

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

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:
JAMES LAWRENCE,
:
Plaintiff,
:
vs. Civil Action
Case No.
:
HEARST COMMUNICATIONS, 3:20-cv-00200-MPS
:
Defendant.
:
- - - - - x

Deposition of JAMES SULLIVAN, taken
pursuant to the Federal Rules of Civil
Procedure, via Zoom videoconferencing pursuant
to Executive Order 7(Q) issued by the State of
Connecticut, before Janet C. Phillips,
CSR No. 124, a Registered Professional
Reporter and Notary Public in and for the
State of Connecticut, on Monday, February 22,
2021, at 12:21 p.m.

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A P P E A R A N C E S

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1 THE REPORTER: Pursuant to Executive
2 Order 7(Q) issued on March 30, 2020, by
3 Governor Ned Lamont, this deposition is being
4 reported remotely. All counsel participating
5 in this deposition proceeding acknowledge that
6 I am not present in the deposition room, and
7 further acknowledge that in lieu of an
8 in-person administration of the oath, it will
9 be administered remotely. The parties and all
10 counsel consent to this arrangement and waive
11 any objections to this method of reporting.

12 Counsel, please voice your agreement,
13 stating your name and agreement on the record.

14 MR. LAWRENCE: James Lawrence, plaintiff.

15 THE WITNESS: James Sullivan. I agree.

16 MR. DRISCOLL: Ryan Driscoll,
17 Mr. Sullivan's attorney. We agree.

18 MR. YUHAN: Stephen Yuhan, counsel for
19 defendants. We agree.

20 MR. LAWRENCE: James Lawrence. I agree.

21 J A M E S S U L L I V A N,
22 called as a witness, having first been duly sworn
23 by Janet C. Phillips, a Notary Public in and for
24 the State of Connecticut, was examined and
25 testified as follows:

1 MR. LAWRENCE: Just a quick statement. I
2 want this to be efficient. This is not
3 intended for any kind of antagonistic way.

4 My experience with the court is that
5 there are certain facts that are not
6 clarified. Judges have a hard time sometimes.

7 So the questions are just basically going
8 to be very simple. I have three areas. And
9 there will be a few introductory questions to
10 the actual question. And it should roll
11 really quickly.

12 I just want to say that we're here
13 basically to find out or find out how the
14 police define second-degree breach of peace,
15 stalking, and harassing, how they define it,
16 and how they use these words in their police
17 reports, and really not anything else.

18 There will be a few other maybe related
19 side topics, but the witness,
20 Officer Sullivan, is basically an authority on
21 police procedures, and in this particular case
22 of the second-degree breach of peace.

23 So I'm hoping that we stick to that and
24 we don't deviate into things that he's not an
25 authority on.

1 DIRECT EXAMINATION

2 BY MR. LAWRENCE:

3 Okay. With that said, I will just start off
4 with an introductory question. This is the only
5 hypothetical. Feel free to answer it or not. It's
6 common sense. There will be four very quick questions,
7 and they'll be yes or no. And then I'll proceed into
8 more questioning.

9 All right. The first question,
10 Officer Sullivan, if you wrote a warrant for petty theft
11 from one particular location with a \$5,000 bond, and
12 your warrant was reported on as a threatening armed
13 robbery of many different locations, would that be fair
14 or accurate?

15 MR. YUHAN: Objection to form.

16 MR. DRISCOLL: Mr. Lawrence, I'm going to
17 object too.

18 And just so you understand why I'm
19 objecting is that -- and I assume Mr. Yuhan is
20 the same -- but Officer Sullivan is not an
21 expert witness, so he's not supposed to be
22 answering hypothetical questions.

23 I'm more than happy to have him answer
24 questions about his actual interaction with
25 you or whatever the case may be, but as a fact

1 witness -- I understand your question, but
2 he's not supposed to opine as to hypothetical
3 circumstances, because he's not an expert
4 witness in the trial.

5 MR. LAWRENCE: Like I said, it seems to
6 be like one of those one plus one equal two
7 questions. And I just wanted to establish it.
8 But it's up to you. If you don't want him to
9 answer that, that's fine. I understand that.

10 The rest of the questions are not so
11 hypothetical. The rest of the questions are
12 all related to the arrest and what's
13 happening.

14 MR. DRISCOLL: If you ask it in the
15 context of your arrest or your case and it's
16 based on facts, I'm sure he can answer -- he
17 may be able to answer your question. But he's
18 not supposed to be answering hypothetical or
19 speculative questions.

20 MR. LAWRENCE: Okay. We'll move on.

21 (Discussion off the record.)

22 MR. LAWRENCE: So these are just
23 basically establishing facts for the reader
24 for the other questions I ask, which is
25 relevant to why I brought the officer here.

1 Q. Are you aware, Officer Sullivan, that News 12
2 reported that I was arrested for stalking women, and
3 then took down their coverage after one day on
4 March 14th, 2018?

5 MR. YUHAN: Objection to form.

6 MR. DRISCOLL: If you understand it, you
7 can answer it.

8 A. I'm aware of the news media putting it out
9 there. I wasn't aware of any charges. I just knew it
10 was out in the media. I didn't know what they were
11 talking about as far as what they said about you.

12 Q. I'll just say it again.

13 Are you aware that News 12 reported that I was
14 arrested for stalking women, and then took down the
15 coverage after one day?

16 A. No. I'm aware they put it out there. I'm not
17 aware of the charge they represented.

18 Q. All right. The second question: Are you
19 aware that The Westport News reported on me nine days
20 later for saying that police -- man harassed women for
21 years on March 23rd, 2018, and has yet to take down
22 their coverage?

23 MR. YUHAN: Objection to form.

24 A. I'm actually not aware of that one.

25 Q. You're not aware of the article that is out

1 there right now?

2 A. No.

3 Q. Okay. Within the warrant, Officer Sullivan,
4 you wrote for one count of second-degree breach of
5 peace, is the word "stalk" in the arrest warrant when
6 describing me?

7 A. No.

8 Q. Within the warrant that you wrote for the one
9 count of second-degree breach of peace, is the word
10 "harassment" in the warrant when describing me?

11 A. I don't believe so. No. No.

12 MR. YUHAN: Just so the record is clear,
13 it appears that Mr. Sullivan is reviewing a
14 document. Can we just get some identification
15 of what that document is?

16 MR. DRISCOLL: Sure. Stephen, I believe
17 it's the arrest warrant, which I think was
18 your Exhibit A.

19 MR. YUHAN: Okay.

20 MR. DRISCOLL: I handed it to him to
21 review.

22 MR. LAWRENCE: Okay. So that's a no on
23 Officer Sullivan using the word "harassment"
24 in the arrest warrant when describing me.

25 Q. Okay. Did you, Officer Sullivan, arrest me

1 for third-degree stalking?

2 MR. YUHAN: Objection to form.

3 MR. DRISCOLL: If you understand it, you
4 can answer.

5 A. No.

6 Q. All right. These are just basic common sense
7 questions that I'm just trying to get to. Okay.

8 Did you arrest me for second-degree
9 harassment?

10 A. No.

11 Q. Did you arrest me for second-degree
12 threatening?

13 A. No.

14 Q. Okay.

15 MR. LAWRENCE: Now, for the record, I
16 want to submit now a cover page from two
17 incident reports not related to
18 Officer Sullivan.

19 Q. After the media treatment of me in March of
20 2018 from the arrest, on February 6, 2019, I was
21 arrested by another officer for second-degree harassment
22 involving one email from September 18th, 2018. I now
23 want to refer to the incident report of that arrest.

