaintiff, Plaintiff now hereby seeks:

1. Value of items stolen or damaged by Defendant or their agents to the extent that the court feels appropriate.
2. Costs to the Plaintiff for reasonable attorney's fees and court costs.
3. Punitive money damages as deemed appropriate by the court.
4. Any and all other remedies, including sanctions, as the court deems appropriate.
5. Declaratory Relief.

April 9, 2015



By Karl Paul Vossbrinck
Plaintiff Pro-Se
173 New Canaan Avenue
Norwalk, Connecticut 06850
paulvoss@earthlink.net
(203) 293-5789

Service To:

Marshal Brian Hobart
56 Center Street
Waterbury, Connecticut 06702
203-757-4748

EXHIBIT 1

Items removed by Marshal Hobart and not returned
during ejection October 2012

Total: \$98,860.00

Item	Value
Atlantic Ultraviolet Pond Ozoneanator	\$13,000.00
Flowered PatternSofa	\$1,000.00
Huge Amethyst Geode	\$3,500.00
North Face Expedition 3 piece Parka	\$800.00
North Face Exxon North Sea Parka	\$800.00
2 - 4' X 8' X 4' Jackson Scaffolds Complete @ \$500 ea.	\$1,000.00
2 - 4' X 8' X 6' Jackson Scaffolds Complete @ \$600 ea.	\$1,200.00
Sheetrock Lift	\$360.00
40 - Sections Lozier Shelving @ \$280 ea	\$11,200.00
Various Lozier pieces and sections	\$6,000.00
Miscelaneous Items	\$60,000.00

Docket #UWY CV 15 5016933 S : Superior Court
Karl Paul Vossbrinck aka : J.D. of Waterbury
Vs. : at Waterbury
Marshall Brian Hobart : December 8, 2015

Affidavit re Service of Process

I, Tina Makowski, the affiant herein, states the following:

1. I am a Connecticut State Marshal duly appointed to serve legal process in the State of Connecticut;
2. I am over the age of 18 years;
3. I understand the duty of an oath;

On or about April 12, 2015 I received a writ, summons and complaint for service upon Marshal Brian Hobart of Waterbury, Connecticut;

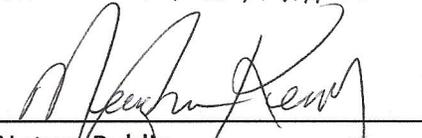
On or about April 12, 2015 I spoke with Marshal Brian Hobart on the phone, and informed him that I had a service for him personally;

During said phone conversation, Marshal Brian Hobart told me to "drop the papers at his office" and "give them to Jimmy", who was 'authorized to accept" on his behalf, and Marshal Hobart provided his office address; Marshal Hobart stated that he "would take care of it".

Service was then made on Jimmy Crafa, Administrative Assistant to Marshal Hobart, as I was directed to do.

These statements are true and correct.

Subscribed and sworn to before me
On *December 8, 2015* at *Milford* CT



Notary Public
State of Connecticut,
My Comm. Expires 6/30/2011

Attest:


Tina Makowski
Ct State Marshal

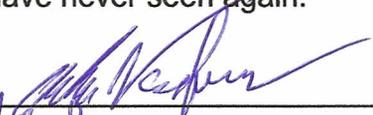
***My Commission Expires
August 31, 2017***



AFFIDAVIT FORM

The within named person (Affiant), Adam William Vossbrinck, who is a resident of New Haven County, State of Connecticut, personally came and appeared before me, the undersigned Notary Public, and makes this his/her statement, testimony and General Affidavit under oath or affirmation, in good faith, and under penalty of perjury, of sincere belief and personal knowledge that the following matters, facts, and things set forth are true and correct, to the best of his/her knowledge:

I, Adam William Vossbrinck, am writing this at the request of my father Karl Paul Vossbrinck, in support of his getting back things that were stolen from him during his ejection from his property. I am very well aware of much of what he had concerning tools and other things in the truck bodies that were on his property as well as in the green tent in his back yard. The amount of tools that my father had was amazing and many of those tools are gone now. I visited his property immediately following his ejection by the marshal and amazed at how much was missing. When I got to his house and walked back to the green tent I saw my father's things thrown all over the place. I thought that the marshal was supposed to remove all of my father's things but it looked like the marshal left more than half of my father's things behind. A great many of my father's things I have never seen again.

