

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

RICHARD E. BURGESS : CASE NO.
 : 3:11-CV-01129 (CSH)
vs. :
TOWN OF WALLINGFORD, ET AL : JUNE 25, 2012

DEPOSITION OF: SARA L. DOBENSKY

APPEARANCES:

LAW OFFICES OF RACHAEL M. BAIRD
Attorney for the Plaintiff
379 Prospect Street
Torrington, CT 06118
(860) 626-9991

BY: RACHAEL M. BAIRD, ESQ. (NOT PRESENT)

GASSER LAW FIRM, LLC
Attorney for the Plaintiff
20 East Main
Avon, CT 06001-3823
(860) 674-8342

BY: EDWARD W. GASSER, ESQ.

HOWD & LUDORF, LLC
Attorneys for Defendant Wallingford, Et Al
65 Wethersfield Avenue
Hartford, CT 06114
(860) 249-1361

BY: KRISTAN M. MACCINI, ESQ.

MARK VANAMAN
Pro Se Defendant
313 Grove Street
Meriden, CT 06451 (Not present)

IN ATTENDANCE:

Joseph Gasser
Richard Burgess

Christine E. Borrelli
Connecticut License No. 117

1 Deposition of SARA L. DOBENSKY, a witness, taken
2 on behalf of the Defendants, in the herein before entitled
3 action, pursuant to the Federal Rules of Civil Procedure,
4 before Christine E. Borrelli, duly qualified Notary Public
5 in and for the State of Connecticut, held at the Law Offices
6 of Howd & Ludorf, LLC, 65 Wethersfield Avenue, Hartford,
7 Connecticut, commencing at 9:00 a.m. on Monday, June 25,
8 2012.

9

10 S T I P U L A T I O N S

11

12 It is hereby stipulated and agreed by and among counsel
13 for the respective parties that all formalities in
14 connection with the taking of this deposition, including
15 time, place, sufficiency of notice, and the authority of the
16 officer before whom it is being taken may be and are hereby
17 waived.

18 It is further stipulated and agreed that objections
19 other than as to form are reserved to the time of trial.

20 It is further stipulated and agreed that the reading
21 and signing of the deposition transcript by the deponent is
22 hereby not waived.

23 It is further stipulated and agreed that the proof of
24 the qualifications of the Notary Public before whom the
25 deposition is being taken is hereby waived.

I N D E X

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

WITNESS	DIRECT	CROSS	REDIRECT	RECROSS
Sara L. Dobensky	4	29	74	76

EXHIBIT	PAGE:
Defendant's Exhibit 1, Statement	4
Plaintiff's Exhibit A, E-mail Photograph	33

1 (Defendant's Exhibit 1, Statement, marked for
2 identification)

3
4 SARA L. DOBENSKY, called as a witness by the
5 Defendants, having been first duly sworn by the Notary, was
6 examined and testified on her oath as follows:

7
8 DIRECT EXAMINATION BY MS. MACCINI:

9
10 Q. Good morning, Ms. Dobensky.

11 A. Good morning.

12 Q. My name is Kristan Maccini, and I represent the
13 Town of Wallingford and several police officers in a matter
14 titled Burgess versus Wallingford. Have you ever been
15 deposed before?

16 A. No.

17 Q. As you can see, there is a court reporter. She is
18 taking down my questions and your responses. She is going
19 to prepare a transcript of your testimony here today. So
20 that the record is clear, we need all of your responses to
21 be verbal.

22 A. Okay.

23 Q. You can't shake or nod your head yes or no. Is
24 that fair?

25 A. Yes.

1 Q. If you answer my question, I am going to assume
2 that you have understood it. Is that fair?

3 A. Yes.

4 Q. If at any time you don't understand my question,
5 please let me know, and I will repeat or rephrase it until
6 you're able to understand it. Is that fair?

7 A. Okay, uh-huh.

8 Q. I don't expect this deposition to be long, but if
9 you need to take a break at any time, please let me know and
10 I'll accommodate you. I'll just ask that you answer any
11 question is that is pending first.

