

UNITED STATES DISTRICT COURT : DISTRICT OF CONNECTICUT
RICHARD E. BURGESS : NO.: 3:11-CV-01129 (CSH)
VS. :
TOWN OF WALLINGFORD; CHIEF : JUNE 8, 2012
DOUGLAS L. DORTENZIO, IN
HIS INDIVIDUAL AND
OFFICIAL CAPACITIES;
LIEUTENANT ANTHONY
MARTINO, IN HIS INDIVIDUAL
AND OFFICIAL CAPACITIES;
SERGEANT MICHAEL
COLAVOLPE, IN HIS
INDIVIDUAL AND OFFICIAL
CAPACITIES; OFFICER
GABRIEL GARCIA, IN HIS
INDIVIDUAL CAPACITY;
OFFICER DEVIN FLOOD, IN
HIS INDIVIDUAL CAPACITY;
AND MARK VANAMAN

DEPOSITION OF ROBERT L. HILTON

A P P E A R A N C E S:

For the Plaintiff:
LAW OFFICE OF RACHEL M. BAIRD
Attorney at Law
Stonegate Professional Building
379 Prospect Street
Torrington, Connecticut 06790-5239
BY: RACHEL M. BAIRD, ESQUIRE

1 A P P E A R A N C E S C O N T I N U E D

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6 For the Defendants:
7 HOWD & LUDORF, LLC
8 Attorneys at Law
9 65 Wethersfield Avenue
10 Hartford, Connecticut 06114
11 BY: KRISTAN M. MACCINI, ESQUIRE

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11 Appearing Pro Se:
12 Mark Vanaman

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17 Also Present: Joseph E. Gasser

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20 Jody G. Frink, CMR, LSR
21 Connecticut License No. 00183

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25 NIZIANKIEWICZ & MILLER
 REPORTING SERVICES

25

1 Deposition of Robert L. Hilton, a
2 Witness in the above-entitled action, taken at the request
3 of the Defendants pursuant to the Rules of Practice, on
4 Friday, June 8, 2012, commencing at 10:08 a.m., before Jody
5 G. Frink, a Notary Public qualified by law to administer
6 oaths, at the Law Offices of Howd & Ludorf, LLC, Attorneys
7 at Law, 65 Wethersfield Avenue, Hartford, Connecticut
8 06114.

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14 S T I P U L A T I O N S
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17 It was stipulated and agreed by counsel
18 that all formalities in connection with the taking of the
19 deposition, including time, place and sufficiency of
20 notice, were complied with; that the qualifications of the
21 Notary Public were waived; that all objections except as to
22 form were reserved to the time of trial.
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1 R O B E R T L. H I L T O N,

2

3 A witness herein, having
4 Been first duly cautioned and
5 Sworn by Jody G. Frink, a
6 Notary Public commissioned and
7 Qualified within and for the
8 State of Connecticut, deposed
9 And testified as follows:

10

11 MS. MACCINI: Before we begin this
12 deposition, for the record, Mr. Burgess is present
13 today along with Mr. --

14 MR. VANAMAN: Vanaman.

15 MS. MACCINI: -- Vanaman. We have
16 agreed that this deposition is only to be recorded by
17 the court reporter. Mr. Burgess has a computer, a
18 cell phone and other items, no notice was sent to my
19 office of any intention to record. Judge Haight has
20 ruled that these proceedings are not to be recorded
21 and published on Mr. Burgess's blog without the other
22 parties' permission. You do not have my permission
23 and I expect that this is not being recorded. And
24 that goes for the written transcript of this
25 proceeding. I expect that that will not be published

1 in the absence of the defendants' permission or a
2 Court ruling in that regard.

3 MS. BAIRD: Okay, if I could just
4 look up Judge Haight's ruling, because I don't
5 remember it that way, so let's take a break.

6 MS. MACCINI: While you're taking --

7 MS. BAIRD: Just give me a minute.

8 MS. MACCINI: While you're taking a
9 break, we'll stay on the record and I will talk to Mr.
10 Hilton about his right to read and sign the deposition
11 transcript. Would you like to reserve the right to do
12 so?

13 MR. HILTON: What am I suppose to say
14 again? I'm confused.

15 MS. MACCINI: As we discussed off the
16 record.

17 MR. HILTON: Yeah.

18 MS. MACCINI: The court reporter is
19 taking down all my questions and your responses.

20 MR. HILTON: Right.

21 MS. MACCINI: You have the right to
22 read and sign that transcript for any errors in the
23 transcription, and there's an errata sheet, and you
24 can indicate any transcription errors on that sheet
25 which will become --

1 MR. HILTON: Okay.

2 MS. MACCINI: -- part of the record.

3 MR. HILTON: Okay.

4 MS. MACCINI: Would you like to
5 reserve your right to do that?

6 MR. HILTON: Yes.

7 MS. MACCINI: Okay, thank you. May I
8 proceed, Attorney Baird, while you're looking that up?

9 MS. BAIRD: Yeah, I just want to make
10 sure we don't misstate a Judge's order, and -- and I
11 don't remember -- do you have it in front of you?

12 MS. MACCINI: At Mr. Burgess's
13 deposition, he recorded his deposition testimony with
14 his personal tape recording device, I objected to
15 that, we --

16 MS. BAIRD: Is that the order that
17 you're reading?

18 MS. MACCINI: I'm -- I'm putting this
19 on the record --

20 MS. BAIRD: Oh, okay.

21 MS. MACCINI: -- for background
22 information, and for Mr. Vanaman's benefit and
23 everyone's benefit.

24 The Judge ruled that -- he sustained
25 my objection, he directed that no tape recording be

1 made of the deposition, and that the initial portion
2 that had been recorded not be published or promulgated
3 by the plaintiff in any fashion. So that was with
4 respect to plaintiff's deposition. I'm making the
5 same objection here, and I expect that Judge Haight
6 would rule consistently with his last ruling, that
7 no -- we have a court reporter, she is a certified
8 court reporter, there's been no notice that you want
9 to make your own recording, and you're not obligated
10 to do so under the Federal Rules. So if Mr. Burgess
11 is somehow recording this deposition right now, I am
12 putting my objection on the record, and I object to
13 that being published --

14 MS. BAIRD: Okay, let me --

15 MS. MACCINI: -- on his blog.

16 MS. BAIRD: Let me -- let me cut this
17 short. There's no argument here that we didn't
18 provide notice so that Mr. Burgess isn't recording it.
19 You had indicated that you believed that these
20 proceedings are confidential or sealed. I think
21 that's a misrepresentation to the people testifying
22 here today. There's been no Court Order that this --
23 that any of the depositions here are sealed. I'm
24 looking at the Order right here, and so I think that's
25 a misrepresentation. If these proceedings are to be

1 sealed, then counsel needs to file a motion to do so,
2 which counsel has not done. So I think it's unfair to
3 say to this witness that whatever he says here will
4 not be published, and cannot be published, because
5 certainly there will be a transcript of paper, even if
6 there's not a recording.

7 MS. MACCINI: I'm telling you right
8 here and now, I object to your client's publication of
9 any of these proceedings on his blog. If he happens
10 to do so, he does so at his peril, because I will file
11 the appropriate court proceedings.

12 MS. BAIRD: No, what you need to do
13 is file that motion now, or you should have already
14 filed it to make --

15 MS. MACCINI: That's -- that's --

16 MS. BAIRD: -- sure it doesn't
17 happen.

18 MS. MACCINI: That's your opinion,
19 Attorney Baird, I don't think I have to. And I'm
20 telling you now that I object to any publication of
21 this proceeding. Let's proceed.

22 DIRECT EXAMINATION BY MS. MACCINI:

23 Q Good morning, Mr. Hilton. My name is Kristan
24 Maccini, and I represent the Town of Wallingford and
25 several police officers in the matter that's been brought

1 by Mr. Burgess related to an incident that occurred at Yale
2 Billiards Club on May 16th, 2010. We're here today to ask
3 you some questions in that matter. Have you ever been
4 deposed before?

5 A. Have I ever what?

6 Q Have you ever sat for a deposition before?

7 A. No, I have not.

8 Q In order for the process to run smoother, let
9 me go over some ground rules with you.

10 As you can see, there's a court reporter, she's
11 taking down all my questions and your responses. So that
12 the record is clear, I need you to give verbal responses to
13 all my questions; is that fair?

14 A. Yes.

15 Q If at any time you don't understand a question,
16 or you can't hear me well, just let me know and I'll repeat
17 or rephrase it until you're able to understand it. Is that
18 fair?

19 A. Yes.

20 Q I don't want you to answer any question that
21 you don't understand.

22 A. Okay.

23 Q I don't expect this deposition to be long at
24 all, but if you need to take a break at any point, just let
25 me know and I'll accommodate you, I would just ask that you

1 answer any question that's pending.

2 A. Okay.

3 Q Is there anything affecting your ability to
4 testify truthfully here today?

5 A. No.

6 Q To understand my questions?

7 A. Yes. I understand your questions.

8 Q Okay. And can you please state your full name
9 for the record.

10 A. Robert Hilton.

11 Q Okay, and your date of birth?

12 A. I'm sorry?

13 Q Your date of birth?

14 A. [REDACTED]

15 Q Okay. Are you currently employed?

16 A. Yes.

17 Q And where are you employed?

18 A. I own Yale Billiards.

19 Q And how long have you owned Yale Billiards?

20 A. We opened up January 1st, 1992.

21 Q Do you have any other employment beyond that?

22 A. I do not.

23 Q Okay. Are you the sole proprietor?

24 A. I am.

25 Q All right, as I indicated, Mr. Burgess has sued

1 the Town of Wallingford and a number of Wallingford Police
2 Officers as a result of an incident that occurred at the
3 Yale Billiards Club on May 16th, 2010, and we're here today
4 to ask you questions about that incident. On that date,
5 officers of the Wallingford Police Department responded to
6 Yale Billiards; correct?

7 A. Correct.

8 Q Do you know how many officers arrived at Yale
9 Billiards on May 16th, 2010?

10 A. I do not.

11 Q Did you know any of the officers that arrived
12 personally?

13 A. No.

14 Q Okay. On May 16th, 2010, were you working at
15 Yale Billiards?

16 A. Yes, I was.

17 Q And did you generally just manage the club?

18 A. Yeah, I run it. I mean, I own it, so I work
19 there and run it and so forth.

20 Q And what time did you arrive at work on May
21 16th, 2010?

22 A. I'm not positive. I think I came in around
23 six.

24 Q Okay. Do you recall what day of the week that
25 was?

1 A. A Saturday or a Sunday.

2 Q At some point when you arrived at work --
3 strike that.

4 At some point while you were working at Yale
5 Billiards on May 16th, 2006 (sic), did you notice an
6 individual in the club openly carrying a weapon?