Signature of Affiant: 

Date: 9/22/18

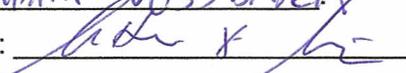
ACKNOWLEDGEMENT OF NOTARY

STATE OF Connecticut

COUNTY OF New Haven

Subscribed and sworn to, or affirmed, before me on this 22 day of September, 20 18

By Affiant Adam William Vossbrinck

Signature of Notary Public: 

My Commission Expires: _____

MATTHEW F. MIHALCIK
Notary Public, State of Connecticut
My Commission Expires 01/31/2020



AFFIDAVIT

The within named person (Affiant), Alan Gordon, who is a resident of New Haven County, State of Connecticut, personally came and appeared before me, the undersigned Notary Public, and makes this his/her statement, testimony and General Affidavit under oath or affirmation, in good faith, and under penalty of perjury, of sincere belief and personal knowledge that the following matters, facts, and things set forth are true and correct, to the best of his/her knowledge:

I first met Paul Vossbrinck after he contacted a company that I represented which sold mountainside trams. Paul was interested in providing a lift between his property and Lake Zoar below. We soon became fast friends and grew close over the years. I spent a great deal of time at his house and became familiar with the land that he owned and the various places on his property where he stored his tools, boats, vehicles and things. He had 25 acres and was kind enough to allow me to store many of my personal belongings both under cover and outside. I have reviewed the journal that Paul created which depicts one of his under cover storage areas, the green tent. The journal Paul created is a very accurate depiction of his green tent storage area both before the arrival of Marshal Hobart and immediately afterwards. I know this to be true because I was at Paul's house immediately after his ejection. This is because I visited Paul's tenant Owen Koslovitch right after the marshal and his crew left.

Signature of Affiant: Alan Gordon

Date: 9/21/18

ACKNOWLEDGEMENT OF NOTARY

STATE OF CT.

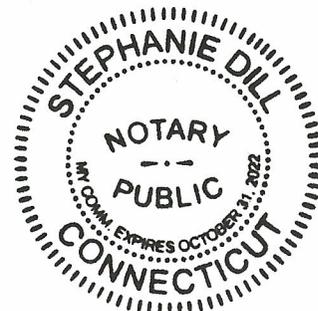
COUNTY OF New Haven

Subscribed and sworn to, or affirmed, before me on this 21st day of September, 2018

By Affiant Alan Gordon

Signature of Notary Public: Stephanie Dill

My Commission Expires: 10/31/22



AFFADAVIT

The within named person (Affiant), Jonathan Robert Vossbrinck, who is a resident of Butler County, State of Kentucky, personally came and appeared before me, the undersigned Notary Public, and makes this his/her statement, testimony and General Affidavit under oath or affirmation, in good faith, and under penalty of perjury, of sincere belief and personal knowledge that the following matters, facts, and things set forth are true and correct, to the best of his/her knowledge:

I, Jonathan Robert Vossbrinck, am intimately and thoroughly knowledgeable concerning all of the facts surrounding the ejection of my father Karl Paul Vossbrinck from his home during the first week of October 2012. I am so aware because my father and I worked together in our company American Construction Enterprises. I am familiar with the photographs depicted in the attached document which he refers to his chronical. I am thoroughly familiar with the before pictures shown on pages 3, 4 & 5 of this document because I was at my father's house daily at that time and those pictures called the "before" pictures are totally accurate. The day after Marshal Brian Hobart left my father's house I was invited by Owen Koslovitch, then a tenant on my father's property, to come and see what Marshal Brian Hobart had done. The pictures shown on pages 6 and 7 of the aforementioned journal are exactly accurate and are exactly how Marshal Brian Hobart left my father's property when he left.