24 MR. LAWRENCE: And that would be for you,
25 Court Reporter -- should I describe this for

1 you?

2 THE REPORTER: Yes, please.

3 MR. LAWRENCE: Okay. It's an incident
4 report. And you'll see there's green writing
5 on this incident report. It says "Police
6 report, email harassment, clean copy." And
7 the report number on the upper right-hand
8 corner would be 2018-019908. And the report
9 date would be on 9/17/2018.

10 Once again, this is not related to
11 Officer Sullivan's arrest. I just want him to
12 read this and recite something from it.

13 (Incident Report No. 2018-019908 deemed
14 marked Plaintiff's Exhibit 1 for
15 identification.)

16 MR. DRISCOLL: Mr. Lawrence, is that a
17 question for him?

18 MR. LAWRENCE: Well, here's the question.
19 Are you ready for the question?

20 MR. DRISCOLL: I wasn't sure if that was
21 just a question you asked. I just want to be
22 clear.

23 MR. LAWRENCE: No. I'm helping the court
24 reporter identify it for the record.

25 MR. DRISCOLL: That's fine.

1 MR. LAWRENCE: Okay. Great. Very
2 simple. Like I said, this is just common
3 sense stuff. There should be no problems at
4 all with 99 percent of the stuff I'm going to
5 present.

6 Q. Okay. On the first page, the brief
7 description of this incident report resulting in the
8 arrest for a second-degree harassment is harassment,
9 correct?

10 A. Yes.

11 Q. Okay. I now want to refer you,
12 Officer Sullivan, to an incident report for a rejected
13 warrant for second-degree stalking submitted by the same
14 officer around the same time as the former second-degree
15 harassment warrant.

16 MR. LAWRENCE: This, for the court
17 reporter, incident report, you'll see in the
18 upper right-hand corner it would be
19 2018-020668.

20 Q. Do you see that?

21 MR. LAWRENCE: And for counsel, it's
22 basically -- you'll see there is a statute
23 description in it. I highlighted it in red.
24 This does not have green marking. Have we
25 identified the document? We've identified

1 document? Yes?

2 MR. DRISCOLL: We have.

3 (Incident Report No. 2018-020668 deemed
4 marked Plaintiff's Exhibit 2 for
5 identification.)

6 Q. So, Officer Sullivan, on the first page of
7 this incident report, the brief description of this
8 incident report alleging stalking is harassment; is that
9 correct?

10 A. Yes.

11 Q. Okay. Now I direct you -- okay. I have one
12 other question before I go on.

13 Given that harassment is a brief description
14 of the second-degree stalking law, and stalking laws are
15 course of conduct behaviors, is it logical,
16 Officer Sullivan, that harassment is considered also a
17 course of conduct behavior?

18 MR. YUHAN: Objection to form.

19 A. I didn't understand the question.

20 Q. We have here basically a stalking incident
21 report, where it's being described as harassment, and we
22 have a harassment incident report, okay, that's being
23 described as harassment. So I'm seeing the logic of how
24 police define things within these brief descriptions of
25 incident reports.

1 And so my question -- and it seems logical --
2 is that given that harassment is a brief description of
3 the second-degree stalking law, okay, and stalking laws
4 are course of conduct behaviors, it is logical to say
5 that harassment was considered a course of conduct
6 behavior also, meaning that these acts are, like
7 third-degree stalking, are basically repeated towards
8 someone, meaning that it would be more than one act
9 towards someone? For example, your second-degree breach
10 of peace was one contact with someone, okay? And we'll
11 get to that.

12 So my question is basically it seems common
13 sense to me within police procedures, the way that they
14 label, the way they define their brief description in
15 their incident reports that if harassment is the brief
16 description of a second-degree stalking law, is it
17 logical to say that harassment is considered a course of
18 conduct behavior to you, Officer Sullivan?

19 MR. YUHAN: Objection to form.

20 MR. DRISCOLL: I'm going to object to it.

21 If he understands what you're asking, he can
22 answer it, but --

23 A. If I think I understand what you're saying,
24 the brief description of the report is actually done by
25 dispatch. The statute that's written in the offense is

1 then done by the officer after he's conducted his
2 investigation. So they could be different, if I
3 understand you right.

4 Q. I will move on. Let's go to the next
5 question.

6 So now I bring you to the next incident
7 report. In the upper right-hand corner, it's
8 2017-022937. This is the incident report of your
9 arrest. Okay?

10 A. Yes.

11 (Incident Report No. 2017-022937 deemed
12 marked Plaintiff's Exhibit 3 for
13 identification.)

14 Q. All right. So I will now ask you about the
15 brief description within this incident report of your
16 one count second-degree breach of peace of me.

17 What is the brief description of the incident
18 report from your arrest for one count of second-degree
19 breach of peace?

20 A. Suspicious person.

21 Q. Exactly. Okay. We're moving along. Now, you
22 have read past incident reports of me for your
23 investigation; is that correct?

24 A. Yes.

25 Q. Okay. Now, from your research, are you aware

1 that any past incident report of mine fully
2 investigated, resulting in no arrest, no probable cause
3 for arrest, with the cases all closed, all have brief
4 the description of either suspicious person or police
5 general service, and not one incident report has the
6 brief description of harassment. Did you read this
7 fact?

8 MR. YUHAN: Objection to form.

9 MR. DRISCOLL: I'll object too. If you
10 understand his question, you can answer it.

11 A. I mean, I wouldn't know off the top of my
12 head.

13 Q. It's very important, Officer, because what we
14 have here is incident reports, and we have a certain
15 kind of pattern of the way incident reports are reported
16 on.

17 So I can literally submit every incident
18 report and show that, yes, every incident report that
19 resulted in no arrest has this suspicious person or
20 police general service, and not one has this label of
21 harassment.

22 And all I'm asking you, just so we save time,
23 is that if you could verify this, because if not, then
24 I'm going to have to submit all of these --

25 MR. DRISCOLL: Is your question whether

1 he knows that every incident report involving
2 you prior to his arrest of you identified the
3 description of the incident as suspicious
4 person? Is that what you're asking him?

5 MR. LAWRENCE: Yes. Either suspicious
6 person or just very simply that it never had
7 the description of harassment.

8 MR. DRISCOLL: All right. So put another
9 way, your question is does he know whether any
10 prior incident reports describe the
11 description of the incident involving
12 harassment, if he knows that as he sits here
13 today?

14 MR. LAWRENCE: Well, he's studied this
15 stuff, and he's read this stuff, so it seems
16 to me it's something easily verified if he has
17 all the incident reports in front of him.

18 MR. DRISCOLL: I'm trying to get an
19 accurate answer for you. If your question is
20 whether he knows that as he sits here today, I
21 think he can give you an answer on that.

22 A. And you are correct in that assumption.

23 Q. Okay. So that harassment was never part of
24 any incident report. Okay. Thank you, Officer.

25 MR. YUHAN: Objection to form.

1 MR. DRISCOLL: He's answered the
2 question.

3 Q. It is logical to say that each incident report
4 has its own particular details and set of circumstances.

5 So for the record, are the time periods of my
6 incident reports, either from the year 2017 or prior to
7 the year of 2007, given I was living in California 2007
8 to 2017, is this something that you can verify for the
9 court right now, that all the incident reports that you
10 researched are either from the year 2017 or prior to
11 2007?