12 A. Okay.

13 Q. Is there anything affecting your ability to
14 testify truthfully here today?

15 A. No.

16 Q. Can you state your full name for the record?

17 A. Sara Lyn Dobensky.

18 Q. And your date of birth?

19 A. [REDACTED].

20 Q. Where do you currently reside?

21 A. In East Hartford.

22 Q. The street address?

23 A. [REDACTED].

24 Q. Is that an apartment, or is that a single-family
25 residence?

1 A. I bought my own home.

2 Q. How long have you lived there?

3 A. Since September.

4 Q. Do you reside with anyone at that residence?

5 A. My boyfriend.

6 Q. And your boyfriend's name?

7 A. Robert Piersa, Junior.

8 Q. Are you currently employed?

9 A. Yes.

10 Q. With whom are you employed?

11 A. [REDACTED].

12 Q. What do you do for [REDACTED]?

13 A. I'm a supervisor. I am the head teller.

14 Q. Which branch location?

15 A. Manchester.

16 Q. Can you give me a street address?

17 A. [REDACTED].

18 Q. What was the street name again?

19 A. [REDACTED].

20 Q. How long have you been employed by [REDACTED]?

21 A. Since the third week in April.

22 Q. Did you graduate from high school?

23 A. Yes.

24 Q. Where did you graduate from high school?

25 A. [REDACTED].

1 Q. What year did you graduate from [REDACTED]?

2 A. 2007.

3 Q. Are you currently employed by Yale Billiards Club?

4 A. No.

5 Q. Were you ever employed by Yale Billiards Club?

6 A. Yes.

7 Q. When were you employed by Yale Billiards?

8 A. This is just a rough estimate. August of 2008
9 until February of 2011, I think.

10 Q. I appreciate you indicating that that's an
11 estimate. In answering my questions here today, I don't
12 want you to guess or speculate as to any of your answers.
13 If you don't know, simply tell me that you don't know.

14 A. Okay.

15 Q. Are you aware of this civil lawsuit brought by Mr.
16 Burgess?

17 A. Slightly.

18 Q. What is your knowledge of the lawsuit?

19 A. That there is one.

20 Q. Well, as I indicated, Mr. Burgess has sued the
21 Town of Wallingford and a number of Wallingford police
22 officers as a result of an incident that occurred at the
23 Yale Billiards Club on May 16, 2010. We are here today to
24 ask you questions regarding that incident.

25 A. Okay.

1 Q. You're here today pursuant to a subpoena.

2 Correct?

3 A. Yes.

4 Q. Were you working at Yale Billiards on May 16,
5 2010?

6 A. Yes.

7 Q. When I refer to "the incident," I'm referring to
8 what transpired with respect to Mr. Burgess.

9 A. Okay.

10 Q. Will you know what I'm talking about?

11 A. Yes.

12 Q. And you recognize Mr. Burgess is sitting here
13 today?

14 A. Yes.

15 Q. Do you know Mr. Burgess personally?

16 A. No.

17 Q. Did you know him prior to the incident?

18 A. No.

19 Q. Ever had any discussions with him after the
20 incident?

21 A. No.

22 Q. Ever spoken with any of his attorneys?

23 A. No.

24 Q. Mr. Gasser at the end of the table?

25 A. Not that I'm aware of.

1 Q. Ever spoken with an attorney named Rachael Baird?

2 A. No.

3 Q. You spoke with me for the first time last night
4 over the phone. Correct?

5 A. Yes.

6 Q. And I just called to confirm that you would be
7 here today.

8 A. Correct.

9 Q. And that was the extent of our conversation.

10 A. Correct.

11 Q. What time did you report to work at Yale Billiards
12 Club on May 16, 2010, if you remember?

13 A. I don't remember, but from reading over the
14 transcript, I think -- the police report, I think it was
15 around 5:00.

16 Q. When you say "from reading over the transcript,"
17 before we started your deposition here today, I provided you
18 with a copy of a recorded -- you gave a statement to the
19 Wallingford Police which was recorded, and I gave you a copy
20 of the transcript. Correct?