Signature of Affiant: [Handwritten Signature]

Date: 9/19/2018

ACKNOWLEDGEMENT OF NOTARY

STATE OF Kentucky

COUNTY OF Barren

Subscribed and sworn to, or affirmed, before me on this 19 day of September, 2018

By Affiant Jonathan Robert Vossbrinck

Signature of Notary Public: Marla B Edwards

My Commission Expires: 11-29-2018
523058



Plaintiff Vossbrinck's chronicle of the theft of personal items from the period October 2nd to the departure of Marshal Brian Hobart

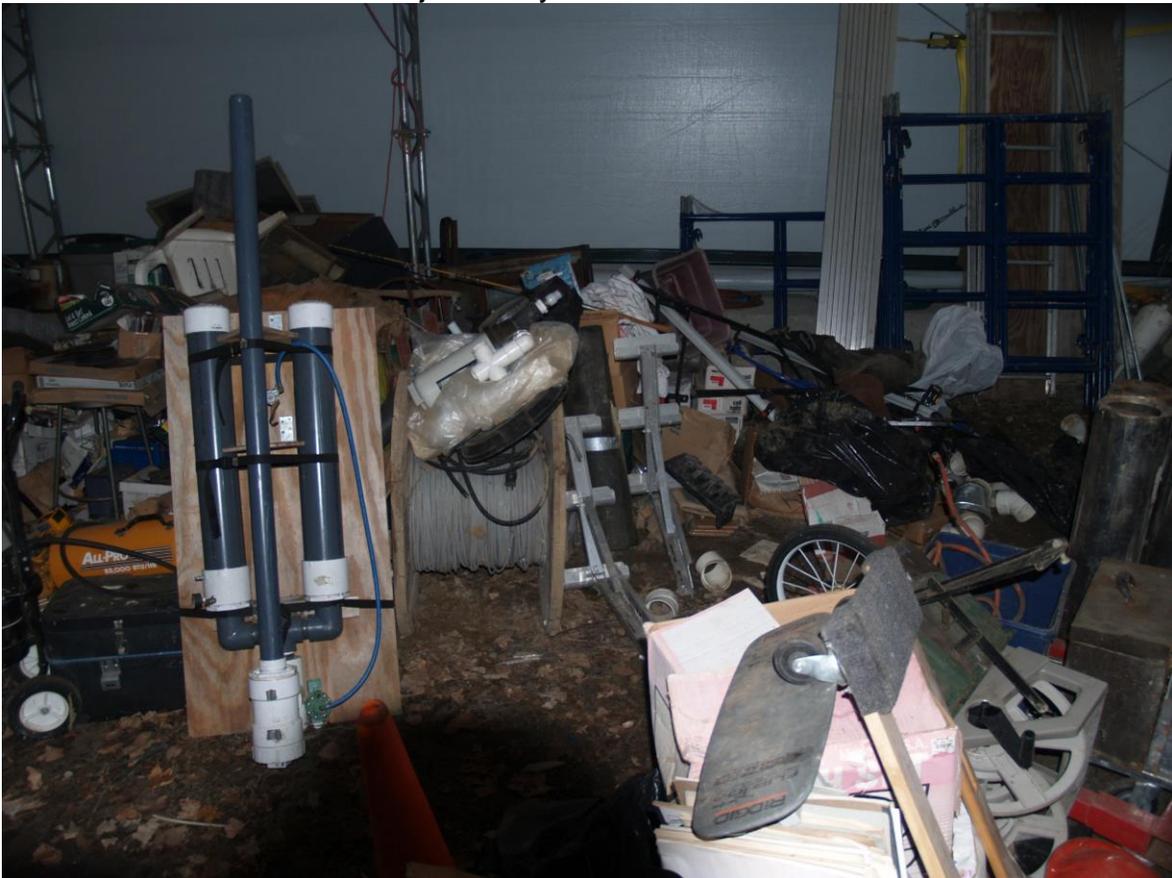
Items removed by Marshal Hobart and his crew while ejecting Plaintiff from his home during the first week of October 2012.

