

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

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KATHLEEN RUGGIERO No.3:11CV00760 (AWT)

Plaintiff

vs.

HARLEYSVILLE PREFERRED
INSURANCE COMPANY

HARTFORD, CONNECTICUT
Defendant DECEMBER 22, 2014

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TRANSCRIPT EXCERPT OF BENCH TRIAL

VOLUME IV

BEFORE:

HON. ALVIN W. THOMPSON, U.S.D.J.

APPEARANCES:

FOR THE PLAINTIFF:

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New Britain, Connecticut 06051
BY: SALLY A. ROBERTS, ESQ.

FOR THE DEFENDANT:

HALLORAN & SAGE -W
315 Post Road West
Westport, Connecticut 06880
BY: SCOTT S. MCKESSY, ESQ.
STEVEN B. RYAN, ESQ.

Corinna F. Thompson, RPR
Official Court Reporter

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(Transcript excerpt follows.)

THE COURT: We have a few minutes. I guess I have to just say something about something that's really troubling me. It may not come into play in terms of the ruling or who I decide for in this case, because I haven't reached any conclusions about that at all. I have to go back and look at a lot of law and evidence. But from the very first time I read the transcript of the proceedings before Judge Handy, I was left wondering why, in a case where somebody tells the police that -- well, she tells the insurance company. I know that. I'm not looking at the police report at this time. Maybe these things were taken. I'll let you know. Then she goes and she talks to family members, and then based on what she's told she comes back and says, yes, they were taken. And then she learns from family members that a family member took it. And then she comes back and says they weren't stolen. I'm withdrawing the claim.

How does somebody wind up getting prosecuted for that? I think it's pretty outrageous. And no matter what I decide in this case, the ruling is going to make that clear.

It's also pretty disturbing to me that the

1 insurance company would be privy to all this information
2 and would go in and go into chambers with the judge and
3 have as a condition for accelerated rehabilitation in a
4 case where what's at issue is a washer, a dryer and
5 generator, returning the \$5,000 as restitution. There's
6 no connection between the two. That comes close to
7 using threat of criminal prosecution as leverage in
8 civil litigation. And it's very disturbing to me.

9 If I were Harleysville, I'd look to resolve
10 this without getting the opinion I'm going to issue.
11 Even if Harleysville wins, it's going to look bad. And
12 that's all I have to say.

13 We're going to take a break so I can get over
14 my disappointment.

15 This is the guy who's the victim, and to hear
16 him say, and to have our other person come in and
17 testify, well, I don't know. Two separate
18 investigations. They were not two separate
19 investigations. He was investigating an arson. He knew
20 the warrant had been issued. He sat down at the EUO,
21 and then her claim gets denied because she wants to
22 invoke her Fifth Amendment rights. And it turns out she
23 was very smart to do so because she was being set up.
24 Mr. Riccio was a lot wiser than everybody realized at
25 the time.

1 So I'd ask you all to talk to Mr. Hawkins
2 about this because I'm pretty distressed at this point.

3 We'll take a recess.

4 (Whereupon, a recess followed.)

5 (End of transcript excerpt.)

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C E R T I F I C A T E

KATHLEEN RUGGIERO VS. HARLEYSVILLE PREFERRED

3:11CV00760(AWT)

I, Corinna F. Thompson, RPR, Official Court Reporter for the United States District Court for the District of Connecticut, do hereby certify that the foregoing pages, pages 1 - 4, are a true and accurate transcription of AN EXCERPT OF my shorthand notes taken in the aforementioned matter on December 22, 2014, to the best of my skill and ability.

/s/ _____

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