12 MR. YUHAN: Objection to form.

13 MR. DRISCOLL: If you can recall.

14 A. Yes.

15 Q. Okay. Thank you. Now, given the statute of
16 limitations and the fact that I never saw any of these
17 people from the past incident reports again, can an
18 officer now prove any second-degree breach of peace from
19 any past decades' old incident report that was already
20 investigated, let alone prove any stalking or
21 harassment?

22 MR. YUHAN: I'm going to object to the
23 form.

24 MR. DRISCOLL: Again, he's not -- is the
25 question --

1 MR. LAWRENCE: It's common sense.

2 MR. DRISCOLL: Are you asking him to
3 offer an opinion as to whether the underlying
4 facts meet a standard of probable cause?

5 MR. LAWRENCE: No. No. It's basically
6 just within the statute of limitations. The
7 statute of limitations is 10² years from a
8 particular complaint. Now, if you've never
9 seen one after that, there's no way that you
10 can ever begin to write up an investigation or
11 an incident report.

12 So my question is very simple. Given the
13 statute of limitations and the fact that I
14 never saw any of these people from these
15 decades' old incident reports, can any
16 officer, him or anyone else, now prove any
17 kind of second-degree breach of peace from
18 these decades' old incident reports or let
19 alone stalking and harassment. Just a common
20 sense question for the officer.

21 MR. YUHAN: Object to the form.

22 MR. DRISCOLL: I understand you think
23 it's common sense. You're asking him for a
24 legal conclusion, and he's a fact witness. So
25 you need to ask him questions about facts and

1 not legal conclusions, 'cause that's not his
2 job here.

3 Q. What's the statute of limitations for
4 arresting someone for second-degree breach of peace?

5 MR. DRISCOLL: If you know.

6 A. I don't know off the top of my head.

7 Q. Okay. What's the statute of limitations for
8 arresting someone for stalking or harassment?

9 A. I don't know off the top of my head.

10 Q. All right. I'll just move on. It's just
11 common sense, but I'll move on.

12 Okay. In regards to the arrest for one count
13 of second-degree breach of peace, the warrant shows
14 there were no words spoken between myself and the woman,
15 and it was her boyfriend who called the police as shown
16 on the dispatch tapes. Is this true?

17 MR. YUHAN: Objection to form.

18 MR. DRISCOLL: If you understand what
19 he's asking, you can answer it.

20 A. I understand. But, I mean, I don't remember
21 if her boyfriend called it in or she did.

22 MR. DRISCOLL: If you want to read the
23 warrant, you can.

24 Your question is whether his warrant says
25 that the boyfriend called in the report?

1 MR. LAWRENCE: No.

2 Q. The warrant clearly said that there was no
3 words spoken between me and the woman. I just walked up
4 to the car and she drove away. So there was no words
5 inside of the market and there was no words -- I checked
6 out first. And then I approached her car in the parking
7 lot, in the first row of the parking lot, and then she
8 drove away.

9 And so then what happened is she called her
10 boyfriend, who called, and all the dispatch tapes verify
11 this. I didn't want to have to bring in the dispatch
12 tapes.

13 MR. DRISCOLL: Listen, you're asking a
14 question that has multiple -- it's a compound
15 question. So we're trying to figure out
16 whether you're asking him did you interact
17 verbally with him or did the boyfriend call
18 the police, or are you asking both of those
19 questions? I just want to make sure you get a
20 clear answer.

21 MR. LAWRENCE: It's very simple.

22 Q. The warrant shows that there were no words
23 spoken between myself and the woman, true?

24 MR. YUHAN: Objection to form.

25 A. Yes.

1 Q. Okay. So there were no verbal warnings
2 directed at me by this woman, true?

3 MR. YUHAN: Objection to form.

4 MR. DRISCOLL: If you know.

5 A. Yes.

6 Q. Thank you. All right. So we got through the
7 first half. That wasn't so hard.

8 Just going over facts 'cause, like I said,
9 when you put stuff together, judges are getting stuff
10 from all different angles, and they can have a hard time
11 and they can make mistakes.

12 MR. LAWRENCE: So I want to get to the
13 second half of this deposition. I want to get
14 into the issue of the second-degree breach of
15 peace statute, to which the officer certainly
16 would have knowledge of since he arrested me
17 for that.

18 Q. After the media slander and libel, I was
19 arrested on February 16th, 2019, for a second-degree
20 harassment charge, as I've already mentioned, based on
21 one email from September 18, 2018.

22 Now, this is the Custodial Arrest Synopsis,
23 a/k/a, also known as the official police press release
24 of the second-degree harassment arrest. I want to
25 introduce this into the record.

1 MR. LAWRENCE: So for the court reporter,
2 it would be called the Westport Custodial
3 Arrest Synopsis. And you'll see that the
4 charge is Harassment 2nd, and it will say
5 "Non-threatening." Do we all see that?

6 MR. DRISCOLL: Yes.

7 MR. YUHAN: I'm going to object to the
8 predicate, but I see the document.

9 (Westport Custodial Arrest Synopsis for
10 Case No. 2018-019908 deemed marked Plaintiff's
11 Exhibit 4 for identification.)

12 Q. Okay. So, Officer Sullivan, you see the
13 document. This is -- now I'm trying to understand this
14 Westport Custodial Arrest Synopsis. This is an official
15 police press release. We're going to get to your
16 official police press release.

17 But on this, can you just verify, does it --
18 it seems to distinguish the arrest as threatening or
19 non-threatening. And this is an actual harassment
20 charge. What does this arrest say? Is it threatening
21 or non-threatening?

22 MR. DRISCOLL: Objection. I'm going to
23 object because I don't think this is --

24 MR. LAWRENCE: He's reading the police's
25 own document just to verify.

1 MR. DRISCOLL: I'll just object that the
2 document speaks for itself. If you want him
3 to read what it says on the paper, he can
4 confirm that.

5 MR. LAWRENCE: Yes. That's all I want.

6 MR. YUHAN: Objection to form.

7 A. In looking at this document, it does say
8 "Harassment 2nd, non-threatening."

9 Q. Thank you. Okay. Now I want to move on to --
10 now, is it correct that someone arrested for
11 second-degree threatening would have an official police
12 press release signifying threatening?

13 MR. YUHAN: Objection to form.

14 MR. DRISCOLL: If you know.

15 A. That stuff's all above my pay grade. I have
16 no involvement with press releases. So I don't know how
17 that would be done.

18 Q. Well, I mean, if it says "threatening," then
19 that means that it probably would have -- all right.

20 But, Officer, police do take threatening very
21 seriously, yes?

22 A. Yes.

23 Q. Okay. And so you're aware of what the
24 complainant said on the dispatch tapes for your arrest
25 of the one count of second-degree breach of peace, yes?

1 MR. YUHAN: Objection to form.

2 A. Yes.

3 Q. Okay. Now, this is the official police press
4 release for the one count of second-degree breach of
5 peace. I want to enter this into the record.

6 MR. LAWRENCE: You'll see, Court
7 Reporter, it's Westport Custodial Arrest, and
8 it will say "Charge, breach of peace. Bond
9 \$5,000."

10 A. Yes.

11 MR. DRISCOLL: For the record, it's the
12 PDF labeled Official Press Release 1.

13 (Westport Custodial Arrest Synopsis for
14 Case No. 2017-022937 deemed marked Plaintiff's
15 Exhibit 5 for identification.)

16 MR. LAWRENCE: And at the top of the
17 document, it's Westport Custodial Arrest, and
18 the arrest date would be 3/5/2018. It's from
19 the arrest of when Officer Sullivan and I met
20 each other.