Item	Value
Atlantic Ultraviolet Pond Ozonator - see literature - see picture by pond	\$11,400.00
Flowered PatternSofa - Broyhill - photograph in truck	\$1,000.00
Huge Amethyst Geode - ebay assessment - house living room	\$3,500.00
North Face Expedition 2 piece Parka - no longer available	\$800.00
North Face Exxon North Sea Parka - no longer available	\$800.00
4 Lynn Ladder 4" light duty scaffold ends @ 74.40 ea	\$296.60
4 Lynn Ladder 4" light duty scaffold braces @ 15.52	\$60.80
8 Lynn Ladder 6" light duty scaffold ends @ \$106.40 ea.	\$851.20
8 Lynn Ladder 6' light duty scaffold cross braces @19.60 ea.	\$156.80
8 Lynn Ladder light duty caster wheels for scaffolds @ \$43.20 ea.	\$172.80
4 Lynn ladder light duty base plates for scaffolds @ \$8.00 ea.	\$32.00
Sheetrock Lift - from green tent	\$360.00
Components of Lozier Shelving (98 uprights and shelves) - from green tent	\$11,200.00
Fiber Strapping System - from green tent	\$165.00
Werner Expandable Plank - from green tent	\$189.00
Werner 8' heavy duty extension ladder - Industrial Ladder Supply	\$165.66
Peachtree Mullioned DoubleHung Window - from green tent	\$480.00
Microwave Oven	\$150.00
Water Trampoline (New \$4500)	\$1,250.00
Conn Constellation Trumpet - ebay	\$1,400.00
Commercial external kitchen wall fan - from green tent	\$250.00
Wall Mounted Ozonator by Atlantic Ultraviolet	\$1,000.00
Small Snow Blower - from green tent	\$135.00
Werner 7' five way F367 ladder	\$249.00
Werner 8' C378 Combination Ladder	\$249.00
Lawn Boy Lawn Mower	\$150.00
Coleman Vantage Generator	\$1,200.00
Kitchen Aid Professional Mixer - Amazon pricing - see kitchen picture	\$400.00
Krups 4 Slice Toaster - Amazon pricing - see kitchen picture	\$69.48
Blue Heron Stained Glass - living room picture	\$450.00
Plastic Milk Crates - 20 @\$7.50 each	\$150.00
28' Wernher Extension Ladder - Home Depot	\$289.00
Self leveling feet for above - Amazon Prime	\$124.75
Sony 300 disk cd changer - Amazon Price	\$1,064.00
Timberland Ididerod boots size 12 from upstairs	\$350.00
Timberland Heavy duty full liner winter work bootsc	\$200.00
Mens solid Maple dresser from Plaintiff's parents	\$1,200.00
Womens solid Maple dresser with mirror from Plaintiff's parents	\$1,200.00
Marlboro heavy duty cordura back pack from Plaintiff's brother from upstairs	\$100.00
Marlboro heavy duty cordura athletic bag from Plaintiff's brother from upstairs	\$70.00
Antique Fire Truck Bell from back deck	\$6,000.00
Linhof tripod from upstairs	\$1,100.00
Linhof Tripod Head from upstairs	\$900.00
Miscellaneous Items (tools, steel, machinery, artwork, etc.)	\$30,000.00
Total:	\$81,330.09

Outside of Green and white tent prior to Marshal Brian Hobart's ejection.



The following photographs depict the condition of Plaintiff Vossbrinck's storage tent before Plaintiff Vossbrinck's ejection by Marshal Brian Hobart



In this before ejection photograph above we see Plaintiff Vossbrinck's blue scaffolding and many other personal items.



In this before ejection photograph above we see Plaintiff Vossbrinck's stacked commercial shelving.