7 A. I didn't at first. It was brought to my
8 attention by a -- I'm not sure if she was working for me on
9 that day or not, Sarah, and then Dave, who's a customer
10 there.

11 Q Okay. And what is Sarah's last name?

12 A. Dobensky.

13 Q And what is Dave's last name?

14 A. Zaborowskie or Zimbrowski.

15 Q And those were your employees at the time?

16 A. No, I don't think so. I think Sarah did work
17 for me for awhile. She doesn't work for me now. Dave
18 actually works for me now, but I don't think he worked for
19 me then.

20 Q Okay. Was Sarah working for you at the time?

21 A. I don't believe so.

22 Q Okay. And what specifically did Sarah say to
23 you?

24 A. I think she said, there's somebody carrying a
25 gun, and it makes me feel uncomfortable. You should go do

1 something. Something like that.

2 Q Did -- was she frightened?

3 A. I don't want to put words in her mouth, but, I
4 mean, she obviously said something.

5 Q Okay. And what did Dave say to you
6 specifically?

7 A. Dave just said, somebody just came in with a
8 gun. And I kind of looked and I saw something, but you
9 never know with cell phones and stuff nowadays. I didn't
10 know what it was, so. That's all he said.

11 Q Okay, and what did you do in response, if
12 anything?

13 A. At that point I went and said something to him.
14 I said, is that a pistol? Are you carrying a gun? And at
15 that point I can see, you know, it looked like a gun. And
16 I believe I asked him, can you conceal it, cover it up?
17 And he said, no, I cannot. I will not. I will not. And I
18 cannot. And then he gave me some kind of pamphlet or some
19 kind of thing on weapons and rules and laws and stuff. At
20 that point I turned around, I was actually going to call
21 the police department and see what to do. I mean, I
22 obviously didn't want to upset him carrying a gun or make a
23 scene, so I was going to go find out what's the legal thing
24 to do.

25 Q Okay. And the individual that was carrying the

1 gun was later identified to you as Mr. Burgess who is
2 sitting here today; correct?

3 A. That's correct.

4 Q Can you describe for me how he was carrying the
5 gun.

6 A. I just remember it was a -- I mean, it looked
7 like a pretty decent size gun back here, and I believe he
8 had two clips with it and another holster.

9 Q Okay, and you're pointing in the direction of
10 your left hip, he was carrying it on his left hip?

11 A. I think so, I can't be positive of that, I
12 don't...

13 Q What color was the holster, if you recall?

14 A. Black I believe.

15 Q And did you just testify that he was carrying
16 ammunition as well?

17 A. It looked like it.

18 Q Okay.

19 A. It looked like he was carrying two magazines.

20 Q Okay. How many people were in Yale Billiards
21 at that time? How many customers did you have?

22 A. I'm not sure, it was a couple years ago.

23 Q Was it crowded?

24 A. It was pretty busy. I mean, probably, you
25 know, I know league was there, so it had to be a minimum of

1 twenty-five, thirty people.

2 Q Okay. Did you see any interaction between Mr.
3 Burgess and Mr. Vanaman?

4 A. I did.

5 Q Okay, and what did you witness between them?

6 A. When I was walking back to -- towards the
7 office, or towards the phone to call the police, I just
8 turned around and saw them exchanging words. And that was
9 pretty much it. At that point, that was when I said, you
10 know, I think you should leave. And he said, no problem.
11 And Mark I believe said, I'm calling the police. And then
12 that was it. He was outside and the police came.

13 Q Did you ask him to leave because you felt that
14 Mr. Vanaman was uncomfortable with his presence with the
15 open -- openly carrying his weapon?

16 A. At that point, actually when I was walking
17 back, another customer, Greg, Greg Hanks came up to me and
18 said the same thing, that he was carrying a -- somebody's
19 carrying a pistol. So and then once I heard them talking,
20 I said, yes, now there's -- there's something happening
21 here, I need to ask him to leave, because obviously he was
22 the center of the attention. The reason why -- the reason
23 why, you know, people were getting upset or people are just
24 coming to me, which is my business, I have to do what I
25 have to do to calm it down.

1 Q So at that point, customers appeared to you to
2 be visibly upset by Mr. Burgess's presence with a pistol?

3 A. Well, they were definitely aware of something
4 going on.

5 Q And in a negative context?

6 MS. BAIRD: Objection. So leading
7 the witness.

8 BY MS. MACCINI:

9 Q Did you -- what --

10 MS. BAIRD: Just give him a piece of
11 paper and tell him what to say.

12 MS. MACCINI: Your objections --

13 MS. BAIRD: Because this is what you
14 need for your case.

15 MS. MACCINI: Your objections are to
16 form, Attorney Baird, which you are well aware.

17 BY THE WITNESS:

18 A. I mean, I don't want to -- I don't want to put
19 words in people's mouths, but it looked like Sarah was
20 upset and Greg seemed concerned, Dave was kind of like just
21 telling me, so.

22 Q Was Mr. Burgess's presence at that point
23 disrupting your business on May --

24 A. Yes.

25 Q -- 16th, 2010?

1 A. Yes.

2 Q Okay. Creating an annoyance to customers?

3 A. Yes.

4 Q What was Greg's last name?

5 A. Hanks I believe.

6 Q H-A-N-K?

7 A. H-A-N -- H-A-N-K-S.

8 Q Okay.

9 A. He still plays on a league out of my pool hall.

10 Q Okay. At some point did you call Wallingford
11 Police about Mr. Burgess?

12 A. I -- I don't recall if I did or didn't, because
13 I remember I said I was going to call the police and Mark
14 said, I'm on the police -- I'm on the phone with them right
15 now.

16 Q All right, let me -- let me mark an exhibit
17 that may refresh your recollection.

18 A. That's fine, because this was two years ago,
19 so. Over two years ago.

20 Q Yeah, I understand it's been awhile.

21 A. Okay.

22 (Whereupon, Defendants' Deposition
23 Exhibit 1 was marked.)

24 BY MS. MACCINI:

25 Q All right, Mr. Hilton, I'm going to show you

1 a -- all right, I'm showing you an eleven page document.

2 A. Okay.

3 Q I'd like you to review this document.

4 Specifically I'd like you to turn to page two at the
5 bottom. And what this exhibit is, Exhibit, 1 is a typed
6 transcription of telephone calls and radio transmissions
7 received by the Wallingford Police Department on May 16th,
8 2010 concerning Mr. Burgess. And at the bottom of page two
9 are a series of communications between you and dispatch.
10 Just take a moment and read that, it goes from page two to
11 page three.

12 A. (Witness complies). Okay, yep, that's correct.

13 Q Does that refresh your recollection?

14 A. Yes, absolutely, yes.

15 Q After reading that, do you remember making that
16 call to dispatch?

17 A. Well, yeah, at that point when he was outside,
18 obviously people knew that, you know, the police were
19 coming. And Sarah was upset, and Mark was obviously a
20 little bit upset. So, yeah, definitely making customers
21 feel uncomfortable. Yes.

22 Q And you told dispatch that you had asked Mr.
23 Burgess to leave because he was making your customers feel
24 uncomfortable; correct?

25 A. That's correct.

1 Q Is there anything in that transcription that
2 you believe is inaccurate? Just with respect to your call.

3 A. Right. That's fine, yep.

4 Q Okay. On page three, almost in the center,
5 there's a transcription that indicates that you stated to
6 dispatch: I think he's wearing a black shirt with -- hold
7 on one second, it has -- and then you go on to say a CCDL
8 on it, a black shirt with a CCDL carry on. And it said
9 Connecticut Citizen's Defense League; is that accurate?

10 A. Correct, yes.

11 Q Do you recall him wearing that?

12 A. Yes.

13 Q And then down at the bottom you indicate to
14 dispatch that one of your customers made a scene about it.

15 A. Correct.

16 Q What customer was that?

17 A. It was either Sarah or Mark.

18 Q Okay. Okay, thank you, Mr. Hilton.

19 A. Okay.

20 Q Did you give a statement to police concerning
21 Mr. Burgess's presence at Yale Billiards on May 16th, 2010?

22 A. Yes.

23 Q And did you give both a verbal and a written
24 statement?

25 A. I believe so.

1 Q Okay. On the date of the incident, did you
2 give a verbal statement to police that day?

3 A. Yes.

4 Q And do you recall what you told officers?

5 A. Actually, I don't want to -- I'm not positive
6 if I did or I didn't. I think I did.

7 Q Okay. Do you recall what you told them?

8 A. I do not exactly.

9 Q Okay.

10 A. Just whatever -- what it says in the call
11 was -- and what you said is pretty much accurate.

12 Q Okay. On the next day, May 17th, 2006 (sic),
13 did an officer with the Wallingford Police Department
14 present himself at Yale Billiards?

15 A. Yes.

16 Q Did he make arrangements to come there and
17 speak with you, or did he just kind of show up?

18 A. I believe he -- he called, I'm not positive.

19 Q Okay. And did he ask you if you had any video
20 surveillance of the incident?

21 A. Yes.

22 Q And what did you tell him?

23 A. I did. And I -- I tried to get him a copy, and
24 I -- I think he has it, I'm not sure if it works or not.
25 It was a newer system, so, yes.

1 Q You were actually able to review a recording of
2 what occurred in Yale Billiards on May 16th --

3 A. Yes.

4 Q -- 2006 (sic)?

5 A. Yes.

6 Q And what did the video show? Can you give me a
7 summary of what it showed.

8 A. It showed customers coming up to me and
9 telling -- asking me questions. You know, obviously it's
10 my business. It shows me going to the table to talk to Mr.
11 Burgess. It shows me turning around, and then it shows Mr.
12 Vanaman and Mr. Burgess exchanging words. And me asking
13 him to leave. And I think that's it.

14 Q Did you retain a copy of that video?

15 A. I did not.

16 Q Okay. Did you actually hand the officer a
17 recording of that video?

18 A. I think I handed him a drive or something, but
19 I remember we had a problem where we couldn't -- I
20 couldn't -- it was the first time I've ever had to take a
21 copy of that thing off the computer to show it somewhere
22 else. So I wasn't sure if we could get it to work or not.

23 Q Okay.

24 A. I did the best that I could.

25 Q So you don't know if the officer was actually

1 able to view it?

2 A. I do not.

3 Q Okay. While you were speaking with this
4 officer, did Mr. Burgess arrive at Yale Billiards?

5 A. He might of, or a little after at some point,
6 yes.

7 Q Okay. And did you ask him if he could wait for
8 you while you finished up with the officer?

9 A. I don't remember the exact words, I think so.

10 Q Okay.

11 A. I think it was something like that.

12 Q Did he have anyone with him?

13 A. He did.

14 Q And who did he have with him?

15 A. An older gentleman, I don't remember his name.

16 Q And did you ultimately at some point on May
17 17th, 2006 (sic) speak with Mr. Burgess and the gentleman
18 he had with him?