21 MR. YUHAN: Can we go off the record for
22 one second?

23 (Discussion off the record.)

24 Q. Officer Sullivan, do you see any reference to
25 threatening in the official police press release of your

1 arrest of me for one count second-degree breach of peace
2 in this document, Westport Custodial Arrest Synopsis,
3 the official police press release?

4 MR. YUHAN: Objection to form.

5 A. No.

6 Q. Okay. Thank you. Now, in reviewing the
7 Connecticut second-degree breach of peace statute, since
8 the March 5th, 2018, booking of me for one count of
9 second-degree breach of peace, I've had one conversation
10 with you, a recorded conversation that was on or around
11 February 12th, 2021, calling you to ask you a question;
12 is that correct?

13 A. Yes.

14 Q. Okay. This conversation was about which part
15 of this one count of second-degree breach of peace
16 statute you arrested me for or which part of the breach
17 of peace statute your warrant's actual wording was
18 referring to, the wording of following and getting into
19 personal space; is that correct?

20 A. Yes.

21 Q. Okay. There are six parts of the
22 second-degree breach of peace statute, Officer. Which
23 part of this one count of second-degree breach of peace
24 did you arrest me for? Did it fit under section 1, 2,
25 3, 4, 5, or 6?

1 MR. YUHAN: Objection to form.

2 A. It was being referenced to part 6.

3 Q. Thank you. Okay. Just for the record, do you
4 have any video recordings from any market ever, let
5 alone any signifying harassment? I mean, do you have
6 any video recordings from a market ever?

7 MR. DRISCOLL: Him personally?

8 MR. LAWRENCE: The police.

9 A. I don't know about the police, but me
10 personally, no.

11 Q. Okay. 'Cause you mentioned in your warrant
12 you didn't have one for the arrest.

13 Now, I want to refer you to a -- we can do
14 this very quickly. I want to refer you to the statute,
15 53a-181a. It's a subdivision of the second-degree
16 breach of peace. It's called "Creating a public
17 disturbance." It's a noncriminal infraction.

18 So my question to you is during your research
19 into my past, did you find any noncriminal infractions
20 of creating a public disturbance in your own search in
21 relation to the incident?

22 MR. DRISCOLL: Objection to form.

23 A. I'm not sure I understand the question.

24 Q. Well, it's basically there were mentions in
25 the warrant of past arrests, but they didn't distinguish

1 the convictions.

2 Now, I don't know when you do your criminal
3 background checks if you see stuff that is
4 noncriminal -- like, for example, this particular
5 statute is an infraction. It doesn't show up on a
6 criminal background check, Officer. And so it's kind of
7 like a traffic violation. So seeing that I was never
8 arrested before, I think it's common sense, but I can
9 move on if you want to move on.

10 MR. DRISCOLL: Do you understand what
11 he's asking?

12 THE WITNESS: Not really.

13 MR. DRISCOLL: Are you asking if he's
14 aware of whether you were ever charged with
15 creating a public disturbance or if that was
16 revealed in his research, or are you asking
17 whether that would show in a criminal history
18 check or both?

19 MR. LAWRENCE: You know, I probably
20 shouldn't even ask this question because I was
21 never arrested before in Connecticut.

22 Q. Can we establish that? Is that true?

23 MR. YUHAN: Objection.

24 MR. DRISCOLL: Are you asking him if he
25 knows if you were ever arrested in Connecticut

1 prior to 2017?

2 MR. LAWRENCE: Yes.

3 MR. YUHAN: Objection to form.

4 MR. LAWRENCE: Prior to the arrest that
5 he made, was I never arrested in Connecticut.

6 A. No. Not that I know.

7 Q. Well, I mean, that's what it said in the
8 warrant, that I didn't have any criminal background.

9 Now, there's one interesting statute. It's
10 called 53a-40d.

11 MR. LAWRENCE: Now, Court Reporter, were
12 you able to find these two documents that I
13 mentioned that I was talking about?

14 THE REPORTER: I have no ability to go
15 back and reference things during the
16 deposition. I'm reporting the proceedings.

17 MR. LAWRENCE: So the next thing I want
18 to just introduce to the officer, I just want
19 his professional opinion as an officer. He is
20 someone who looks at laws and has to interpret
21 these to see if it fits a particular behavior
22 or a particular investigation.

23 So I want to refer him to this
24 Connecticut General Statutes, 53a-40d,
25 Persistent offenders of crimes involving

1 assault, stalking, trespass, threatening,
2 harassment, criminal violation of a protective
3 order, criminal violation of a standing
4 criminal protective order.

5 (Copy of Connecticut General Statute
6 53a-181 deemed marked Plaintiff's Exhibit 6
7 identification.)

8 (Copy of Connecticut General Statute
9 53a-40d deemed marked Plaintiff's Exhibit 7
10 identification.)

11 Q. Do we see this document?

12 A. Yes.

13 Q. Okay. Great. Why do you think that
14 second-degree breach of peace is not part of this
15 statute?

16 MR. YUHAN: Object to the form.

17 MR. DRISCOLL: I'm going to object and
18 direct him not to answer those questions.

19 He's not an expert. He's not a lawyer
20 who drafts legislation. He's a police officer
21 and he's a fact witness.

22 MR. LAWRENCE: Well, if he's a police
23 officer, and let's say he sees people
24 have past -- as a police officer, he sees that
25 someone might have a past one or two

1 second-degree breach of peace convictions, and
2 he is investigating another case, I would say
3 that this is something that's right up his
4 alley.

5 MR. DRISCOLL: He's a fact witness in
6 your case. He's not an expert. He's not been
7 disclosed to give expert opinions.

8 So I'm going to tell him not to answer
9 questions that ask for expert opinions because
10 that's not his role here.

11 MR. LAWRENCE: Well, it's a policeman's
12 job. This is something that would be part of
13 his everyday --

14 MR. DRISCOLL: I'm not going to tell you
15 how to prosecute or pursue your case, but his
16 role as a fact witness relative to your
17 claims, he can testify about facts or
18 questions that pertain to facts. He's not to
19 give expert opinions.

20 MR. LAWRENCE: Great. Okay.

21 Q. My next question is why did you not charge me
22 with third-degree stalking for the one and only arrest?

23 MR. YUHAN: Objection to form.

24 MR. DRISCOLL: If you understand it, you
25 can answer.

1 A. The check that I did in your history, I
2 went -- in looking over all the charges, I went with the
3 breach of peace because it was the closest that fit what
4 you had done, your actions.

5 Q. Okay. Thank you. What would I have had to
6 have done to be charged with third-degree stalking?
7 Even if you wanted to arrest me for third-degree
8 stalking, what would I have had to do behavior-wise?

9 MR. YUHAN: Object to the form.

10 MR. DRISCOLL: I'm going to object to the
11 form. But if he understands the question,
12 I'll let him answer it.

13 A. My understanding of the law itself would have
14 meant you would have had to have repeatedly stalked or
15 harassed the same victim --

16 Q. Okay.

17 A. -- over and over again.

18 Q. All right. And if you were investigating
19 someone for stalking or harassing someone already known,
20 all right, someone is known, would I be described as a
21 suspicious person if I was already known by the person
22 making the complaint?