21 A. That's what I mean, yes.

22 Q. We will talk about that recorded transcript later.
23 Right now I just want you to testify from your memory.

24 A. Okay.

25 Q. At some point when you were working at Yale

1 Billiards on May 16, 2010, did the plaintiff, Richard
2 Burgess, come to your attention?

3 A. Yes.

4 Q. How did he come to your attention?

5 A. One of my coworkers pointed him out.

6 Q. What was the name of your coworker who pointed him
7 out?

8 A. Dave. His last name is Zaborowski.

9 Q. What specifically did Dave say about Mr. Burgess?

10 A. Something along the lines of, I think that guy has
11 a gun.

12 Q. And what was Dave's demeanor when he told you
13 that? Did he calmly tell you that? Was he excited?

14 A. No. It was calm. He's a very laid back guy.

15 Q. What did you do when Dave told you that?

16 A. I said, You're joking, and I turned around to
17 look.

18 Q. Where were you at the time?

19 A. On table four. It's the second table in in the
20 front of the hall.

21 Q. What were you doing?

22 A. Playing pool.

23 Q. Is that part of your job duty to play pool while
24 you're working at Yale Billiards?

25 A. It's not part of the job description, but it's

1 allowed, and it helps, like, the atmosphere if they see the
2 employees doing it as well.

3 Q. Where was Mr. Burgess when you observed him?

4 A. It was the back right-hand corner, I believe.
5 Table 11, but I'm not positive.

6 Q. What specifically did you observe?

7 A. That he had a shirt tucked in and a gun was
8 showing. I believe he had a clip or two as well.

9 Q. Can you describe for me what Mr. Burgess was
10 wearing?

11 A. I don't remember.

12 Q. Can you describe for me how he was carrying the
13 gun?

14 A. It was in a holster on his belt outside of any
15 kind of cover or jacket or -- I just remember his shirt was
16 tucked in. It may have been black.

17 Q. Was he wearing the gun in a holster?

18 A. Yes.

19 Q. Can you describe that holster?

20 A. Based off of my memory, I do not remember.

21 Q. How many people were in Yale Billiards when you
22 noticed Mr. Burgess for the first time?

23 A. Quite a few. It was steadily busy. I believe
24 almost all of the tables were taken, and I know a league was
25 going on. Each team has at least eight players.

1 Q. How many teams associated with the league were in
2 the establishment at that time?

3 A. At least two.

4 Q. How many tables are there in total?

5 A. Fifteen.

6 Q. Can you give me an estimate of how many customers
7 were in Yale Billiards when you first observed Mr. Burgess?

8 A. Approximately 25, 20. Between 20 to 25.

9 Q. What did you do when you first noticed Mr. Burgess
10 carrying a gun?

11 A. I looked at who was around him, and then I saw
12 that there were children, so I proceeded to ask my boss if
13 that was allowed.

14 Q. You observed more than one child in his vicinity?

15 A. I believe that there were two small children.

16 Q. Can you give me your best estimate of the
17 children's ages?

18 A. I want to say between six and twelve.

19 Q. And where were the children in relation to Mr.
20 Burgess?

21 A. I believe they were on the table right next to
22 him.

23 Q. Have you been to Yale Billiards recently?

24 A. Yes.

25 Q. Is it set up the same as it was --

1 A. Yes.

2 Q. -- in May of 2010?

3 A. Yes.

4 Q. Just so the record is clear, even if you can
5 anticipate what I'm going to ask you, you have to wait until
6 I get out the full question so the court reporter can get it
7 down before you answer.

8 A. Sorry. I thought you were going to say is it set
9 up the same way.

10 Q. I was, but even if you can anticipate what I am
11 going to say, just wait until I get out the question for the
12 record.

13 A. Okay.

14 Q. So upon observing the plaintiff, Mr. Burgess, with
15 a gun, you went to talk to your boss?

16 A. Correct.

17 Q. What specifically did you say to your boss?

18 A. I believe I asked him if it was allowed to carry a
19 gun or if it was legal.

20 Q. And what is your boss' name?

21 A. Robert Hilton.

22 Q. And where was Robert when you approached him with
23 this question?

24 A. I think he was sitting right next to Dave, which
25 was right behind table four where we were playing.

1 Q. Was Mr. Hilton playing pool with you and Dave?

2 A. No.

3 Q. He was just sitting in that vicinity?

4 A. Correct. Dave wasn't playing either.

5 Q. You were playing by yourself?

6 A. I was playing -- I believe I was playing by myself
7 at that particular moment. I had been playing on and off
8 with the other employee, Robert Piersa.

9 Q. Who is now your boyfriend?

10 A. Correct.

11 Q. Can you describe your emotional state when you
12 asked Mr. Hilton if it was legal for Mr. Burgess to be
13 openly carrying a gun in Yale Billiards?