19 A. Very briefly. I remember saying, I says, I
20 gave you all the information I gave to the police, that's
21 pretty much it.

22 Q Did you speak with a news reporter at that
23 time?

24 A. I did not.

25 Q Okay.

1 MS. MACCINI: This will be 2.

2 (Whereupon, Defendants' Deposition
3 Exhibit 2 was marked.)

4 BY MS. MACCINI:

5 Q All right, Mr. Hilton, I'm showing you a three
6 page document marked as Defendants' Exhibit 2, I'd like to
7 ask you to take your time and review that document.

8 A. (Witness complies). Yeah, that's my statement.

9 Q Okay. That's a statement that you gave to
10 Officer Flood on May 17th, 2010?

11 A. Correct.

12 Q Is that your handwriting or -- or Officer
13 Flood's?

14 A. I think it's Flood's.

15 Q Okay. Is that your signature on the bottom of
16 each page?

17 A. Yes, it is.

18 Q And you gave that statement to Officer Flood
19 when he came to Yale Billiards on May 17th, 2010?

20 A. Correct.

21 Q Is there anything in the statement that you
22 believe is incorrect?

23 A. I don't believe so, no.

24 Q And your recollection of the incident the day
25 after would be clearer than it is today; correct?

1 A. Correct.

2 Q You reference Dave Zaborowskie, and you've
3 mentioned him earlier, he's currently an employee?

4 A. Correct.

5 Q Sarah Dobensky is no longer an employee?

6 A. That's correct. I don't know if she was an
7 employee at that point or not. Still with me or not.

8 Q How often does Mr. Zaborowskie work for you?

9 A. Two and a half hours a week.

10 Q Okay.

11 A. He opens one day a week.

12 Q Okay.

13 A. Helps me out a little bit.

14 Q Did you observe anything that occurred once
15 police arrived?

16 A. Not really, it was outside. I mean, I was
17 inside, you know, taking care of the business aspect. And
18 so, no, I really didn't pay too much attention. I mean, I
19 obviously I -- I did keep an eye on it, but I didn't see
20 exactly what happened.

21 Q From the moment Sarah and Dave first approached
22 you about Mr. Burgess's presence in the club with a gun, to
23 the moment officers arrived, how much time do you think
24 elapsed?

25 A. From the time Sarah talked to me until the time

1 the cops showed up?

2 Q Yes.

3 A. Fifteen, twenty minutes.

4 Q Did you have the impression that Mr. Burgess
5 purposefully carried his gun openly into the pool hall with
6 the intention of drawing attention to himself?

7 A. Are you asking my opinion?

8 Q Yes.

9 A. Yes.

10 Q And why do you say that?

11 A. I've been in business twenty years, I've never
12 seen that, so.

13 Q You've never seen anyone come into a crowded
14 pool hall with a pistol?

15 A. Correct.

16 Q At least with a pistol in everyone's view?

17 A. Right, with a T-shirt on that says defense or
18 whatever, some kind of slogan on it.

19 Q At some point in your exchange with Mr.
20 Burgess, did he tell you he was trying, quote, unquote,
21 trying to make a point?

22 A. It says that on here. I mean, the only thing,
23 with my ears, and I'm hard of hearing, but at some point
24 something like that was come across.

25 Q He said something --

1 A. Something was said, or something like that was
2 said.

3 Q You believe he said something to that effect?

4 A. Yes.

5 MS. MACCINI: I don't have any
6 further questions. Thank you.

7 MR. HILTON: Okay.

8 CROSS-EXAMINATION BY MS. BAIRD:

9 Q Good afternoon (sic), Mr. Hilton. I briefly
10 introduced myself when I -- when I came into the room. My
11 name is Rachel Baird.

12 A. Okay.

13 Q And I'm an attorney, my office is in
14 Torrington, and I represent Rich Burgess who's to my left
15 here today.

16 A. Okay.

17 Q I'm going to ask you some questions as well,
18 and the same rules apply as applied when you were answering
19 questions previously. If something I ask isn't clear, just
20 ask me to clarify it. If you need a break, we'll take a
21 break. And answer out loud so the court reporter can get
22 all of what you're saying down, okay?

23 A. Okay.

24 Q Now, you said that Yale Billiards has been in
25 business since 1992; is that correct?

1 A. Correct.

2 Q Did you buy the business, or did you actually
3 start the business in 1992?

4 A. My father-in-law opened it originally in '92, I
5 was working for him, and then I purchased it in 1998.

6 Q Is there a -- a sign in the business, or do you
7 know of just from any inspections done by the fire marshal
8 what -- what the capacity of that business is, or that area
9 for the public is, how many customers are allowed to fit in
10 there, or how many people are allowed to fit in there at
11 one time?

12 A. Do you mean a total occupancy?

13 Q Yes, that's the term, thank you. Total
14 occupancy.

15 A. Yeah, there is -- well, over the years we've
16 changed, we went from forty-five hundred square feet to
17 seven thousand square feet and back to forty-five hundred.
18 I believe when it happened we were down to forty-five
19 hundred square feet. I believe it's one seventy-five.

20 Q Do you -- does the business often get to that
21 capacity of one hundred and seventy-five people?

22 A. Not really.

23 Q Okay. Now, you had mentioned already that the
24 day in question when this happened, there were leagues at
25 the -- at the business, at the billiards hall?

1 A. Um hum.

2 Q Is it leagues or a league? I don't know much
3 about billiards, you'll have to help me.

4 A. Again, it was two years ago. I think it was
5 just the one league there at that point.

6 Q So what does this league do? Do they compete
7 and play pool?

8 A. Correct.

9 Q And there are different teams that compete
10 against each other?

11 A. That's correct.

12 Q Okay. So you arrived for work that night, what
13 was it around four or five in the afternoon? You can --
14 you can --

15 A. I think so. This says --

16 Q You can refer --

17 A. -- I arrived at six. Six-ten. I'm sure that's
18 probably right.

19 Q Was that usual for a Sunday evening, for you to
20 arrive at work at about six-ten?

21 A. It really depends on what I'm -- what I'm
22 doing. I try to be there to open as much as I can. It's
23 four-thirty is usually I'm there, but.

24 Q And when you arrived that evening at about
25 six-ten, were you -- you're a business owner, did you look

1 around and say, oh, good crowd tonight, not a good crowd
2 tonight? Or usual crowd tonight?

3 A. Of course.

4 Q And what was your impression of the crowd that
5 Sunday evening?

6 A. I believe it was pretty -- pretty decent for a
7 nice day. I think it was nice out if I remember right. It
8 was kind of a nice May day or something like that, yeah.

9 Q And was it your testimony that there were about
10 thirty -- thirty customers there?

11 A. I believe close to that.

12 Q What is -- and what time, at that period in
13 time, did you close on Sunday evenings?

14 A. Eleven.

15 Q And throughout the evening from about six to
16 eleven, would the league continue playing, or did play
17 conclude at some point?

18 A. I'm sure it continued until it finished. You
19 know, it usually gets done about nine-thirty, ten.

20 Q And how exactly do you know when a league
21 finishes? I mean, are there sets of games and then the
22 winner plays against each other and then there's one final
23 game at the end?

24 A. It depends on what league you're talking about.
25 The Sunday league I believe is the one that they were in,

1 so it must -- it must have happened on a Sunday, I remember
2 I wasn't sure if it was a Saturday or Sunday, it must have
3 been a Sunday, because I don't have leagues on Saturday.
4 And, yeah, you play until your matches are done. You play
5 five matches, and once your five matches are done, the
6 league is over.

7 Q What -- what's the approximate age group in a
8 league like that? Are there age limits or age categories?

9 A. You have to be eighteen. But most of them are
10 twenty-one and older.

11 Q So the age range was pretty wide, twenty-one to
12 whatever, or is there a certain?

13 A. It depends on the team. I mean, people click
14 up and get with their friends and so forth. I don't
15 remember which teams were there. So I don't know, that
16 night if you're asking me who was there, I don't recall.

17 Q And is there a name for that league that was
18 there?

19 A. Yes. APA.

20 Q APA?

21 A. Yeah. American Pool Player's Association.
22 It's the largest league in the United States for American
23 Pool Players. It's huge. I believe there's like five
24 thousand teams in Connecticut.

25 Q And are they still playing there the Sunday

1 nights a Yale Billiards?

2 A. Yes.

3 Q And it's continued from -- from back in --

4 A. Well, there's different teams that quit and
5 start up. It's part of my job as a business owner to
6 create business, so it's not the same teams keep coming
7 back for years and years and years, you get new teams.

8 Q Now, in the time that you've run this business
9 at Yale Billiards, are you able to remember, because they
10 stand out in your mind, the times when the police have had
11 to come to your business, or is it so many you're not
12 comfortable saying?

13 A. I could recall most of them I believe, yeah.

14 Q Okay, about how many have there been?

15 A. Actually inside the pool hall, or parking lot
16 or? Because, I mean, I try to keep an eye.

17 Q How about times when the police have been
18 called to your property at Yale Billiards, which would
19 include inside and outside that you know about?

20 A. Ten maybe.

21 Q And what kinds of -- what kinds of incidents
22 were those ten incidents?

23 A. One gentleman's car was trying to be stolen in
24 the parking lot. One was a dispute where a lady was upset
25 at her daughter's girlfriend for messing around with her

1 boyfriend. A long time ago. There's really not too many.
2 I mean, maybe -- so maybe it's less than ten. It could be.
3 I mean, I don't remember all of them. If -- if I saw them
4 or if they came up to me, I would probably remember them
5 more.

6 Q Any incidents that you would characterize as
7 serious where somebody was injured, or there was a long
8 investigation afterwards by the police?

9 A. Never.

10 Q Okay, no murders?

11 A. No.

12 Q No robberies?

13 A. No.

14 Q Okay. And in looking at Exhibit 2, which I
15 think you still have in front of you, it's a statement that
16 you made to the Wallingford Police, I think it might be in
17 your right hand.

18 A. Okay.

19 Q That -- is there a 2 in the little box on the
20 bottom?

21 A. Yep.

22 Q Okay. Have you ever made a statement like this
23 to the police involving any of these other incidents
24 you're -- you're talking about?

25 A. I think the, yeah, the one where -- where the

1 lady came in and -- and assaulted one of the girls.

2 Q Okay, did you have to go to Court and testify
3 about that?

4 A. I did not. I did not.

5 Q The video equipment that you had at your
6 business back in May of 2010, had you had that continuously
7 since owning the business in 1992?

8 A. No, the incident that you're speaking of I had
9 a different video equipment. I had a VHS older model, and
10 that was what I gave to the police officers at that point
11 when that incident happened. I actually got a letter from
12 the lady who -- who came in and assaulted, apologized and
13 after all the Court was said and done, I never went to
14 Court. But since then, I upgraded to the newer, high tech
15 version, which obviously is a little harder for me, I don't
16 understand how to make the copies. And I thought, assumed
17 that I gave it to the police officers, a copy of the disk.