23 MR. YUHAN: Objection to form.

24 MR. DRISCOLL: I'm going to object to
25 form.

1 If you understand what he's asking, you
2 can answer it.

3 THE WITNESS: I think I do.

4 A. Probably not. But again, we wouldn't put the
5 brief description on that form. It would have been done
6 by somebody else. It would have been done by one of the
7 dispatchers, not me.

8 Q. All right. There's one last incident report.
9 It's an actual incident report. Just give me one
10 minute. All right. I have two more questions before I
11 do this.

12 Is it true that police must carefully choose
13 their words and not use words that would signify or
14 describe other unrelated crimes?

15 MR. YUHAN: Objection to form.

16 A. I really didn't hear you.

17 Q. Officer Sullivan, is it true that police
18 carefully choose their words and do not use words that
19 can signify or describe or label another unrelated
20 crime?

21 MR. YUHAN: Object to the form.

22 MR. DRISCOLL: I'll object to the form.

23 But if you understand it.

24 A. I honestly don't understand the question.

25 MR. DRISCOLL: He said he doesn't

1 understand the question.

2 MR. LAWRENCE: I'll try it one more time.

3 Q. Is it true that police carefully choose their
4 words and don't use words that could signify or describe
5 another unrelated crime?

6 MR. YUHAN: Objection to form.

7 MR. DRISCOLL: If you understand what
8 he's asking, you can answer.

9 THE WITNESS: Really, I'm not --

10 MR. DRISCOLL: We can hear you clearly,
11 but he's not understanding what you're asking
12 him.

13 THE WITNESS: I'm not really sure what
14 he's looking for.

15 Q. Okay. For example -- all right. We'll move
16 on.

17 All right. How about this? Okay. We're
18 going to move on. Is it accurate to say,
19 Officer Sullivan, that you consciously avoided using
20 words -- since you did not use the words "stalk" or
21 "harass" in the warrant, that you consciously avoided
22 using these terms, because these are actual crimes of
23 course of conduct behavior, as you've just described,
24 with their own statutes?

25 MR. YUHAN: Objection to form.

1 MR. DRISCOLL: Objection. If you
2 understand, you can answer.

3 A. I didn't actively avoid using those terms, if
4 I understand you correctly. I didn't actively avoid
5 them. I didn't consciously avoid them. They just
6 didn't come up.

7 Q. Okay. Officer Sullivan, is it fair for the
8 news to mention past arrests in ways that insinuate
9 these arrests resulted in convictions?

10 MR. YUHAN: Objection to form.

11 MR. DRISCOLL: Object to form.

12 But if you understand the question --

13 A. You're going to have to ask that one again. I
14 didn't get that.

15 Q. Okay. Once again, Officer Sullivan, in your
16 warrant, you mention past arrests. Now, the warrant was
17 not distinguishing if any of these were convictions, for
18 example, the 1995 stalking in California, where that
19 case was dismissed.

20 In fact, the only conviction I had when you
21 arrested me was for a -- and the FBI shows that the only
22 conviction I have is a domestic violence related to
23 California. Okay?

24 So any of these other arrests that we
25 mentioned, including the avoiding police in Florida in

1 1987, were dismissed.

2 Now, just for your own sake -- 'cause I know
3 that 99 percent of the time warrants aren't seized and
4 you don't have inexperienced journalists, 22-year-old
5 journalists combing through warrants and trying to make
6 sense of stuff that is presented in a very simple, like
7 not detailed way.

8 In your own opinion, is it fair for news to
9 mention past arrests in ways that insinuate these
10 arrests resulted in convictions?

11 MR. YUHAN: Objection to form.

12 MR. DRISCOLL: I'm going to object. But
13 if he understands it, he can answer.

14 Q. In your warrant, would you want -- if someone
15 was arrested for something, Officer Sullivan, but he was
16 never convicted of it, would you want the press
17 presenting it in the way Hearst news, Westport News
18 reporter presented the arrest, saying that he, quote,
19 doesn't have an arrest record in Connecticut, but he was
20 arrested in California for stalking and in Florida for
21 evading police?

22 Now, that's where she stops. She doesn't go
23 anywhere else and leaves the reader to imagine, wow, but
24 he was arrested, so he probably was convicted.

25 So I'm asking you, Officer Sullivan, if you're

1 writing an arrest warrant for someone, would you not
2 expect the people writing about any kind of criminal
3 background check or arrest record to at least
4 distinguish whether the arrest resulted in a conviction?

5 Is it fair for the news to mention past
6 arrests in ways that insinuate these arrests resulted in
7 convictions?

8 MR. YUHAN: Objection to form.

9 MR. DRISCOLL: I'll object too.

10 But you can answer if you understand it.

11 A. I mean, even if I understand it, I have no
12 control of what the media does with an arrest warrant or
13 with that information.

14 Q. Would you want your information of saying that
15 someone was arrested for something, but you didn't say
16 that they were convicted, would you want the news to
17 insinuate that he was convicted of something that you're
18 just saying that he was arrested for?

19 Like I said, this is stuff that can blow back
20 at an officer, and I'm just trying to get an opinion
21 from you. What do you think is proper procedure for
22 having your warrant reported on?

23 MR. YUHAN: Objection to form.

24 MR. DRISCOLL: I'll object. He's a
25 police officer. He's not a media expert. So

1 he can't comment on the proper procedure for
2 media outlets.

3 Q. Okay. So I just have one last exhibit. And I
4 will leave it to these last questions that I have right
5 here.

6 Okay. Officer Sullivan, do you recall a
7 conversation with me during the booking procedure about
8 not going to jail over this?

9 A. I do not.

10 Q. Okay. Did you submit the dispatch tape to the
11 prosecutor?

12 A. I did not.

13 Q. Why not?

14 A. It's not my job.

15 Q. Whose job is it?

16 A. I honestly don't know. Probably our media
17 person, I would imagine.

18 Q. But as part of your investigation, it's the
19 actual woman in her own words. Why would you not submit
20 that to the prosecutor?

21 A. I actually never listened to the tape myself.
22 It's saved, it's used, but it's not something I used. I
23 physically spoke to the woman herself and got all my
24 information.

25 Q. Okay. Did the woman from your arrest make a

1 sworn written statement?

2 MR. YUHAN: Objection to form.

3 MR. DRISCOLL: If you recall.

4 A. I don't believe she did.

5 Q. Okay. Do you know why there were no booking
6 tapes at all with the booking officer, meaning that
7 there was no booking tapes submitted to the prosecutor?
8 And I got the dispatch tapes via a Freedom of
9 Information Act request, and I tried to get the booking
10 taped via Freedom of Information, but they said there
11 was never any booking tapes. Do you know why there was
12 no booking tapes of the arrest?

13 MR. DRISCOLL: If you know.

14 A. I don't know. I honestly don't know. As far
15 as I know, every time I'm down there, we're being taped.
16 If it wasn't working, I have no idea.

17 Q. Okay. Now, do you have any recorded proof of
18 the woman -- let me put it this way: You take threats
19 of retaliation serious, right?

20 A. Yes.

21 Q. Now, I'm just trying to be very delicate with
22 this one. Are subjective fears evidence of any crime?

23 MR. YUHAN: Object to the form.

24 MR. DRISCOLL: Object to the form.

25 Q. Let's go back. You take threats of

1 retaliation very seriously. Is there an incident
2 report, Officer Sullivan, that is part of your research,
3 sir, that documents any threat of retaliation?