14 A. I was pretty calm. I was a little bit nervous and
15 uncomfortable, mainly because there were children, and I
16 just had never seen anyone do that.

17 Q. What happened after you asked Mr. Hilton if it was
18 allowed for Mr. Burgess to be carrying a firearm in the pool
19 hall?

20 A. I believe him and Dave conversated a little bit
21 more. And then a few moments later, he walked over to the
22 area where Mr. Burgess was.

23 Q. What were Dave and Mr. Hilton talking about?

24 A. I don't know.

25 Q. And did you -- strike that. What happened when

1 Mr. Hilton walked over to Mr. Burgess?

2 A. They started talking. It was pretty brief. It
3 was across the room, so I don't know exactly what was said,
4 but I believe when Bobby came back over he asked him to
5 cover it up, I believe.

6 Q. You didn't actually hear what Mr. Hilton said to
7 Mr. Burgess?

8 A. No, nope.

9 Q. What happened next?

10 A. Nothing really. A little bit of time went on and
11 then someone from the league area ended up noticing as well,
12 and he -- I believe he went up to and said something to Mr.
13 Burgess, and ended up making a phone call to find out if it
14 was legal to carry a gun in view. He seemed to make a
15 little bit more of a commotion, and a couple of the
16 customers ended up leaving. I think Bobby shortly went over
17 and talked to Mr. Burgess again, and the person on the phone
18 ended up continuing to make a scene, went outside and then
19 Mr. Burgess left shortly after that.

20 Q. And what was the name of the person on the phone?

21 A. I don't remember.

22 Q. Do you know whether it was Mark Vanaman?

23 A. That sounds very familiar.

24 Q. But you're not sure if it was Mr. Vanaman?

25 A. Not off the top of my head.

1 Q. From the point when Mr. Hilton went over and
2 talked -- first went over and talked to Mr. Burgess to the
3 point when the person from the league went over and had an
4 exchange with Mr. Burgess, how much time elapsed?

5 A. I was playing pool, and time goes pretty fast, so
6 I want to say about 20 minutes, but I'm not positive.

7 Q. How many customers left after the person from the
8 league went over and talked to Mr. Burgess?

9 MR. GASSER: Object to the form.

10 Q. (By Ms. Maccini) Did you understand my question?
11 From time to time attorneys may object during this
12 deposition.

13 A. Okay.

14 Q. You can answer as long well as you have understood
15 the question. If you don't understand, please let me know.

16 A. You want to know how many customers left since the
17 person made the phone call? How many customers?

18 Q. Well, let's start with this question --

19 A. Okay.

20 Q. -- in the sequence of events, did customers start
21 leaving?

22 A. Shortly -- like customers come and go. I don't
23 know if it was directly related to Mr. Burgess being there,
24 but I know shortly after the first time Bobby went up and
25 talked to him, that a customer left. And then after the

1 person on the phone started making a scene, at least two or
2 three other tables left.

3 Q. Entire tables?

4 A. Correct.

5 Q. Did the children leave?

6 A. Yes.

7 Q. Who were the children with?

8 A. Their parents or -- I don't want to say their
9 parents. There was a man there. I don't remember if his
10 wife or their mother was there.

11 Q. Approximately how many customers left in total?

12 MR. GASSER: Object to the form. You can answer
13 if you can.

14 THE WITNESS: Yeah. I'm just thinking about how
15 many tables versus who was on the tables. I want to
16 say about seven.

17 Q. (By Ms. Maccini) Did any of those seven people
18 seem to be alarmed by what was going on in the club?

19 MR. GASSER: Object to the form.

20 THE WITNESS: Yes.

21 Q. (By Ms. Maccini) And what do you base that on,
22 that they were alarmed?

23 A. Their demeanor, and I know one of the customers
24 said something to the owner. I don't know what was said,
25 but I know that they had gone up to him and started talking

1 to him and turned around and like pointed at the area where
2 Mr. Burgess was, so I'm assuming it was about that.

3 Q. Can you give me a description of that customer?

4 A. No.

5 Q. Was it a man or a woman?

6 A. It was a man.

7 Q. Was it the man with the children?

8 A. No.

9 Q. Once attention was drawn to Mr. Burgess and
10 customers began leaving the pool hall, did the customers
11 seem to be rapidly exiting or calmly exiting?