18 Q So let me get this straight. At some point,
19 and you're throwing terms around that you may have to
20 explain to me, you said VHS eight, what did you say?

21 A. Right, it was the -- it was a cassette tape.
22 VHS tape.

23 Q Okay.

24 A. Back then.

25 Q When did you get that equipment, the VHS tape

1 cassette equipment?

2 A. Oh, I think -- I think my father-in-law
3 actually put it in before I purchased it.

4 Q Okay. So that was in place in 1992?

5 A. Probably not then, no, probably not for at
6 least -- at least until like '93, '94.

7 Q Had there been --

8 A. It wasn't right away, I mean, because we were
9 just opening, so.

10 Q I think you answered my next question already.
11 Had there been anything in place prior to that?

12 A. Oh, okay. We -- at one point, I don't remember
13 exactly when, we did have like one camera, just the front
14 door before that. It was like a homemade camera, VCR type
15 thing.

16 Q And then in 1993 or '94, it sounds like you
17 upgraded a bit to the --

18 A. Correct.

19 Q -- VHS tape?

20 A. Yep.

21 Q And then the equipment that you had in place in
22 May 2010, that replaced the VHS tape equipment; correct?

23 A. That is correct.

24 Q And when did you have that installed?

25 A. It had to be '07, '08 maybe. I don't know

1 exactly, I could look up my records when I paid for it and
2 find out for sure.

3 Q And who -- who installed it?

4 A. It would be me.

5 Q And tell me how many cameras were associated
6 with this monitoring system?

7 A. Four.

8 Q And are the same four cameras in place now at
9 your business?

10 A. Yes.

11 Q As were in place then?

12 A. Yep.

13 Q And then where would the tape machine be
14 located?

15 A. I'm sorry?

16 Q Where -- where would the actual part of the
17 recording system be located? Was that in your office?

18 A. Where I can see it?

19 Q Yes.

20 A. Yes, in my office.

21 Q And was that a monitor that you could look at?

22 A. It's a monitor, yes.

23 Q Could you look at the monitor and see what was
24 going on right as it's happening?

25 A. Yes.

1 Q And then it would also record as well; correct?

2 A. Correct.

3 Q Do you have -- I know you said that you have
4 paperwork, but do you have the name of the system, the
5 maker, the manufacturer?

6 A. I purchased it at BJ's. You put me on the
7 spot, so I don't know. I know it -- I don't know it for
8 sure, no. But I can find out. I have the pamphlet right
9 underneath the recorder.

10 Q Okay. Prior to May 2010, and from the time you
11 installed it in around 2008 or 2009, during that time
12 period, had you ever found a need, or had you ever
13 downloaded or taken information that had been recorded on
14 this system and put it in another form, on a disk to give
15 it --

16 A. I have not.

17 Q -- to somebody?

18 A. No, I did not.

19 Q When this incident occurred in May of 2010,
20 what led you to attempt to download the information on that
21 video recording system?

22 A. I feel, you know, Billiards did nothing
23 inappropriate, so I'd like to have proof of it. Just like
24 the incident prior back in whenever it was, '95, so I
25 figured, you know, pictures are here, you know, look at the

1 pictures and see what happened. That's -- that's why.

2 Q I'm sorry, now I -- I didn't -- I didn't hear
3 you. You said something --

4 A. Oh.

5 Q -- about 1995?

6 A. What I'm saying is is the video shows
7 everything, so when I made the video in '95 and I gave it
8 to the police officers.

9 Q Okay.

10 A. That's -- that's it, you know, there's the
11 video. So I figured I would do it again. If they couldn't
12 get it, then I obviously need to work on my system, how to
13 upgrade it.

14 Q But what I was asking you was in May of 2010
15 when you decided again to download the recording from the
16 machine, did somebody ask you to do that, or did you do
17 that on your own?

18 A. I don't remember if I offered it or they asked.
19 I don't remember if they offered or asked. I'm sure -- I'm
20 sure I offered, and I don't remember if they asked or not.

21 Q Okay. And -- and do you know why you offered
22 it?

23 A. Probably just the same reason. I did, you
24 know, have the tape in '95, gave it to them to say, look,
25 this is what happened. This is the truth.

1 Q Okay. And so tell me exactly the process you
2 went about to attempt downloading the information from the
3 machine. Did you pick up the owner's manual first?

4 A. I did. I did.

5 Q Okay.

6 A. I actually had my father-in-law try to help me,
7 he's worked with computers for a long time in the past.
8 And I believe we tried to download it onto a zip drive.

9 Q What does -- what does a zip drive look like?
10 Is it one of those little --

11 A. Yeah, a little --

12 Q -- things you stick in the side --

13 A. Yep.

14 Q -- of the computer?

15 A. Correct.

16 Q Okay. And so your father-in-law was there, and
17 you were there, was there anybody else helping out? Any
18 other experts?

19 A. No.

20 Q Okay. And so you, your father-in-law and the
21 booklet. And did you actually think that you had
22 downloaded the information to a zip drive?

23 A. I think so. I think -- I'm not sure, I think
24 we -- I think we thought we did.

25 Q And then it sounds like you saw the video

1 yourself at some point?

2 A. I'm sure I did, yeah.

3 Q Was that before it was downloaded, looking at
4 it on the --

5 A. Yeah, before.

6 Q -- actual monitor?

7 A. Yes. Because I can record and rewind up to
8 three days before it records over itself. So the next day,
9 if I wanted to look at it, I could have looked at it.

10 Q Did anybody look at it with you?

11 A. I'm not sure.

12 Q When your father-in-law came over, did he look
13 at it?

14 A. I'm sure he must have at some point to try to
15 help me record it.

16 Q To try to figure out exactly what you were
17 trying to download?

18 A. Yeah, exactly, we don't want to give you guys
19 three days and say...

20 Q And when you -- when you and your
21 father-in-law -- by the way, what is your father-in-law's
22 name?

23 A. Terry Taylor.

24 Q And does he live in the Wallingford area?

25 A. He does.

1 Q When you downloaded it onto this zip drive, did
2 you put it in a computer or some other machine to then look
3 at it on the zip drive?

4 A. I think we must have like looked -- put it in
5 my computer and looked at it and something was there. And
6 I -- I think I remember saying, you know, this is it, I
7 don't know how it works, and this is -- I remember saying
8 something like that to the officer or whoever I gave it to.

9 Q While you were attempting to download the
10 surveillance, or while you were downloading it, did an
11 officer come to Yale Billiards?

12 A. I'm not sure if he was there or not. He might
13 have been there while we were trying to do it. It could
14 have been at that time.

15 Q And -- and when the officer came, were you
16 the -- was your father -- this was the -- this was the time
17 period when you, your father-in-law were trying to download
18 it and the officer came?

19 MS. MACCINI: Objection to form.

20 BY MS. BAIRD:

21 Q You can still answer if you understand. Or I
22 can clarify, whatever you want me to do.

23 A. Yeah, I can't say for sure. I can't say,
24 because that day was kind of crazy, if I remember right, I
25 was trying to do the video. I believe I did speak to an

1 officer at some point. This gentleman also came to my
2 place, so I mean, there was a lot going on, and I can't
3 recall exactly if he was there or not when we were making
4 the recording.

5 Q And when you say the day was crazy, you're
6 talking about the day after the date of the incident?

7 A. Correct.

8 Q So if the date of the incident was May 16th,
9 2010, the crazy day would have been May 17th, 2010?

10 A. Well, no, they were both a little crazy.

11 Q Right, but the --

12 A. But the one we're talking about --

13 Q The one you're referring to --

14 A. The one we're talking about was a little crazy
15 also.

16 Q Okay.

17 A. I was trying to get that done, and everything
18 else was going on, and so my mind was spinning, so.

19 Q I have a document here, and I'm sure you have a
20 copy. You may not though. But I would like to copy it
21 and -- so to have a copy for you and for the court reporter
22 if that's possible. So we could take a two minute break
23 for that.

24 A. Okay.

25 (Whereupon, a recess was taken at

1 10:54 and resumed at 10:58).

2 MS. BAIRD: This would be marked as
3 Plaintiff's Exhibit 1.

4 (Whereupon, Plaintiff's Deposition
5 Exhibit A was marked.)

6 BY MS. BAIRD:

7 Q Mr. Hilton, I don't expect that you've seen
8 this document before.

9 A. (Nodding negatively).

10 Q But I'm going to read two passages from it.

11 A. Okay.

12 Q And instead of me just reading it to you
13 without that in front of you, I thought I'd put the
14 document in front of you that I'm reading from, okay?

15 A. Um hum.

16 Q I'm going to read a paragraph from the first
17 page under the section entitled supplemental narrative.
18 It's near the top of the page.

19 A. Okay.

20 Q And the first paragraph it says: On 5-16-10.
21 Do you see where I'm at?

22 A. Yep.

23 Q But go to the next paragraph, because that's
24 the one I'm going to read. It says: On 5-17-10 at
25 approximately seventeen-fifteen hours, I went to Yale

1 Billiards. And this is written by Officer Flood. When it
2 says I --

3 A. Okay.

4 Q -- it doesn't mean you.

5 A. Yeah.

6 Q Yeah, it means Officer Flood. On 5-17-10 at
7 approximately seventeen-fifteen hours, I went to Yale
8 Billiards located at 950 Yale Avenue, Unit 25 in
9 Wallingford to speak with the owner, Robert Hilton
10 regarding the incident that occurred in his establishment
11 the previous night. And if you look at your Exhibit 2,
12 which is your statement.

13 A. Um hum.

14 Q That you should have in front of you.

15 A. Yep.

16 Q It says that you gave the statement on
17 5-17-2010 at about seventeen-thirty hours.

18 A. Okay.

19 Q Okay? So do you remember Officer Flood coming
20 to Yale Billiards at about seventeen-fifteen hours on 5-17
21 and then taking that statement from you?

22 A. I do.

23 Q Okay. So you agree with that statement that
24 Officer Flood made, that he came on May 17th at about
25 seventeen-fifteen hours and took a statement from you?

1 A. Yeah.

2 Q Okay. And because you have the statement right
3 in front of you; right?

4 A. Correct.

5 Q Okay.

6 A. I mean, it's refreshing my memory, because it
7 was a long time ago, so.

8 Q Right, that's why I'm giving you a document --

9 A. Yes.

10 Q -- to kind of look at. And then the next
11 sentence says: Hilton was attempting to download the video
12 surveillance of the incident that occurred on 5-16-10. Do
13 you -- do you recall that? That you were --

14 A. Well, like I -- like I said, I was trying to
15 make a -- a copy. You know, whether it's to give to
16 somebody or to have for me so it shows what happened, you
17 know, it just shows what happened. Yeah. And that's what
18 I said, I -- I know I tried to make one, I thought I made
19 it. I thought I made it.