In this before ejection photograph above we see Plaintiff Vossbrinck's brand new Peachtree double mullioned widow and additional commercial shelving.



In this before ejection photograph above we see Plaintiff Vossbrinck's yellow sheetrock lift, bicycles and many other personal items.



In this before ejection photograph above we see Plaintiff Vossbrinck's multiple crates of uncut semi-precious rough material gemstones.

The following pages illustrate the condition of Plaintiff Vossbrinck green and white storage tent and the area surrounding the tent shortly after Marshal Brian Hobart vacated Plaintiff's premises.



Mess left by Marshal Hobart North of tent



Mess left by Marshal Hobart South of tent.



Above and below see additional mess left behind by Marshal Brian Hobart



STATE OF CONNECTICUT
SUPERIOR COURT

DOCKET NO.: UWY-CV15-5016933-S SUPERIOR COURT

2019 JAN 18 PM 3 43

KARL PAUL VOSSBRINCK : J.D. OF WATERBURY

JUDICIAL DISTRICT

V. : OF WATERBURY

OF WATERBURY

AT WATERBURY

BRIAN HOBART : JANUARY 18, 2019

MEMORANDUM OF DECISION RE: MOTION TO DISMISS AND/OR FOR SUMMARY
JUDGMENT #149

The plaintiff, Karl Vossbrinck, brings this action, via an eighteen count complaint, against the defendant, State Marshal Brian Hobart, as a result of the plaintiff's dissatisfaction with the performance of the defendant in connection with an execution of ejectment. The plaintiff was ejected following a lengthy foreclosure of a twenty-five acre property he owned located at 487 Berkshire Road in Southbury. He had accumulated voluminous personal property on the premises which was stored both in tents located on that property and inside the large residence on the property.

The complaint in this matter is dated April 9, 2015, and the gravamen of the factual allegations, construed most favorably to the plaintiff, is as follows. The defendant was retained by the foreclosing bank to remove the plaintiff and his possessions from the subject property in October, 2012 pursuant to an execution of ejectment. While much of the plaintiff's property was removed in connection with this process, much was also left behind. In addition, the plaintiff alleges that some of the property removed was of great value and was not accounted for. The large amount of personal property still left on the premises after the execution of ejectment was also of great value, was not removed from the property until 2014, and was at that time liquidated by the foreclosing bank's Attorney, Geraldine Cheverko. There has been no accounting for the disposition of this property. Moreover, after the property was listed for sale

by Prudential Real Estate in 2014, several valuable appliances were removed from the house and disposed of in a manner unknown to the plaintiff.

The defendant has moved for summary judgment, and/or to dismiss, all eighteen counts of the plaintiff's complaint, arguing that there is both a lack of subject matter jurisdiction and that there is no genuine issue of material fact that he is entitled to judgment as a matter of law on all counts. In support of his motion, the defendant relies on the plaintiff's own deposition testimony, an affidavit from the defendant, and certain court filings in the underlying foreclosure action.

At the time this motion was initially heard on September 4, 2018, the plaintiff had not filed any competent admissible evidence in opposition to this motion that would either support his claims or rebut the claims of the defendant. In light of this omission, the court, sua sponte, gave the plaintiff until September 24, 2018 to furnish any such competent documentary evidence that he wished for the court to consider in deciding this motion. In response to that opportunity, the plaintiff furnished three affidavits. These affidavits are from two of the plaintiff's sons, Adam and Jonathan, and a fast friend of the plaintiff, Alan Gordon. Collectively, these affidavits contain testimony stating that after the defendant had completed the ejectment process, a considerable amount of the plaintiff's personal property had been removed from 487 Berkshire Road and that substantial amounts of personal property still remained in the yard at that address, much of which was strewn about the property in disarray.