12 MR. GASSER: Objection to the form.

13 Q. (By Ms. Maccini) How would you describe their
14 exit?

15 MR. GASSER: Same objection.

16 THE WITNESS: They -- it was all pretty calm, like
17 they didn't run out of the building, but it seemed like
18 as soon as one table left, the next table left, like
19 that was pretty rapid.

20 MR. GASSER: Madame reporter, could I have that
21 answer read back, please?

22

23 (Answer read back by court reporter)

24

25 Q. (By Ms. Maccini) Were you comfortable with Mr.

1 Burgess openly carrying a weapon in Yale Billiards on May
2 16, 2010?

3 MR. GASSER: Objection to the form.

4 THE WITNESS: No.

5 Q. (By Ms. Maccini) And why weren't you comfortable
6 with Mr. Burgess carrying an unconcealed weapon in Yale
7 Billiards on May 16, 2010?

8 MR. GASSER: Same objection.

9 THE WITNESS: I wouldn't be comfortable with
10 anybody carrying a gun in plain view. From everything
11 that I have read or seen or learned about, it's
12 supposed to be concealed, and it's just -- it makes me
13 nervous that it's right there. Anyone with the proper
14 training or skills could have taken it and used it, if
15 need be. There were children right next to him, and it
16 was just a nerve-racking situation.

17 Q. (By Ms. Maccini) You said earlier that you started
18 working at Yale Billiards in 2008?

19 A. Yes.

20 Q. And when did you stop working at Yale Billiards
21 again?

22 A. I believe it was the very beginning of 2011.

23 Q. In your employment at Yale Billiards, had you ever
24 seen anyone other than Mr. Burgess come in to the
25 establishment openly carrying a weapon?

1 A. No.

2 Q. Did you notice Mr. Burgess carrying paperwork with
3 him?

4 MR. GASSER: Object to the form. You can answer.

5 THE WITNESS: I didn't notice if he did or didn't.

6 Q. (By Ms. Maccini) He didn't provide you with any
7 pamphlet or anything of that nature?

8 A. Not me personally.

9 Q. Did he provide Mr. Piersa or Mr. Zaborowski --
10 what was Dave's last name?

11 A. Zaborowski.

12 Q. Did Mr. Zaborowski or Mr. Piersa receive any
13 paperwork from Mr. Burgess?

14 A. I don't know.

15 Q. Did Robert, your boyfriend, witness what occurred
16 on May 16, 2010?

17 MR. GASSER: Object to the form.

18 THE WITNESS: I believe so.

19 Q. (By Ms. Maccini) When I say "what occurred," I'm
20 talking about the exchange between Mr. Hilton and Mr.
21 Burgess and everything that happened after until Mr. Burgess
22 left the club.

23 A. Right.

24 Q. When you saw the man from the league go over and
25 approach Mr. Burgess and then get on the phone, you

1 indicated that Mr. Burgess left during that time. Correct?

2 MR. GASSER: Object to the form.

3 THE WITNESS: I believe he left shortly after
4 that.

5 Q. (By Ms. Maccini) Did Mr. Hilton ask him to leave?

6 A. I know that he went up to him and talked to him.
7 So I'm assuming that's what the conversation was about, but
8 I didn't hear it.

9 Q. You didn't hear any -- I'll refer to that as the
10 second time Mr. Hilton approached Mr. Burgess.

11 A. Right.

12 Q. Did you hear anything that was said between the
13 two of them at that time?

14 A. No. They were still across the room at that
15 point.

16 Q. And what did you next observe after Mr. Hilton
17 talked to Mr. Burgess for the second time?

18 A. Some time went by, and then Mr. Burgess left. He
19 came up to the counter and he said that he was leaving.

20 Q. Were you at the counter?

21 A. No.

22 Q. Who was manning the counter at that time?

23 A. Bobby Hilton.

24 Q. Between the second time Mr. Hilton went and talked
25 to Mr. Burgess and the time that Mr. Burgess left, how much

1 time went by, approximately?

2 A. Five to ten minutes, maybe.

3 Q. Did you notice whether Mr. Burgess had anybody
4 with him?

5 A. I don't remember. I think so.

6 Q. What makes you think that he had somebody with
7 him?

8 A. It was a long time ago, but I think I remember --
9 I don't remember him playing pool by himself. And after
10 that whole thing happened, he was outside, and there was
11 someone sitting on the bench. I don't know if it was the
12 person he was with or just someone.