20 Q Did -- do you recall if Officer Flood said
21 anything to you about your attempting to download the video
22 surveillance? When he walked in?

23 A. I don't recall what -- what was said. I
24 remember -- like I said, it was a crazy day, I remember
25 working with my father-in-law trying to get the thing to

1 download. I remember him and another gentleman coming in.
2 I remember people asking me questions about the incident,
3 so. I don't -- I don't exactly recall the exact time, you
4 know, what time I was trying to get the video off and what
5 time Flood actually walked in.

6 Q And then in the third sentence of that same
7 paragraph it says: Hilton agreed to provide me with a
8 voluntary sworn statement regarding the incident. Do you
9 agree with that, with Officer Flood, that you did agree to
10 provide him with a statement?

11 A. Yeah, I'm sure I did.

12 Q Okay, because you did; right?

13 A. Yeah, I'm sure I did, yeah. Absolutely.

14 Q And you --

15 A. I wasn't forced in any way if that's what you
16 mean.

17 Q No.

18 A. Okay.

19 Q Oh, no, no, I don't mean that at all, I'm
20 just --

21 A. Oh, okay.

22 Q Yeah. Do you recall if you agreed to provide
23 Officer Flood with a copy of the downloaded video of the
24 incident?

25 A. I think I either asked that before I -- I'm not

1 sure if I offered or he asked. I don't recall.

2 Q Do you recall if something was said about it to
3 Officer --

4 A. Yes.

5 Q -- Flood?

6 A. Yes.

7 Q And by the way, this system that you had, it's
8 video; correct? It takes pictures?

9 A. The name of it is Lorex.

10 Q Okay.

11 A. All right? L-O-R-E-X. Lorex System. Okay?

12 Q Does it also take audio?

13 A. It does not.

14 Q Okay.

15 A. I believe it does not. I may have that option,
16 but I didn't activate it or I never used it.

17 Q If I could then direct your attention to the
18 same document that you have in front of you that we've
19 identified as Plaintiff's Exhibit A to the third page,
20 because I'm going to read something else, and I -- again,
21 there's no reason why you would have seen this before.

22 A. Okay.

23 Q I just have it in front of you because I'm
24 going to be reading it.

25 A. Okay.

1 Q And it's easier for you to read it with me I
2 think. So there's a paragraph, the first full paragraph on
3 the page begins with: On 5-18-10. Do you see that?

4 A. Yep, at approximately sixteen forty-five.

5 Q Detective Houlihan and I -- and, again, this is
6 still Officer Flood's statement: On 5-18-2010 at
7 approximately sixteen forty-five hours, Detective Houlihan
8 and I went to Yale Billiards to retrieve the surveillance
9 video from 5-16-2010. Do you recall that? Do you recall a
10 Detective Houlihan and Officer Flood coming to see you
11 on -- coming on 5-18-2010 to retrieve the surveillance
12 video?

13 A. Yeah, that -- that's where I'm getting
14 confused.

15 Q Sure.

16 A. Because I think I was trying to download it,
17 and then I gave the statement, and then I had my
18 father-in-law come to try to help me to download it, to try
19 to get it downloaded. So I'm -- that's the way I'm piecing
20 it together right now.

21 Q Good. Because if 5-16 was a Sunday -- we agree
22 on that right?

23 A. Yes.

24 Q Then 5-18 is a Tuesday that we're talking about
25 now; correct?

1 A. That's correct.

2 Q Okay. And then the second sentence of that
3 same paragraph in Plaintiff's Exhibit A says: Hilton
4 explained to us that when he went to watch the video that
5 he had downloaded for us, he discovered that it was during
6 the morning hours, twelve hours prior to the time of the
7 incident. Is that what you told Officer Flood and
8 Detective Houlihan?

9 A. I probably did, if this is what it says. I
10 mean, I remember -- I remember him coming back, like I
11 said, I can't remember the exact dates, because it was a
12 long time ago, but I remember them coming back and asking
13 for a copy, or another copy, because I thought I may have
14 given them one, maybe I didn't. And at that point I
15 remember I could not get it at that time. I could not get
16 another -- I couldn't try to get another copy, because it
17 was -- the time had elapsed.

18 Q If you had -- if -- what -- what would make you
19 think that you may have given them a copy already?

20 MS. MACCINI: Objection to form.

21 BY THE WITNESS:

22 A. I'm not sure.

23 Q Okay. You did just mention that you -- you may
24 have given them a copy already?

25 MS. MACCINI: Objection to the form.

1 BY THE WITNESS:

2 A. Yeah. I don't know, I'm not sure. I'm just
3 trying to figure it out, I'm trying to remember. I
4 remember putting it onto a zip drive, and maybe I'm
5 thinking I showed it to them or tried to show it to them
6 and I couldn't get it to work. And I think that's what
7 happened. I tried -- I gave it to them or I showed it to
8 them, and I said, this is all I can get off my computer.
9 And I can't read it. I don't know how to read it. I need
10 some kind of software to read it. And I was reading about
11 that in the instruction booklet also.

12 Q Did the -- did the officers ask to look at the
13 actual monitor where they -- where they could have watched
14 it on there without it being downloaded?

15 A. I don't remember if he watched it or -- I know
16 it was on when he came on the 17th I think, because I was
17 trying to download it. And I'm not sure if he was watching
18 it or I was giving the statement. Maybe my father-in-law
19 was working on the computer at that point, I'm not sure, I
20 really don't know.

21 Q But if you wanted to watch -- if somebody
22 wanted to watch a video of the incident on the actual
23 monitor, it would have --

24 A. I know how --

25 Q -- been available?

1 A. -- to do that. Yes, I could do that. For
2 three days, and then once it disappears.

3 Q And do you -- again, I'm not clear. Do you
4 recall if an officer asked to look at the video that you
5 had?

6 A. I don't recall.

7 Q When -- when I read that second sentence in the
8 paragraph on page three of Plaintiff's Exhibit A where it
9 says: Hilton explained to us that when he went to watch
10 the video that he had downloaded for us, he discovered that
11 it was during the morning hours, twelve hours prior to the
12 time of the incident. I'm not familiar with this kind of
13 equipment, can you explain what happened there?

14 A. Well, what happened is -- is the -- the
15 recorder records -- lets me record I believe up to
16 thirty-six hours at a time.

17 Q Okay.

18 A. So it doesn't matter the time, but if it -- say
19 it starts at six a.m., and it's six 'O-one a.m. on the
20 third day, it'll start re-recording over and just keep
21 going continuously so it doesn't use up all the space. It
22 just keeps re-recording over the memory. So if I want to
23 look up something like for this year, I cannot. I only can
24 look up three -- two days prior.

25 Q So if something was recorded on May 16th, 2010

1 at about, I don't know, six o'clock in the evening, it
2 would be automatically erased on May 20th, 2010 at about
3 six o'clock in the evening?

4 MS. MACCINI: Objection to form.

5 BY THE WITNESS:

6 A. Yeah, I don't know how to answer that, because
7 I don't know exactly how the machine works.

8 Q Okay.

9 A. I just know being a simple, you know, computer
10 guy as I am, when I look at it, it tells me how far back I
11 can record -- review from. And I just know the time period
12 is thirty-six hours. I don't know if it's thirty-six hours
13 all the time, or how it works exactly.

14 Q And when, in that sentence, it says: Hilton
15 explained to us that when he went to watch the video that
16 he had downloaded for us, so you mean the video that was
17 actually on the zip drive, when you went to watch that?

18 A. Um hum.

19 Q You discovered there was some glitch in it;
20 correct?

21 A. I couldn't -- I couldn't download it on my
22 computer if I remember, I couldn't -- we couldn't see it.
23 But it said there was something there, and that's what I
24 gave him. I believe. And then he came back and said, I --
25 we can't read it, we need another copy. At that point I

1 couldn't review -- I couldn't get the copy of the tape
2 because it was already gone.

3 Q You couldn't -- you couldn't go back on that
4 monitor we've been talking about --

5 A. Correct.

6 Q -- and look at it?

7 A. Right. Correct.

8 Q Because it was already gone?

9 A. Right, correct.

10 Q I think I understand. Thank you.

11 A. Okay.

12 Q But there's a couple more sentences in that
13 same paragraph.

14 A. Well, it does say here I did give him
15 something, so I must have; right? He downloaded for us.
16 It says: Hilton explained to us when he went to watch the
17 video that he downloaded for us, he discovered it was -- it
18 was during the morning hours, twelve hours prior to the
19 time of the incident. So maybe I couldn't get it, it's
20 saying I couldn't get it to work.

21 Q Okay. And then the next sentence says: Hilton
22 explained that the time on the recorder was off and he had
23 been unaware of it.

24 A. Um hum.

25 Q Does that mean that little time stamp in the

1 bottom right-hand corner said the wrong day or time, if you
2 don't update it?

3 A. No, I think it just says that I couldn't -- I
4 couldn't go back to that day.

5 Q And then -- and then he -- and then Officer
6 Flood adds: He then attempted to watch the correct time,
7 but it had already been recorded over.

8 A. Right.

9 Q Okay, and you agree with that, that's what
10 happened?

11 A. I don't exactly remember that meeting. But I'm
12 sure if he asked for it, I'm sure I would have shown him.
13 And I'm sure I couldn't of, because it was gone.

14 Q Okay. Do you -- do you recall ever handing a
15 disk drive or a zip drive or a CD or anything to an
16 officer?

17 A. I thought I might have, but I'm not positive
18 one hundred percent.

19 Q Okay. Since this incident back in May of 2010,
20 have you had occasion to use the video equipment again to
21 review any incidents?

22 A. I have not.

23 Q Okay.

24 A. I probably should get a -- figure out how to
25 copy it off of it, yeah. But, yeah.

1 Q So back to -- back to right when the incident
2 occurred on May 16th, 2010, you were -- you were first
3 approached by who? About Mr. --

4 A. I believe it was Sarah.

5 Q About Mr. Burgess.

6 A. I believe it was Sarah.

7 Q And you've testified that you're not sure if
8 she was employed at that time or not?

9 A. That's correct. I know she was an employee at
10 one point at Yale Billiards, but I'm not sure of the time
11 frame that she was there.

12 Q And I'll call her Sarah, it's Sarah Dobensky;
13 correct?

14 A. That's correct.

15 Q Well, I'll call her Miss Dobensky. When
16 Miss --

17 A. That's fine.

18 Q -- Dobensky approached you, had you already
19 noticed Mr. Burgess in Yale Billiards?

20 A. I don't think so.

21 Q Did -- did you recall ever seeing Mr. Burgess
22 in Yale Billiards prior to that date?

23 A. I do not, but there's so many people who come
24 and go, it's -- it's impossible. You know, unless I start
25 knowing people, they join leagues and stuff, but I'm not

1 sure.