4 MR. YUHAN: Objection to form.

5 MR. DRISCOLL: I'll join. If you
6 understand what he's asking --

7 THE WITNESS: I think I understand.

8 A. And I'm going to have to say no to that.

9 Q. Okay. Good. There wasn't. There was no
10 threats of retaliation.

11 Now, also, in any of the incident reports --
12 or I'll put it this way: Is there any incident report,
13 any incident report denying any claim -- and I have them
14 all right here -- that documents any fear of retaliation
15 to give a sworn written statement that is from your
16 warrant? Let me just quote your warrant really quickly.
17 And then I'll ask the question and then we'll be done.

18 Okay. Section 13 of the warrant, "And in this
19 case, the complainant would not provide a sworn written
20 statement for fear that Lawrence would be able to find
21 out who she was and then be able to retaliate against
22 her. I also learned that in all the nine other cases
23 that the complainants all felt the same way, that they
24 all feared for their safety, and because of this, they
25 were reluctant to provide statements."

1 Okay. Officer, this is it, and we'll be done.
2 Like I said, I'm just trying to deal with facts because
3 we have a life on the line here, and I'm trying to just
4 have everyone, not just the judge, but Hearst to
5 understand your warrant in the most detailed way
6 possible so we can come to a nice resolution.

7 So my question to you, Officer, with that
8 statement that you made in section 13 of your arrest
9 warrant, is there any incident report that documents any
10 fear of retaliation to give a sworn written statement
11 that you write about?

12 MR. YUHAN: Objection to form.

13 Q. You've read all of them. This is your
14 research. You wrote in the arrest warrant that all
15 nine -- a number which is questionable, which I can go
16 into, but I'm not ready to go into that quite yet -- all
17 nine did not give a sworn written statement out of fear
18 of retaliation. And I'm asking you does any incident
19 report document this?

20 MR. YUHAN: Objection to form.

21 MR. DRISCOLL: Other than his own?

22 MR. LAWRENCE: Excuse me?

23 MR. DRISCOLL: Other than his own
24 reports?

25 MR. LAWRENCE: Yes. Other than his own.

1 He's reading the incident reports that he
2 is -- because I'm trying to --

3 Q. All right. How about this? If it's not in an
4 incident report -- which it's not, I'm saving time --
5 it's actually only in one incident report, and that had
6 to do with a scuffle between me and a man. Okay?

7 Now, that's the only time that there was any
8 kind of phrase or mention of any kind of fear to give a
9 statement out of fear of retaliation.

10 But let me put it this way: If you're to
11 write this on an arrest warrant, Officer, where are you
12 getting this information? If it's not in an incident
13 report -- we're looking at decades' old incident
14 reports. They go back to 2002, 2003, 2004. I lived in
15 San Francisco from 2007 to 2017.

16 So I really want first to understand that --
17 look, I'm not trying to come down on anyone. I'm not
18 trying to sue the police or anything. But when someone
19 reads this, it should be true.

20 And as an investigator, I'm trying to think,
21 the only other way that you could know is either through
22 what? How else would you know if it's not in an
23 incident report of some kind of past fear? It's a
24 generalistic language that you use that you learned that
25 in all nine cases that the complainants all felt the

1 same way, all felt the same way, that they all feared
2 for their safety, and because of this were reluctant to
3 give statements. And where did you get this?

4 MR. YUHAN: Objection to form.

5 MR. DRISCOLL: I'm going to join that.

6 But your question is where he got the
7 information contained in paragraph 13 of his
8 warrant?

9 MR. LAWRENCE: Exactly.

10 A. Okay. If I understand you correctly, all
11 right, I agree with you that that statement was not in
12 any of the reports. But what I had done between the
13 time of my report and writing this warrant was actually
14 speak to the officers.

15 And I can't attest that every single officer,
16 but every officer that I did talk to that conducted
17 those other investigations, I asked them if they had
18 gotten a statement from their complainant, and they all
19 said the same thing, no, 'cause they were afraid for
20 retaliation. That's where that came from.

21 Q. All right. So basically this is coming from
22 hearsay within the police department?

23 MR. YUHAN: Objection to form.

24 MR. LAWRENCE: Well, no, that's basically
25 what it is because, yes, he could be speaking

1 to other officers and they could mention stuff
2 like that, all nine.

3 Q. But all nine -- do all nine officers still
4 work there from all the incident reports, Officer?

5 A. I'd have to check. I'm not sure off the top
6 of my head.

7 Q. All right. Did you call these complainants?

8 A. No. I don't believe so.

9 Q. So you didn't call them. Basically this
10 section of the warrant, 13, is based on hearsay. It's a
11 very strong section of the warrant because it really is
12 giving people the idea, and it was reported that there
13 were some kind of threats. And every case had their own
14 particular circumstances.

15 And I will now end this by just referring to
16 one incident report, the first incident report of 2002.

17 MR. LAWRENCE: Court Reporter, it's the
18 incident report, report number 2002-002662.
19 This is the first one.

20 (Incident Report No. 2002-002662 deemed
21 marked Plaintiff's Exhibit 8 for
22 identification.)

23 Q. You can actually read this thing. It's not a
24 very long incident report. It's one paragraph, which
25 once again has that suspicious person brief description.

1 And when you read it, it doesn't say that anyone was in
2 fear of retaliation. And it doesn't say -- doesn't use
3 the word "stalk," doesn't use the word "harass." And it
4 also showed that it was, like in tune with what were you
5 were talking about, it was one time. I never saw this
6 person again.

7 MR. LAWRENCE: So I'll end this right now
8 and just say that for the record what I'm
9 entering in is just an example of what
10 Officer Sullivan has confirmed is that there's
11 not one incident report, any document, any
12 kind of hard evidence about section 13 of his
13 warrant.

14 MR. LAWRENCE: I'm done.

15 MR. DRISCOLL: I'm not sure if that was a
16 question. But I don't think it was.

17 MR. LAWRENCE: No, it wasn't. He's
18 already answered the question that no incident
19 report documents anything --

20 MR. DRISCOLL: Just making sure he didn't
21 have to answer that.

22 MR. LAWRENCE: Like I said, this is
23 not -- I'm doing what I have to do. I'm
24 not -- I haven't sued the police.

25 MR. DRISCOLL: I think Mr. Yuhon might

1 have a couple questions. It's his time.

2 Right?

3 MR. YUHAN: I do.

4 Now, Mr. Sullivan, I know we've been
5 going for about an hour. Would you rather
6 take a break for just a couple of minutes or
7 do you want to just go forward?

8 I think my -- you know, it's always a
9 challenge to guess, but I would venture to
10 guess I have maybe 20 minutes or so of
11 questions.

12 THE WITNESS: I'm good to keep going.

13 CROSS-EXAMINATION

14 BY MR. YUHAN:

15 Q. Mr. Sullivan, my name is Stephen Yuhan. I
16 represent the defendant Hearst Communications, Inc. in
17 this matter. And I appreciate you taking the time to
18 speak with us today. I know it's not always a
19 particularly pleasant way to spend your day off, so I do
20 appreciate that. I'll try to keep this brief.

21 Let me just start with this: Mr. Sullivan,
22 have you and I spoken before?

23 A. No.

24 Q. Have we communicated in any way before?

25 A. No.

1 Q. Prior to our introduction just before the
2 deposition, did you have any idea that I was
3 representing Hearst in this matter?

4 A. No.

5 Q. Have you reviewed the complaint filed by
6 Mr. Lawrence against Hearst in this matter?

7 A. No.

8 Q. Aside from what you may have gleaned either
9 from your own counsel or from Mr. Lawrence during this
10 deposition, do you have any idea what the substance of
11 the claims or defenses in this matter are?