In support of this motion, the defendant has offered his own affidavit in which he states that he only removed personal property from the plaintiff's large main house and that another entity, Safeguard Properties, was responsible for clearing the yard and hauling away additional

items located there. After the defendant's work in connection with this 2012 ejectment was completed, he only returned to the subject property on one occasion to serve eviction papers on a tenant who was then living at that address. In addition, the defendant relies on the plaintiff's own deposition testimony, which acknowledges that the defendant was acting pursuant to an order that had been issued by a Superior Court judge and that the defendant did not participate in the 2014 disposal of the plaintiff's personal property, which had remained at 487 Berkshire Road or that which was stored as part of the October 2012 ejectment. Finally, the defendant has submitted an affidavit from Robin LeDuc, President of Sullivan Moving and Storage, which authenticates attached business records including an inventory showing that it removed and lawfully stored a large amount of personal property from the plaintiff's home. This property included many items of furniture and 485 boxes of miscellaneous material all of which was claimed by the plaintiff in December, 2012.

“Summary judgment is a method of resolving litigation when pleadings, affidavits, and any other proof submitted show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law. . . . The motion for summary judgment is designed to eliminate the delay and expense of litigating an issue when there is no real issue to be tried. . . . However, since litigants ordinarily have a constitutional right to have issues of fact decided by a jury . . . the moving party for summary judgment is held to a strict standard . . . of demonstrating his entitlement to summary judgment.” (Citation omitted; footnote omitted; internal quotation marks omitted.) *Grenier v. Commissioner of Transportation*, 306 Conn. 523, 534-35, 51 A.3d 367 (2012). “To satisfy his burden the movant must make a showing that it is quite clear what the truth is, and that excludes any real doubt as to the existence of any genuine issue of material fact. . . . As the burden of proof is on the movant, the evidence must be viewed

in the light most favorable to the opponent. . . . When documents submitted in support of a motion for summary judgment fail to establish that there is no genuine issue of material fact, the nonmoving party has no obligation to submit documents establishing the existence of such an issue. . . . Once the moving party has met its burden, however, the opposing party must present evidence that demonstrates the existence of some disputed factual issue. . . . It is not enough, however, for the opposing party merely to assert the existence of such a disputed issue. Mere assertions of fact . . . are insufficient to establish the existence of a material fact and, therefore, cannot refute evidence properly presented to the court under Practice Book § [17-45].” (Internal quotation marks omitted.) *Ferri v. Powell-Ferri*, 317 Conn. 223, 228, 116 A.3d 297 (2015).

“[O]nly evidence that would be admissible at trial may be used to support or oppose a motion for summary judgment.” (Internal quotation marks omitted.) *Nash v. Stevens*, 144 Conn. App. 1, 15, 71 A.3d 635, cert. denied, 310 Conn. 915, 76 A.3d 628 (2013). “[T]he party moving for summary judgment . . . is required to support its motion with supporting documentation, including affidavits.” (Internal quotation marks omitted.) *Romprey v. Safeco Ins. Co. of America*, 310 Conn. 304, 324 n.12, 77 A.3d 726 (2013). “Likewise, [t]he existence of the genuine issue of material fact must be demonstrated by counteraffidavits and concrete evidence.” (Internal quotation marks omitted.) *U.S. Bank, N.A. v. Foote*, 151 Conn. App. 620, 632-33, 94 A.3d 1267, cert. denied, 314 Conn. 930, 101 A.3d 952 (2014). “Documents in support of or in opposition to a motion for summary judgment may be authenticated in a variety of ways, including, but not limited to, a certified copy of a document or the addition of an affidavit by a person with personal knowledge that the offered evidence is a true and accurate representation of what its proponent claims it to be.” (Internal quotation marks omitted.) *Gianetti v. Health Net of Connecticut, Inc.*, 116 Conn. App. 459, 467, 976 A.2d 23 (2009).