2 Q Did you approach Mr. Burgess after Miss
3 Dobensky came over to you?

4 A. I did.

5 Q And what was the nature of the conversation
6 that you had with Mr. Burgess at that time?

7 A. At that point, as being a business owner, I
8 wanted to see what was going on, trying to make sure
9 everybody was safe. You know, make sure -- I really didn't
10 know what to expect at some point. You know, when I walked
11 up to him and I seen he was carrying a gun, I really didn't
12 know what to -- what to think. So at that point I wanted
13 to just talk to him and see what kind of mind frame he was,
14 and go from there to resolve the issue with the customers
15 and the pistol and everything.

16 Q Do you know, after Miss Dobensky approached
17 you, what she did or where she went?

18 A. I remember -- I kind of remember that, because
19 I was kind of sitting at the front counter, more kind of
20 where locals hang out, you know, just sitting there. And
21 her coming right up to me, and I remember right in my face,
22 saying, he's carrying a gun. And she was a little upset.
23 And then a couple seconds later, Dave said something to me
24 also, that was when I went over and started walking over to
25 find out if it was a gun, because like I said, the cases,

1 and nowadays the phones, you never know, you know. So then
2 I walked over there and asked him some questions and talked
3 to him. Just like it says in the -- exactly what it says
4 in there.

5 Q Now, Miss Dobensky and this individual that you
6 referenced as Dave.

7 A. Um hum.

8 Q After you spoke to him and you went to talk to
9 Mr. Burgess, do you know where either one of them went?

10 A. I don't know where they went. I'm assuming
11 they were back where they were, because I know they weren't
12 at the table with me when I was over there.

13 Q And when you say back where they were, where
14 were they?

15 A. Like when you first walk in, there's a counter
16 where you can sit and watch the pool tables, watch the
17 players play and sit and have a drink. It's like just a
18 counter.

19 Q And do you know if Miss Dobensky, after she
20 came over to you and -- and indicated that Mr. Burgess, or
21 an individual was in the pool hall with a gun, did she
22 leave the pool hall?

23 A. I don't think she did, no, because I remember
24 talking to her after the situation.

25 Q Okay. And Dave, after he approached you and

1 said there's an individual in the pool hall with a gun, did
2 he leave?

3 A. I don't remember, I'm not sure of that one.

4 Q Okay. Did you see anybody at that time leave
5 in the pool hall? Did the league continue playing?

6 A. Some did. I do remember one table
7 distinctively leaving. One table definitely left, and kind
8 of noticed they were leaving rather rapidly.

9 Q Okay. And at what point of the evening did
10 that occur?

11 A. I think it was after I went up and started
12 talking to him.

13 Q Okay, after you went up and started talking to
14 Mr. Burgess?

15 A. (Nodding affirmatively).

16 Q Is that correct?

17 A. I believe so, yes.

18 Q Okay. And had Mr. Vanaman at that time already
19 spoken to Mr. Burgess, or did that follow after you spoke
20 to him?

21 A. It followed I believe. After I was walking
22 away, they started -- I believe they started talking.

23 Q Who started talking after you walked away?

24 A. It was both of them. I mean, I couldn't, you
25 know, with my hearing, I couldn't tell who was first or who

1 said what. But at that point, I know they weren't
2 face-to-face. I believe Mark was a couple tables over, and
3 that was when -- the point when I went up to him and I
4 said, I'd appreciate it if you would leave. Because he did
5 offer to leave last time when I spoke to him seconds
6 before.

7 Q Um hum.

8 A. And once there was a dispute, I asked him to
9 leave, because now there was a dispute.

10 Q Okay, so let's clarify this.

11 A. Okay.

12 Q You had already approached Mr. Burgess and had
13 a discussion with him about his firearm; correct?

14 A. That is correct, I asked him -- I asked him to
15 cover it up.

16 Q Okay. And what did Mr. Burgess say in response
17 to that?

18 A. He said, I will not cover it up. He said, I'll
19 leave if you want me to, he says, but I will not cover it
20 up.

21 Q And did Mr. Burgess leave at that time?

22 A. No, I didn't ask him to and he did not leave.

23 Q And then you walked away from Mr. Burgess?

24 A. He handed me a pamphlet, I remember reading it
25 a little bit, and I was actually on the way to call -- I

1 was going to call the Wallingford Police.

2 Q Um hum.

3 A. And find out, you know, I really -- I really
4 didn't know what to do to be honest with you. And at that
5 point that was when they started speaking to each other.

6 Q About how many steps away were you from Mr.
7 Burgess when Mr. Vanaman and Mr. Burgess started speaking
8 to each other?

9 A. That's tough to say, but it wasn't too far, I
10 mean.

11 Q And what -- and what was your response, or what
12 action did you take when you saw Mr. Vanaman and Mr.
13 Burgess speaking to each other?

14 A. I immediately went up to him and said, I said,
15 would you leave.

16 Q And in what tone of voice were Mr. Burgess and
17 Mr. Vanaman speaking?

18 A. Like I said, I heard them, they were a couple
19 tables away, so I'm sure they had to be speaking a little
20 loud. They definitely couldn't have been whispering,
21 hearing each other.

22 Q And do you know who approached whom? Do you
23 know if Mr. Vanaman approached Mr. Burgess, or if Mr.
24 Burgess approached Mr. Vanaman?

25 A. I do not. As I said, I was walking away at

1 that point.

2 Q And when you turned around because you heard
3 Mr. Vanaman and Mr. Burgess, was Mr. Burgess in the same
4 place that he had been when you already spoke to him?

5 A. I believe so.

6 Q And you turned around and you went up to Mr.
7 Burgess and Mr. Vanaman; correct?

8 A. I believe I kind of walked in-between them.

9 Q Um hum.

10 A. And that was when I asked him to leave, because
11 being a business owner, anytime there's a dispute or
12 argument, you try to get in the middle, calm down, you
13 know, send everybody on their way so nothing happens.

14 Q And at what -- and at what point in this
15 scenario did that one table of the league players leave?

16 A. I -- it could have been after that, I'm not
17 sure.

18 Q Okay.

19 A. I'm not sure. I remember standing at the
20 counter at some point and somebody left.

21 Q And when you were standing at the counter, did
22 that occur after you approached Mr. Vanaman and Mr.
23 Burgess?

24 A. I believe so. I believe so.

25 Q Other than this group of league players that --

1 that you noticed leaving while you were at the counter, did
2 you notice other people leaving the pool hall?

3 A. I did not.

4 Q Did you leave the pool hall?

5 A. No.

6 Q Did you take any action to clear the pool hall?

7 A. I did not.

8 Q Did you go up to any customers and say, you
9 really should, you know, get out of here?

10 A. I don't believe so.

11 Q Did you fear for your customers' safety?

12 A. I -- I kind of did in a way. And I didn't know
13 what to do. And my initial instinct is to be calm and try
14 to whatever, put out the fire. You know, I didn't feel --
15 I felt if I said everybody leave, that would be doing the
16 wrong thing, to cause a commotion. I was trying to keep
17 everything calm.

18 Q Okay, do you have -- do you have any policy at
19 Yale Billiards about openly carrying firearms on the
20 premises?

21 A. I do not.

22 Q Do you allow firearms to be carried openly on
23 the premises?

24 A. I don't even know how to answer that question,
25 because I don't -- if it happens like it happened, I would

1 obviously call the police or find out what the reason -- if
2 it's legal. I don't even know if it's legal, so I don't --
3 I don't have an answer to that. I don't know the answer to
4 that question.

5 Q Well, let me point out to an exhibit that you
6 already have in front of you perhaps.

7 A. Okay.

8 Q It's Exhibit 1, it's the tape of the dispatch
9 that you've been asked about.

10 A. Okay.

11 Q On page three of Exhibit 1.

12 A. Yep.

13 Q At the bottom, page three.

14 A. Yep, okay. Yep.

15 Q At the bottom it has a transcript of the
16 dispatch attributed to you.

17 A. Yep.

18 Q Robert Hilton, and it says: All right, good,
19 because I -- I would like to try to find out this issue in
20 case this happens again. I could really -- I mean, I
21 kind -- I -- what I did is I told him, let me just calm
22 down. I was actually going to call you, and then one of my
23 customers made a scene about it, so that's what happened.
24 You know, because he's trying to tell me it's legal, I'm
25 like, I don't think that's legal, but. Have you taken any

1 actions since May 16th, 2010 to find out if openly carrying
2 a firearm is legal?

3 MS. MACCINI: Objection to form. You
4 can answer.

5 BY THE WITNESS:

6 A. I did a little research on the internet right
7 after it happened.

8 Q Have you changed any of your policies at Yale
9 Billiards, given your research on the internet?

10 A. I have not.

11 Q Are you aware that as the owner of a -- owner
12 of the premises, you can post a sign saying no firearms?

13 A. I was not aware of that.

14 Q Okay. Now that you're aware of it, do you
15 think you might do it?

16 A. I don't know, I have to think about it.

17 Q Okay. Did the police tell you that that was --
18 did any one of the police officers tell you that that was
19 an option you had as a -- as a property owner, to post a
20 sign saying no firearms allowed?

21 A. I really didn't speak to too many of the police
22 officers when it happened. The only one I spoke with was
23 Officer Flood a couple times. The day after and so forth,
24 so no one's -- no, I didn't talk to them, so no one
25 mentioned it to me.

1 Q And when you indicated that it was your
2 impression that Mr. Burgess was trying to make a point,
3 were -- I don't want to put words in your mouth.

4 A. Right.

5 Q Is that what you said exactly, trying to make a
6 point?

7 A. Like I said, that's when I said maybe that's
8 what I heard. You know, I am hard of hearing, so I mean,
9 he could have said something a little different, I'm not
10 sure, but that's -- that's what I heard.

11 Q Okay. And do you -- do you know if Mr. Burgess
12 openly carries a firearm to -- to other places in
13 Connecticut?

14 A. I -- I do not. I heard somebody did it in a
15 Branford pool hall, but I don't know if it was him or
16 somebody else. But, no, I do not know.

17 Q Okay. So do you think he was just trying to
18 make a point at your premises, or what -- what led you
19 to --

20 MS. MACCINI: Objection to form. His
21 testimony is that Mr. Burgess said I'm trying to make
22 a point. It's not his words, it's your client's
23 words, so --

24 MS. BAIRD: Okay.

25 MS. MACCINI: -- you're

1 mischaracterizing his testimony.

2 BY MS. BAIRD:

3 Q Okay, so clarify that for me. You don't think
4 that Mr. Burgess was trying to make a point?

5 MS. MACCINI: Objection to form.

6 BY MS. BAIRD:

7 Q You can answer.

8 A. You're asking my opinion?

9 Q I -- I thought I heard -- I -- and we can go
10 back in the transcript. But I had thought I heard on
11 direct testimony that you said, why would somebody bring a
12 firearm into a crowded pool hall if they weren't trying to
13 make a point? I thought I heard you say that.