12 A. No.

13 Q. Okay. I want to put before you --

14 MR. YUHAN: Mr. Driscoll, if you could
15 help me out.

16 Q. -- I want to put before you the document that
17 was circulated to counsel as Exhibit A.

18 MR. DRISCOLL: He has a copy in front of
19 him, and we have it pulled up on my screen as
20 well.

21 MR. YUHAN: Great.

22 (Arrest Warrant Application deemed marked
23 Defendant's Exhibit A for identification.)

24 MR. YUHAN: Now, for the record, this is
25 a document that is an arrest warrant

1 application. At the top of the page is a
2 header case number 3:18-cv-01927, Document
3 39-4. It's a 12 page document.

4 Q. Mr. Sullivan, do you recognize this document?

5 A. Yes.

6 Q. And what is this document?

7 A. It's my arrest warrant application for James
8 Lawrence.

9 Q. Okay. And is that your signature at the
10 bottom of the first page?

11 A. Yes.

12 Q. And I see a numeral sign and it looks to be
13 the numerals 4358. What's the significance of that
14 number?

15 A. That's my badge number.

16 Q. Okay. And what is your understanding of the
17 role that this document, the arrest application, plays
18 in the course of a criminal proceeding?

19 A. It contains all the information and
20 circumstances of an event that I know about and are
21 compiled to show that I have probable cause to believe
22 that the person mentioned is guilty of the specific
23 charge, and in this case breach of peace.

24 Q. And an Arrest Warrant Application contains
25 your statements made under oath; is that correct?

1 A. Yes.

2 Q. And that was true for this document,
3 Exhibit A, correct?

4 A. Yes.

5 Q. You made those statements under oath
6 indicating that at the time that you made them, to the
7 best of your knowledge, information, and belief, those
8 statements were true; is that right?

9 A. Yes.

10 Q. And this relates to an incident that took
11 place on or about November 5, 2017; is that correct?

12 A. Yes.

13 Q. And that was the incident in the parking lot
14 of the Fresh Market involving Mr. Lawrence, correct?

15 A. Yes.

16 Q. And do you know whether or not an arrest
17 warrant was actually issued relating to this incident?

18 A. Yes.

19 Q. Was an arrest warrant issued relating to this
20 incident?

21 A. Yes.

22 Q. And it was on the basis of your application,
23 correct?

24 A. Yes.

25 Q. And that application included the statements

1 contained in paragraph 2, correct?

2 A. Yes.

3 Q. It included the statements made in paragraph 4
4 identifying Mr. Lawrence?

5 A. Yes.

6 Q. Turning to the next page, in paragraph 7 at
7 the end of the paragraph, do you see the sentence that
8 says "Lawrence was advised that it was his behavior and
9 the fact that he allowed the complainant" -- or sorry --
10 strike that.

11 Do you see the sentence at the end of
12 paragraph 7 beginning with "Lawrence was advised that it
13 was his behavior"?

14 A. Yes.

15 Q. And that statement was true at the time that
16 you submitted this affidavit to the best of your
17 knowledge, information, and belief, right?

18 A. Yes.

19 Q. In paragraph 10, at the end of that paragraph,
20 do you see the sentence that says "In checking this file
21 later, I learned that there is still a protective order
22 in effect against Lawrence"?

23 A. Yes.

24 Q. And again, when you filed this affidavit, that
25 sentence was true to the best of your knowledge,

1 information, and belief; is that right?

2 A. Yes.

3 Q. And could you take a moment and review
4 paragraph 11 for me, please? You don't have to read it
5 aloud. You can review it to yourself. Just let me know
6 when you're done.

7 (Pause in the proceedings.)

8 A. Okay. I'm done.

9 Q. And those statements were true at the time
10 that you filed this affidavit to the best of your
11 knowledge, information, and belief, correct?

12 A. Yes.

13 Q. I have the same questions for paragraphs 12,
14 13, and 14. So if you could read those paragraphs to
15 yourself and let me know when you're finished.

16 (Pause in the proceedings.)

17 A. I'm finished.

18 Q. At the time that you filed this affidavit, the
19 statements contained in paragraphs, 12, 13, and 14 were
20 true to the best of your knowledge, information, and
21 belief; is that right?

22 A. Yes.

23 Q. Now, the document that we've just gone over,
24 one, two, three pages, that's a record that is
25 maintained by the Westport Police in the normal course

1 of its business; is that right?

2 A. Yes.

3 Q. And it was a document that was actually filed
4 in the Superior Court in Connecticut; is that correct?

5 A. Yes.

6 Q. Okay. If I could ask you to turn to the next
7 page, this is an incident report. It's a little hard to
8 tell, but it's report number 2017-022937.

9 MR. DRISCOLL: -937?

10 MR. YUHAN: Yes. Yes.

11 A. Yes.

12 Q. The report date is 11/05/2017, right?

13 A. Yes.

14 Q. And have you seen this document before?

15 A. Yes.

16 Q. And can you describe what this is?

17 A. It's my report from the incident at the Fresh
18 Market.

19 Q. Okay. The same incident that was discussed in
20 the Arrest Warrant Application we just reviewed,
21 correct?

22 A. Yes.

23 Q. And is this a document that is maintained in
24 the normal course of business by the Westport Police
25 Department?

1 A. Yes.

2 Q. And if you look, we're now on page 4 of 7 of
3 the incident report. It says "Additional Narrative" at
4 the top. Do you see that?

5 A. Yes.

6 Q. And can you describe for me what is the --
7 strike that.

8 Actually, I'm finished with this document.
9 You can put that to the side. If I could ask you to put
10 in front of you Exhibit B.

11 MR. DRISCOLL: I didn't get a chance to
12 print that, so give me one second.

13 MR. YUHAN: Sure. No problem. My
14 apologies. I didn't realize until too late
15 that I had not originally attached that.

16 MR. DRISCOLL: Okay. We have it up on
17 the screen.

18 MR. YUHAN: Okay. Now hang on. Let me
19 just make sure that I'm working off the same
20 document.

21 (Incident Report No. 2018-019908 deemed
22 marked Defendant's Exhibit B for
23 identification.)

24 MR. YUHAN: Okay. Exhibit B is a
25 document entitled Incident Report bearing

1 report number 2018-019908. And there's a
2 legend, a header at the top of that document,
3 Case number 3:18-cv-01927, Document 39-8.

4 MR. DRISCOLL: We have it.

5 Q. Okay. Now, Mr. Sullivan, is this a document
6 that you have seen before?

7 A. Not until today.

8 Q. Not till today. And in fact, if you look at
9 the bottom of the first page of that document, under
10 Reporting Officer, that's Mark Grasso, correct?

11 A. Yes.

12 Q. And do you know who Mark Grasso is?

13 A. Yes, I do.

14 Q. Okay. Are you familiar with the incident
15 described in this incident report? Are you personally
16 familiar with that incident?

17 A. I've had discussions with Officer Grasso, yes.

18 Q. Okay. Now, do you have any reason to doubt
19 that the statements set forth in the incident report by
20 Mr. Grasso were true at the time to the best of his
21 knowledge, information, and belief?

22 MR. LAWRENCE: I would like to object
23 because basically my objection is based on the
24 fact that they're talking about an arrest, as
25 I've already mentioned, an incident report

1 that is after the arrest with
2 Officer Sullivan.

3 His knowledge of this case is next to
4 nothing, and he's not an authority on this
5 particular case. It's established that I was
6 arrested for second-degree harassment.