In this case, the court afforded the plaintiff an additional opportunity, beyond the date on which the motion was initially heard, to gather and submit admissible competent evidence that would substantiate his opposition to this motion. While the plaintiff did, at the eleventh hour, supply three such affidavits, the information they contained does not suffice to create a genuine issue of fact with respect to any of the claims contained in his eighteen count complaint. Even if sufficient evidence had been adduced to defeat a motion for summary judgment on any of these claims, the court would nevertheless be compelled to dismiss this action for lack of subject matter jurisdiction on the basis of sovereign immunity. These issues have been raised by the defendant in the motion now pending, and the court relies on the admissible evidence submitted in connection with this motion to decide the issue of subject matter jurisdiction.

First, as to the issue of sovereign immunity, the court determines this suit is barred. “The defendant is a licensed State Marshall for the State of Connecticut. The doctrine of sovereign immunity provides that the state cannot be sued for monetary damages without its consent. . . . The Connecticut Supreme Court stated we have also recognized that because the state can act only through its officers and agents, a suit against a state officer concerning a matter in which the officer represents the state is, in effect, against the state. . . . The Connecticut Appellate Court has stated that: The doctrine of sovereign immunity protects the state, not only from ultimate liability for alleged wrongs, but also from being required to litigate whether it is so liable. . . .

“A claim against a State Marshal for negligence in the execution of his duties is not permissible under Connecticut General Statutes § 6–38a (b). That statute provides in relevant part: Any state marshal in the performance of execution or service of process functions, have the right of entry on private property and no person shall be personally liable for damage or injury not wanton, reckless or malicious caused by the discharge of such function. (Citations omitted;

internal quotation marks omitted.) *Brenner, Saltzman & Wallman, LLP v. Tony's Long Wharf Transportation, LLC*, Superior Court, judicial district of New Haven, Docket No. CV-09-5032765 (November 26, 2012, *Fischer, J.*). Against the backdrop of all of the competent evidence submitted both for and against this motion, this court concludes that even giving the plaintiff, non-movant, the benefit of any uncertainty, as required by law, the evidence would at best support only a colorable claim for negligence against the defendant. This is because even if the defendant's alleged omission of failing to properly effectuate the transfer of the entirety of the plaintiff's substantial property to storage was negligent, there has been no evidence to show that any such failure was wanton, reckless or malicious.¹ Accordingly, these claims are barred.

Even if sovereign immunity did not operate as a bar to the plaintiff's claims, this motion would nonetheless be granted for the following reasons.

¹ The court also finds that sovereign immunity bars this claim under the test established in *Spring v. Constantino*, 168 Conn. 563, 568, 362 A.2d 871 (1975). "Under *Spring*, [t]he fact that the state is not named as a defendant does not conclusively establish that the action is not within the principle which prohibits actions against the sovereign without its consent The vital test is to be found in the essential nature and effect of the proceeding. . . . The court should consider the following criteria in determining whether "the suit is, in effect, one against the state and cannot be maintained without its consent: (1) a state official has been sued; (2) the suit concerns some matter in which that official represents the state; (3) the state is the real party against whom relief is sought; and (4) the judgment, though nominally against the official, will operate to control the activities of the state or subject it to liability. . . . If the plaintiff's complaint reasonably may be construed to bring claims against the defendants in their individual capacities, then sovereign immunity would not bar those claims." (Citations omitted; internal quotation marks omitted.) *International Motorcars, LLC v. Sullivan*, Superior Court, judicial district of New Britain, Docket No. CV-05-4005168 (June 20, 2006, *Shaban, J.*). This court adopts the thoughtful and thorough analysis set forth by Judge Shaban in *International Motorcars, LLC*. Subjecting the allegations in the complaint and the facts adduced in connection with this motion to that analysis, this court concludes that the doctrine of sovereign immunity deprives the court of subject matter jurisdiction to adjudicate the plaintiff's claims.

Count one of the plaintiff's complaint alleges a violation of 18 USC § 242. This statute provides no basis for a civil cause of action. See *McLaughlin v. CitiMortgage, Inc.* 726 F. Supp. 2d 201, 220 (D. Conn. 2010).

Count two alleges a violation of General Statutes § 53a-48, which is a criminal statute that does not create a private right of action. To the extent this count is intended to allege a civil conspiracy, no facts have been furnished that would create a genuine issue of fact on this claim.