14 A. I -- I -- if you're asking for my opinion,
15 yeah.

16 Q Okay.

17 A. Sure.

18 Q Okay. And given that if somebody walked into
19 Yale Billiards now openly carrying a firearm, what would
20 you do?

21 A. I would probably ask them to cover it up just
22 like I asked Mr. Burgess.

23 Q Okay.

24 A. Maybe I need to get a sign up.

25 Q Okay. And did Mr. Burgess refuse to cover up

1 his firearm?

2 A. He did.

3 Q Okay, but he offered to leave; correct?

4 A. That is correct.

5 Q Okay.

6 A. That's -- yep.

7 Q Now, on page three of Plaintiff's Exhibit 1 you
8 indicate that one of my customers made a scene, do you
9 recall which customer made a scene?

10 A. It's either Sarah or Mark, I don't know which
11 one I was referring to at that point.

12 Q Okay. And what do you mean by a scene?

13 A. Well, Sarah was, like I said, now I'm
14 remembering, Sarah was right in my face, a little bit,
15 looked a little bit upset. And Mark was obviously getting
16 upset. So it was actually two customers, but.

17 Q Okay.

18 A. At that point I don't know which one I was
19 talking about.

20 Q And what was Mark doing that indicated to you
21 that he was upset?

22 A. I believe he said something like, you can't
23 carry that. Something like that. And he was saying, I
24 can, it's my right. You know, it was just back and forth.

25 Q And -- and so Mark saying you can't carry that,

1 that indicated to you that he was upset?

2 A. Well, yeah, because, I mean, like I said, they
3 were a couple tables away, so they weren't whispering, so
4 you could hear them, you know, they were a little bit loud.

5 Q Okay, so -- so how loud was Mark Vanaman that
6 you could hear him?

7 A. I don't know how to answer that. I don't know
8 how loud.

9 Q Was there -- was there anything else than a
10 voice that you could hear, and Mr. Mark Vanaman saying you
11 can't do that that led you to believe he was upset?

12 A. Just that he called the police before I did.
13 So that would show some kind of -- not that he was upset,
14 that he was concerned.

15 Q Okay, and but customers making a scene, so when
16 you say making a scene, that -- that would be calling the
17 police?

18 A. Yeah, or -- yeah, or asking a customer, you
19 know, saying you can't carry it, or coming up to me saying,
20 you know, there's somebody carrying a gun, that's all
21 instances of -- of business not going normal. So it's
22 making scenes.

23 Q Okay. And when you -- when you indicated one
24 of my customers made a scene, were you referring to Mr.
25 Burgess making a scene?

1 A. No.

2 Q Have you talked to any police officers from the
3 Wallingford Police Department about what happened on May
4 16th, 2010 since the May 18th, 2010 interaction we've
5 already discussed about the video?

6 A. No.

7 Q If I could direct your attention again to
8 Exhibit 1.

9 A. Okay.

10 Q That dispatch transcript, at page two.

11 A. Okay.

12 Q At the top there is a transcript of a statement
13 attributed to Mr. Vanaman that, quote, says, yeah, because
14 the owner asked him to leave, and at first he gave the
15 owner big balls about it and told -- telling him he could
16 do it and he could wear it like that and everything else.
17 Do you -- do you know what Mr. Vanaman meant by giving you
18 big balls?

19 A. I can't speak for Mark.

20 Q Okay. It sounds -- it sounds like, and I'll
21 ask you this, that Mr. Burgess gave you a lot of trouble
22 when you approached him; do you agree?

23 A. I don't want to -- again, I don't want to say I
24 agree, because I don't know what he was saying or what he
25 was -- he was thinking. I mean, he could of -- you know,

1 because I went up to him and ended up walking away, he was
2 giving me a hard time, he could have been thinking -- I
3 don't know what he could -- I don't want to put words into
4 his mouth, so I don't know.

5 Q Okay. Well, let me ask you this, was your
6 impression, when you walked up to Mr. Burgess, that he was
7 giving you a hard time?

8 A. No.

9 Q If you could turn to page three at the -- at a
10 part of the transcript attributed to you, where it says
11 Robert Hilton.

12 A. Um hum.

13 Q And it starts with: There's a gentleman here
14 that has a gun on him.

15 A. Yep.

16 Q It says: He's just carrying it, and I went up
17 to him in my place of business, and then -- and he started
18 telling me that it's perfectly legal, you know, and stuff,
19 so I'd actually asked him to leave because he made some
20 customers uncomfortable, and he's waiting outside. I think
21 somebody else has already called the police on this issue.
22 At some point Mr. Burgess did leave; correct?

23 A. Correct.

24 Q And -- and after he left, do you know where he
25 went?

1 A. Yes, he went to the front bench.

2 Q And how do you know that?

3 A. I saw him.

4 Q Did you go outside with him?

5 A. No.

6 Q How did you see him?

7 A. I have light maroon curtains, you could see
8 outside, like the shadows type, you know, people. You
9 can't see perfectly clear, but you could see if somebody
10 walked out and sat down, you could see them.

11 Q Did you see anybody outside with Mr. Burgess
12 before the police came?

13 A. I believe the girl was with him. He was with.

14 Q And anybody else?

15 A. I'm not sure.

16 Q Were there other customers that had left with
17 him?

18 A. Like I said --

19 Q At the same time?

20 A. -- I never -- I just only remember that one
21 table leaving. I don't remember anybody else leaving, so.
22 Like I said, I don't remember seeing anybody. I can
23 vaguely remember seeing a couple people out there, but I'm
24 not sure who it was. Like I said, I did not go outside.

25 Q Did the police interview you at any point about

1 a complaint that Mr. Burgess had made against Mr. Vanaman?

2 A. I don't believe so.

3 Q Were you -- are you aware if there was a
4 complaint that Mr. Burgess made against Mr. Vanaman?

5 A. I don't think so.

6 Q Did Sarah Dobensky ever discuss with you -- did
7 Sarah Dobensky -- well, let me -- let me put it this --
8 well, did Sarah Dobensky ever discuss with you Mr.
9 Vanaman's actions that night?

10 A. I don't believe so. If I do, I don't recall.

11 Q When was the last time you saw her?

12 A. Sarah?

13 Q Yeah.

14 A. A couple days ago.

15 Q So does she regularly come to Yale Billiards?

16 A. She's my nephew's girlfriend.

17 Q Okay. And Mr. Vanaman, prior to May 16th,
18 2010, did you know him?

19 A. I do.

20 Q How long -- how long have you known Mr. Vanaman
21 at this point?

22 A. Years. I mean, from the league, from the AP
23 league.

24 Q So Mr. Vanaman's in the league?

25 A. Yes.

1 Q And was he playing league that night on May
2 16th?

3 A. I believe he was -- plays for a different bar,
4 he doesn't play for my place. But sometimes they come to
5 my place, and yes, he was.

6 Q Okay, so he was playing league that night?

7 A. Yes.

8 Q Okay. You had described earlier how a league
9 progresses in playing until the final round.

10 A. Um hum.

11 Q And I'm not quite sure I understood everything,
12 but.

13 A. Right.

14 Q But --

15 A. Sure.

16 Q But somebody wins at the end of it it sounds
17 like?

18 A. Right.

19 Q Did the league progress that evening to where
20 somebody won?

21 A. It's -- I'm assuming, I don't know, I don't --
22 I think they finished out, but they could have stopped, I
23 don't know. I don't remember. But it's not like a
24 tournament where it's one when you play a league every week
25 and it goes towards a final goal. So, and I don't remember

1 if they finished or not. I'm sure you can find out from
2 the league office if they finished a league or not.

3 Q Okay.

4 MS. BAIRD: We're going to take a ten
5 minute break if everybody's agreeable, because I think
6 I'm about done, I'm just going to tie up a few things,
7 okay?

8 MS. MACCINI: How about -- how about
9 a five minute break? I mean, I think we've kept Mr.
10 Hilton here long enough, what do we -- what do we need
11 a ten minute break for?

12 MS. BAIRD: No, actually, I needed a
13 fifteen but I said a ten, I need a -- I need a break
14 to go over the documents and to confer with my client,
15 so I don't know what to say. Is everybody going to
16 stay in here, because we'll step out?

17 MS. MACCINI: Yes, we'll all stay in
18 here, you can step out.

19 MS. BAIRD: It'll take a little
20 longer then.

21 (Whereupon, a recess was taken at
22 11:34 and resumed at 11:47).

23 BY MS. BAIRD:

24 Q I'm going to have this marked as Defendant's
25 Exhibit 3 (sic).

1 (Whereupon, Plaintiff's Deposition
2 Exhibit B was marked.)

3 BY MS. BAIRD:

4 Q Okay, Mr. Hilton, I'm handing you Exhibit B.
5 Exhibit B. And primarily because I'm going to read a
6 couple statements from it, again, so you can see what I'm
7 reading from for your convenience.

8 A. Okay.

9 Q I direct your attention to Exhibit B that you
10 have in front of you, page six. About -- about half way
11 down, there's a statement attributed to Sarah Dobensky,
12 it's eight statements down from the top.

13 A. Okay.

14 Q And the statement attributed to Miss Dobensky
15 says: But there were a bunch of people, like I said, who
16 didn't even notice. I hadn't noticed until someone said
17 something to me. Let me ask you, were there people in Yale
18 Billiards that had not noticed, to your knowledge, Mr.
19 Burgess carrying a firearm that evening?

20 MS. MACCINI: Objection to form.

21 BY THE WITNESS:

22 A. I don't know, I can't -- I don't know what they
23 saw. I mean.

24 Q Had you -- and you've testified that you hadn't
25 noticed before Miss Dobensky approached you?

1 A. That's correct.

2 Q And then two lines down from there, a statement
3 attributed to Miss Dobensky says: The fact that Mark went
4 over there and was so loud and made the scene, made it into
5 a huge commotion that made everyone in the pool hall notice
6 what was going on. Do you recall a huge commotion in the
7 pool hall?

8 A. What I recall was exactly what I said. When I
9 went over to him, asked him to cover the pistol up, he said
10 no, I went to walk away, and then when I turned around, I
11 heard him and Mark talking about it. If you want to call
12 that a commotion, I don't -- you know, at that point I
13 guess once I called the police, I guess now it's a
14 commotion, it's just everyone's on the phone trying to
15 figure out what's going on. You know, she asks -- it
16 asks -- I can see this now, so obviously she was working
17 for me at the time, so. Sarah.

18 Q Is it uncomfortable at all for you to talk
19 about Mr. Vanaman's actions that night with him sitting
20 across the table from you today?