7 However, many of my complaints and the
8 points of my complaint against Hearst have to
9 do with issues prior to this arrest, and the
10 way that Hearst reported on this arrest
11 actually contributed to this false arrest and
12 the arrest, attempted arrest for second-degree
13 stalking that was rejected by the prosecutor.

14 So I don't know where defense is going on
15 this. I'm just going to say that I object
16 because Officer Grasso -- Officer Sullivan is
17 not an authority on this -- if
18 Officer Sullivan is not an authority on past
19 incident reports, how is he an authority on
20 someone else's case? It doesn't make sense.

21 MR. DRISCOLL: All right. So the
22 question was whether he has any reason to
23 doubt that Officer Grasso accurately reflected
24 his knowledge of events in his report, right?

25 MR. YUHAN: That is correct.

1 MR. DRISCOLL: If you understand, you can
2 answer.

3 A. I believe he is accurate, yes.

4 Q. Okay. Now, if you look at page 4 of this
5 exhibit, it is entitled Additional Narrative. Do you
6 see that?

7 A. Yes.

8 Q. And do you know -- do you see -- let's see --
9 three lines down, at the end of that line, there is a
10 reference to you, "who was arrested by Officer Sullivan
11 in March 2018." Do you see that?

12 A. Yes.

13 Q. And after that, the line continues, "had
14 returned to Westport from Europe yesterday for a court
15 appearance in Norwalk today." Do you see that line?

16 A. Yes.

17 Q. And do you know whether or not that court
18 appearance was in relation to the arrest that you had
19 made?

20 A. Yes. I believe it was.

21 Q. And does that indicate to you that as of the
22 time of this incident report, that matter was still
23 pending?

24 A. Yes.

25 Q. Okay. To your knowledge, this incident that

1 Mr. Grasso was involved in for the crime of harassment
2 in the second degree, do you know whether or not that
3 case is still pending?

4 A. I believe it is still pending.

5 Q. And again, this incident report, this is a
6 document that is maintained by the Westport Police
7 Department in the regular course of its business, is it
8 not?

9 A. Yes.

10 Q. Okay. Just a couple more questions,
11 Mr. Sullivan, and then I'll be finished with my
12 examination.

13 Are you currently employed?

14 A. Yes.

15 Q. It's not a trick question. I'm just asking.

16 A. I thought you were going to keep going there.
17 Yes.

18 Q. Are you currently employed?

19 A. Yes.

20 Q. Who is your employer?

21 A. Westport Police Department.

22 Q. And what is your title with the Westport
23 Police Department?

24 A. Police officer.

25 Q. And have you been a police officer with the

1 Westport Police Department since about March 7, 2016?

2 A. Yes.

3 Q. Are you aware of any reason why sitting here
4 today the testimony you've given in this deposition
5 could not be the -- strike that. That was terrible.

6 Is there any reason, sir, that the testimony
7 you've given today is not your best recollection and
8 true to the best of your knowledge, information, and
9 belief?

10 A. No.

11 MR. YUHAN: Subject to any further
12 examination by Mr. Lawrence, I have no further
13 questions. Thank you so much.

14 MR. LAWRENCE: I just have one question
15 in regards to the warrant that you're talking
16 about, the second-degree breach of peace.

17 I want to direct Officer Sullivan and his
18 attorney to section 20 of that warrant. This
19 is the second-degree harassment arrest,
20 February 6, 2019, arrest that happened one
21 year after Officer Sullivan's arrest.

22 MR. DRISCOLL: Are you talking about
23 Officer Grasso's report?

24 MR. LAWRENCE: Yes. His warrant, the
25 actual warrant.

1 THE WITNESS: Grasso's warrant or my
2 warrant?

3 MR. LAWRENCE: Grasso's. Section 20,
4 please.

5 THE WITNESS: I'm just not sure.

6 MR. DRISCOLL: I don't think we have
7 Grasso's warrant. We have his incident
8 report.

9 MR. LAWRENCE: Okay. I guess that's
10 something I'll have to submit.

11 MR. LAWRENCE: All right. So I think
12 we're pretty much done here, I think.

13 REDIRECT EXAMINATION

14 BY MR. LAWRENCE:

15 Q. I just have one last question. Did the woman
16 use the word "harass" on the dispatch tapes, so I don't
17 have to bring out the dispatch tapes?

18 MR. DRISCOLL: The woman in the incident
19 that he did the arrest warrant for?

20 MR. LAWRENCE: Yes.

21 Q. Officer Sullivan, in regards to your arrest,
22 did the woman use the word "stalk" or "harass" in the
23 dispatch tapes?

24 MR. YUHAN: Objection to form.

25 A. I never listened to the dispatch tapes.

1 Again, I got all my information from her directly.

2 Q. But she was recorded on the dispatch tapes --

3 A. Absolutely.

4 Q. -- from the initial call? The initial call
5 was in her own words?

6 MR. DRISCOLL: He said he didn't listen
7 to those.

8 A. I'm told by the dispatcher themselves what's
9 going on with the call, not by listening to the actual
10 tape.

11 Q. Okay.

12 MR. LAWRENCE: I'm wondering if this
13 phrase that he used -- I find it to be a very
14 proper choice of words, "follow and get into
15 personal space," meaning the idiom "get into
16 personal space," it's actually an idiom in the
17 dictionary that it's usually violate personal
18 space.

19 Q. But are you aware that that is a phrase in the
20 dictionary?

21 A. No. Not really.

22 Q. Okay. I think we're done.

23 MR. LAWRENCE: I want to thank everyone.
24 I don't see anything else. Since you don't
25 have Grasso's warrant, I'm not looking to ask

1 any other questions. I want to keep it
2 simple.

3 MR. YUHAN: No further questions.

4 THE REPORTER: Do you want the witness to
5 read and sign?

6 MR. DRISCOLL: No.

7 THE REPORTER: Do you both need a copy of
8 this transcript?

9 MR. YUHAN: Yes.

10 MR. LAWRENCE: I told Michael that I need
11 it to be expedited, if I could have it by like
12 Wednesday.

13 THE REPORTER: Attorney Yuhan, do you
14 need a copy of the transcript?

15 MR. YUHAN: Yes, please, on the same
16 basis.

17 THE REPORTER: Is a PDF email acceptable
18 or paper copy?

19 MR. YUHAN: PDF is fine for me.

20 MR. LAWRENCE: PDF would be great.

21 (Time noted: 1:47 p.m.)

22 (Signature waived by agreement.)

23

24

25

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25 (Counsel retained their own exhibits.)

1 C E R T I F I C A T E

2

3 I hereby certify that I am a Notary Public, in
4 and for the State of Connecticut, duly commissioned and
5 qualified to administer oaths.

6 I further certify that the deponent named in
7 the foregoing deposition was by me duly sworn, and
8 thereupon testified as appears in the foregoing
9 deposition; that said deposition was taken by me
10 stenographically remotely via videoconferencing and
11 reduced to typewriting under my direction, and the
12 foregoing is a true and accurate transcript of the
13 testimony.

14 I further certify that I am neither of counsel
15 nor attorney to either of the parties to said suit, nor
16 am I an employee of either party to said suit, nor of
17 either counsel in said suit, nor am I interested in the
18 outcome of said cause.

19 Witness my hand and seal as Notary Public
20 this 23rd day of February 2021.

21


22

23

24

25

My Commission expires:
October 31, 2021


Janet C. Phillips

Notary Public
CSR No. 124