Count three alleges a deprivation of due process in violation of the 4th and 15th amendments to the U.S. Constitution. All of the evidence presented has shown that the defendant was performing his duties pursuant to a lawful execution of ejectment. There is also no evidence to support the claim in count four that the defendant had no right to carry out the execution of ejectment.

In addition, the plaintiff has furnished no factual evidence to support his claim in count five that the defendant committed larceny. There is similarly no evidence that supports the plaintiff's claim in count six that "the defendant is guilty of unjust enrichment and quantum meruit."

The violation of General Statutes § 15-140c alleged in count seven is defeated by the plaintiff's own deposition testimony that Marshal Hobart did not remove boats from the plaintiff's property. In addition, this statute by its terms would not apply to the allegations made in this count.

With respect to count eight, which alleges a violation of General Statutes § 50-10, the facts adduced do not support this claim, and, even if they did, this statute does not create a private right of action. "[T]here exists a presumption in Connecticut that private enforcement

does not exist unless expressly provided in a statute. In order to overcome that presumption, the [plaintiff bears] the burden of demonstrating that such an action is created implicitly in the statute.” *Perez-Dickson v. Bridgeport*, 304 Conn. 483, 507, 43 A.3d 69 (2012). In the present case, the plaintiff has not met this burden with respect to any of the statutes that he relies on that do not expressly set forth a private right of action.

It is also the case that the defendant must prevail on count nine because no facts have been presented which would support this claim. Moreover, General Statutes § 54-33g does not provide for a private right of action.

The plaintiff does not assert any claims numbered ten, eleven or twelve.

Counts thirteen and fourteen are grounded in a claim for replevin as codified in General Statutes §§ 52-215, 52-530 and 52-529. The plaintiff has offered no admissible evidence that would support his claim that the defendant wrongfully detained any of his property, and, as such, these claims cannot survive the defendant’s motion for summary judgment.

In counts fifteen and sixteen, the plaintiff claims violations of General Statutes §§ 53a-121 and 49-22, respectively. Neither of these statutes creates a private right of action. Therefore, the defendant’s motion for summary judgment is appropriately granted with respect to these counts.

Count seventeen seeks treble damages for theft. The absence of any evidence that would create a genuine issue of fact as to whether the defendant committed a theft compels a finding that summary judgment must also enter in favor of the defendant on this count.

Lastly, count eighteen alleges a violation of CUTPA. This claim must fail because General Statutes § 42-110c (a) (1) exempts from the reach of a CUTPA claim “[t]ransactions or actions otherwise permitted under laws as administered by any regulatory board or officer acting under statutory authority of the state” Here, the defendant was performing statutory duties pursuant to an execution of ejectment ordered by a judge of the Superior Court. Even if this exemption were not to apply, there is no authority to support the plaintiff’s proposition that the provision of services authorized by statute is “trade or commerce” of a nature to fall within the purview of CUTPA. Equally fatal to this claim is that no facts were presented from which a reasonable jury could find that the defendant had violated CUTPA in connection with the discharge of his statutory duties in this case.

“Finally, the fact that the defendant is self-represented cannot excuse or cure these obvious inadequacies in the record. [Although] . . . [i]t is the established policy of the Connecticut courts to be solicitous of [self-represented] litigants and when it does not interfere with the rights of other parties to construe the rules of practice liberally in favor of the [self-represented] party . . . we are also aware that [a]lthough we allow [self-represented] litigants some latitude, the right of self-representation provides no attendant license not to comply with relevant rules of procedural and substantive law.” (Internal quotation marks omitted.) *Tonghini v. Tonghini*, 152 Conn. App. 231, 240, 98 A.3d 93 (2014).

In light of the foregoing, and for all of the reasons stated above, the defendant’s Motion to Dismiss and/or for Summary Judgment is granted in its entirety.

RORABACK, J.

RORABACK, J.

JDND sent to :

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1/18/19