21 MS. MACCINI: Objection to form.

22 MS. BAIRD: I can certainly ask about
23 his testimony.

24 BY MS. BAIRD:

25 Q Go ahead.

1 A. No.

2 Q Okay.

3 A. No, it doesn't bother me.

4 Q And how long have you known Mr. Vanaman?

5 A. Awhile. A long time.

6 Q How long?

7 A. Eight years maybe, seven years.

8 Q And he's a -- is he a customer of yours?

9 A. Not really. I mean, he comes in for league,
10 but he's never -- very rarely would come in besides
11 leagues.

12 Q And how often would he come in for league?

13 A. Once a month maybe. Once every five weeks,
14 depending on the schedule.

15 Q Have you discussed this case with Mr. Vanaman
16 since March 18th, 2010?

17 A. No.

18 Q Not at all?

19 A. No.

20 Q Did you discuss your deposition today with Mr.
21 Vanaman?

22 A. No.

23 Q Not at all?

24 A. Not at all.

25 Q A little further down on the page there's a

1 statement attributed to Sarah Dobensky indicating:
2 Shouldn't Mark be in trouble as well, or no? Do you have
3 any idea why Mark Vanaman's actions that night should have
4 gotten him into trouble?

5 MS. MACCINI: Objection to form.

6 You're asking this, a lay witness --

7 MS. BAIRD: Your objection --

8 MS. MACCINI: -- to make a legal
9 conclusion.

10 MS. BAIRD: -- will be noted.

11 BY MS. BAIRD:

12 Q Go ahead.

13 A. What was that again?

14 Q Did you notice any action on the part of Mark
15 Vanaman that should have gotten him into trouble that
16 night --

17 MS. MACCINI: Objection.

18 BY MS. BAIRD:

19 Q -- in your opinion?

20 MS. MACCINI: Objection to form.

21 BY THE WITNESS:

22 A. No.

23 Q So do you have any idea why Sarah Dobensky
24 would say: Shouldn't Mark be in trouble as well, or no?

25 MS. MACCINI: Objection to form.

1 BY THE WITNESS:

2 A. No idea.

3 Q Does Sarah Dobensky not -- do you know -- do
4 you know the relationship between Sarah Dobensky and Mark
5 Vanaman?

6 A. Not really. I'm sure they played each other in
7 league at some point. She's on the league also.

8 Q Okay. Have you ever seen them in an argument?

9 A. No.

10 Q Has -- do you have any reason to believe, given
11 something that you know about, that Sarah Dobensky has some
12 sort of hostility to Mr. Vanaman?

13 A. Not that I'm aware of.

14 Q Well, if you could go to page seven of
15 Plaintiff's Exhibit B, and four statements down, the one
16 attributed to Sarah Dobensky that says: Just prove a
17 point. I'm going to read the second sentence where she
18 states: I don't -- it didn't -- I don't know, he wasn't
19 like flaunting it, like going up to people and going, hey,
20 look at my gun, but he wasn't trying to hide it at all. Do
21 you recall Mr. Burgess flaunting his firearm at all?

22 A. No.

23 Q Did you see him go up to anybody and say, hey,
24 look at my gun?

25 A. No.

1 Q And did you observe Mr. Burgess at any point
2 trying to hide his firearm?

3 A. No.

4 Q Do you know an individual named Seth Tucker?

5 A. I do.

6 Q Okay, and do you recall if he was there that
7 evening on May 16th, 2010?

8 A. I don't remember.

9 Q Have you discussed this case with Seth Tucker
10 at all? The incident on --

11 A. I don't think so. Maybe -- we may have
12 mentioned it in passing or something, but I don't remember
13 any distinct discussion with him about it.

14 Q And so if you don't recall if he was there that
15 evening, you wouldn't recall if he was one of the
16 individuals outside with Mr. Burgess; correct?

17 A. That's correct.

18 Q And in your discussion with him, do you recall
19 if the nature of the discussion was such that you had to
20 tell him about the incident, or did he already know?

21 A. I really don't remember.

22 MS. BAIRD: That's all. Thank you.

23 MR. HILTON: Okay.

24 MS. MACCINI: I have a few follow-up
25 questions.

1 REDIRECT EXAMINATION BY MS. MACCINI:

2 Q At some point on May 16th, 2010, you were
3 prompted to call the Wallingford Police Department about
4 Mr. Burgess's presence in the pool hall with an unconcealed
5 weapon; correct?

6 A. Correct.

7 Q And what prompted you to make that call to --
8 that 9-1-1 call?

9 A. I asked him to cover up his -- his pistol, he
10 said no, I will leave, so I wanted to figure out, with
11 customers asking me, what I should do.

12 Q Was it your impression that some of your
13 customers were uncomfortable with Mr. Burgess not
14 concealing his weapon?

15 A. Yeah.

16 Q Would you go so far as to say some of the
17 customers were alarmed?

18 A. Like I said, I don't like speaking for other
19 customers, but people were upset.

20 Q If Mr. Burgess had simply covered his weapon
21 when you initially approached him, would the entire
22 incident have been avoided?

23 A. I don't know. I don't know.

24 Q Were there children in the establishment during
25 this exchange with Mr. Burgess?

1 A. I don't believe so.

2 Q Okay. In your twenty some odd years as the
3 proprietor of Yale Billiards, has anyone, other than Mr.
4 Burgess, ever come into your pool hall with an unconcealed
5 pistol on their hip?

6 A. No.

7 Q You would remember that; right?

8 A. Not that -- yeah, not that I'm aware of, so.

9 Q Had Mr. Burgess been drinking alcohol prior to
10 your approaching him about his unconcealed weapon?

11 A. I don't know.

12 MS. MACCINI: I don't have any
13 further questions. Mr. Vanaman might.

14 CROSS-EXAMINATION BY MR. VANAMAN:

15 Q I'm just going to ask one. It's about you
16 saying that Mr. Burgess had gone outside and sat at the
17 bench. Is that area where the bench is, is that designated
18 for anything specific?

19 A. Smokers.

20 Q Okay. So there could have been other people
21 out there already prior to him exiting to --

22 A. Sure.

23 Q That might have been smoking?

24 A. It's right next -- right -- there's two benches
25 in-between, a smoke ashtray thing, a plastic ashtray.

1 MR. VANAMAN: Okay, thank you.

2 RE-CROSS-EXAMINATION BY MS. BAIRD:

3 Q Did anybody from outside come inside to
4 indicate that Mr. Burgess was out there with a firearm?

5 A. Not that I'm aware of. Not that I can recall.

6 Q Okay. And after you asked Mr. Burgess to cover
7 his firearm, did he indicate that he would be willing to
8 leave the premises?

9 A. Yes, he did.

10 Q And did you ask him at that time to leave?

11 A. I did not.

12 MS. BAIRD: No further questions.

13 MR. HILTON: Okay.

14 MS. MACCINI: One follow-up question.

15 RE-REDIRECT EXAMINATION BY MS. MACCINI:

16 Q Is it fair to say that when you initially
17 approached Mr. Burgess about the firearm, and he asked to
18 leave, the situation was not of a nature that you felt he
19 needed to leave?

20 A. Explain that again.

21 Q Strike that.

22 A. Yeah, start that one over again.

23 Q Did things -- between the point when you first
24 approached Mr. Burgess about the firearm, and the second
25 time you approached him and did in fact ask him to leave,

1 did the situation change in your mind?

2 A. Yes.

3 Q And how did it change?

4 A. Now it was disrupting the business, so, I mean,
5 it's -- to try to fix it so that business can go on and
6 everybody goes home. That's it.

7 Q So in the time period between your initial
8 discussion with him and the second discussion, a disruption
9 had come about, based on his presence of the unconcealed
10 firearm, that's what you're saying; correct?

11 A. Correct.

12 Q Okay.

13 MS. BAIRD: Okay, I have a follow up
14 to that.

15 RE-RE-CROSS-EXAMINATION BY MS. BAIRD:

16 Q And this disruption that occurred after you
17 spoke to Mr. Burgess first and then the second time, was
18 Mr. Vanaman involved in that disruption?

19 A. Correct. And -- and Greg came up to me also.
20 So now the third person that came up to me and said,
21 somebody's carrying a weapon.

22 Q But you already knew that; correct?

23 A. I did.

24 Q Okay, so them telling you didn't change the
25 situation?

1 A. Right. Well, if you get more people telling
2 you, you know, the same thing, that's obviously causing
3 a -- more of a commotion, you know, more of an activity.

4 Q So people just telling you things caused a
5 commotion?

6 A. Correct.

7 Q Okay.

8 A. Correct.

9 Q Have customers ever approached you in -- at the
10 Yale Billiards and indicated they were uncomfortable?

11 A. Um hum, yes.

12 Q About what kinds of things?

13 A. Somebody being obnoxious, somebody being too
14 disruptive maybe. You know, something like that. You
15 know, swearing maybe. You know, they feel it's
16 uncomfortable.

17 MS. BAIRD: Yeah, I don't have any
18 further questions. Thanks.

19 MS. MACCINI: I don't have any
20 further questions.

21 MR. VANAMAN: I have one.

22 MS. MACCINI: Yes, off course.

23 MR. VANAMAN: Sorry.

24 RE-CROSS-EXAMINATION BY MR. VANAMAN:

25 Q Robert, you're forty-four?

1 A. Forty-four.

2 Q Forty-four years old. In your forty-four years
3 that you've been alive, have you ever seen anybody carry a
4 firearm out in the open other than law enforcement?

5 A. Not that I'm aware of.

6 Q All right.

7 A. Have you?

8 Q No.

9 A. Oh, okay.

10 MS. MACCINI: All right. Thank you.

11 MR. HILTON: All right.

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17 (Whereupon, the deposition concluded

18 at 12:03).

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1	I N D E X	P A G E
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5	Defendants' Exhibit 1	Page 17
6	Defendants' Exhibit 2	Page 23
7		
8		
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10	Plaintiff's Exhibit A	Page 42
11	Plaintiff's Exhibit B	Page 74
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Robert L. Hilton

STATE OF CONNECTICUT :
: SS
COUNTY OF HARTFORD :

On the 8th day of June, 2012, before me, the undersigned Notary Public, personally appeared Robert L. Hilton to me known to be the person who has subscribed to and executed the foregoing deposition after having read and corrected it in every particular desired manner, and acknowledged that he executed the same as his free act and deed.

Notary Public
My Commission expires:

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STATE OF CONNECTICUT :
 :
COUNTY OF HARTFORD :

SS

I, Jody G. Frink, a Notary Public, do hereby certify:

That Robert L. Hilton was by me duly sworn in the within-entitled cause;

That said deposition was reported by me, a Registered Professional Reporter, was thereafter transcribed under my direction and is a true and complete transcription of all testimony given by said witness.

I further certify that I am not a relative, counsel or attorney of any party or otherwise interested in this action.

IN WITNESS WHEREOF, I have hereunto set my hand and seal at Newington, Connecticut this 8th day of June, 2012.

Notary Public
My Commission expires March 31, 2013