

~~X06~~ X01

◇ NO. UWY ~~X06~~ CV-03-0183606-S : SUPERIOR COURT  
 NEW ENGLAND ESTATES, L.L.C., et al : JUDICIAL DISTRICT of WATERBURY  
 vs. : COMPLEX LITIGATION DOCKET  
 TOWN OF BRANFORD, et al : JANUARY 11, 2007

MOTION FOR CONTINUANCE

Defendant Town of Branford hereby moves to continue the trial of this matter from February 12, 2007 to a time after May 20, 2007, and states the following:

1. Plaintiffs are seeking in excess of Ten Million Dollars (\$10,000,000<sup>00</sup>) in damages from the Town of Branford;
2. This matter is currently set to begin jury selection of February 9, 2007, with evidence scheduled to begin on the day after a jury is impaneled;
3. From this date forward, January 11, 2007, the parties contemplate taking eighteen (18) depositions, in addition to the sixteen (16) days of deposition that have taken place in the last month, for depositions noticed by the plaintiffs;
4. As of this date, defendant is not in receipt of any expert report from the experts disclosed by New England Estates;
5. The only expert disclosures that the parties have exchanged are real estate appraisals;

FAXED

◇ ORAL ARGUMENT NOT REQUESTED.  
TESTIMONY NOT REQUIRED.

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JUDICIAL DISTRICT  
 OF WATERBURY  
 2007 JAN 12 P 4: 52  
 STATE OF CONNECTICUT  
 SUPERIOR COURT

MFCOURT

167.50

6. The defendant Town of Branford cannot determine at this time whether it would require any expert testimony on anything that any of the plaintiff experts may say, other than the real estate appraiser, and, based on the current contemplated deposition schedules, will not know that until the end of January at the earliest;

7. Undersigned counsel is the lone litigator in The Marcus Law Firm;

8. If eighteen depositions are taken between January 10<sup>th</sup> and the start of trial, counsel will have literally a few days to prepare for the actual trial, including preparing a jury charge, organizing exhibits, preparing witnesses, preparing to cross-examine witnesses, digesting and organizing all of the information from all of the depositions, preparing any pertinent trial motions or conducting any legal research on any of the issues likely to arise during trial;

9. After considering the growing number of exhibits and potential witnesses developed through the discovery taken to date, counsel is now of the opinion that this trial will take at least fifteen (15) days to try, which the undersigned believes is more than the number of days that the Court has made available for this matter if the evidence were to begin after February 12<sup>th</sup>;

10. Counsel typically spends two days of trial preparation for each day of trial, and cannot prepare properly for a three-week-long trial in which his client faces a claim for Ten Million Dollars with a few days and nights for trial preparation. Counsel planned on utilizing

the entire month of January to prepare for trial; instead January is filled with wall-to-wall depositions.

Despite extreme effort on the part of counsel for all parties to try to finish discovery, this case is simply not ready for trial and cannot be made ready for trial without significantly prejudicing the ability of the Town of Branford to be prepared at trial. Further, the parties will need more than the time currently allotted to it to fully try the case.

WHEREFORE, the Town of Branford moves for a continuance of this matter and ask that it be rescheduled at the Court's convenience for some time after May 15, 2007.

THE DEFENDANT

By David S. Doyle  
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**ORDER**  
*considered*

The foregoing Motion, having been heard, it is hereby

~~GRANTED~~ / DENIED

BY THE COURT

[Signature], J.  
Judge / Clerk / Assistant Clerk

*1/22/07*

*Order faxed 1/23/07  
to all counsel of record.  
MBF/c.o.*