13 Q. How do you know he was outside sitting on a bench
14 afterwards?

15 A. Because after he ended up leaving, the person on
16 the phone was still outside. Certain people kept walking up
17 to the door, and it just seemed like there was a little bit
18 of a commotion going on. I went to go look because I was
19 working and wanted to know what was going on. And he was
20 sitting on the bench outside, and the person with the phone
21 was in like the driveway right in front of the building
22 still talking and kind of like walking back and forth.

23 Q. And did you observe this through a window?

24 A. The door to the building has -- it's all glass, so
25 yes.

1 Q. Did you observe police officers arrive?

2 A. Yes.

3 Q. And what did you observe once police officers
4 arrived?

5 A. There were about three cop cars. They started
6 talking to people. I went back to work, so I didn't see
7 exactly what happened outside. And then one of them spoke
8 to the owner of the pool hall.

9 Q. Did you hear that conversation?

10 A. No.

11 Q. How would you describe the conduct of police
12 officers who arrived at the pool hall on May 16, 2010?

13 MR. GASSER: Object to the form.

14 THE WITNESS: I believe that their conduct was
15 natural of a police officer. They went and they asked
16 questions. I didn't hear anyone, like, raise their
17 voice or do anything out of character to what I would
18 assume a police officer would do.

19 Q. (By Ms. Maccini) You didn't observe any
20 inappropriate conduct by any officer?

21 MR. GASSER: Object to the form.

22 THE WITNESS: No.

23 Q. (By Ms. Maccini) Did you have the impression that
24 Mr. Burgess purposefully carried his gun openly in the pool
25 hall with the intention of drawing attention to himself?

1 MR. GASSER: Same objection.

2 THE WITNESS: Yes.

3 Q. (By Ms. Maccini) And what is your basis for that
4 opinion?

5 MR. GASSER: Same objection.

6 THE WITNESS: I don't know if it was Mr. Burgess
7 who I heard or just the conversation that went on
8 between Bobby Hilton and Dave, but I heard someone
9 saying that he was, I suppose, an activist or someone
10 who wanted to make it a point to show that he can carry
11 a gun and because the law wasn't, like, set in stone or
12 something of that nature.

13 Q. (By Ms. Maccini) Is there anything that you
14 observed about Mr. Burgess' demeanor on May 16, 2010 that
15 would lead you to believe he was an activist?

16 MR. GASSER: Object to the form.

17 THE WITNESS: He just didn't seem to care what
18 anyone thought. Like I know personally if I was doing
19 something that made a crowd uncomfortable or a child,
20 especially, I would try to change it or, you know --
21 but that's just my personal opinion, I suppose.

22 Q. (By Ms. Maccini) So there is no question in your
23 mind that on May 16, 2010, that once attention was drawn to
24 Mr. Burgess, the general feeling within the club was a
25 feeling of discomfort?

1 MR. GASSER: Object to the form.

2 THE WITNESS: Yes.

3 Q. (By Ms. Maccini) Did anybody seem alarmed or
4 frightened?

5 MR. GASSER: Object to the form.

6 THE WITNESS: A few of the customers did. That's
7 why, like, I know one of them had spoken to the owner
8 before they had left. The people on the league who
9 were on the same team as the person that made the phone
10 call, they seemed a little shook up by it, like not --
11 I don't know if it was uncomfortable or anxious or
12 nervous, but they just didn't seem themselves.

13 Q. (By Ms. Maccini) Did they continue playing?

14 A. Yes.

15 Q. They just seemed nervous?

16 MR. GASSER: Objection to the form.

17 THE WITNESS: They kept wandering into the bar or
18 trying to talk to one another and, like, huddled up
19 instead of being spread out and relaxed like they
20 normally are.

21 Q. (By Ms. Maccini) Did any police officers talk to
22 you on the date of the incident, May 16, 2010?

23 A. No.

24 Q. I'm handing you a nine-page document marked as
25 Defendant's Exhibit 1.

1 A. Okay.

2 Q. This is a transcription of a recorded statement
3 that you gave to Officer Flood on May 17, 2010, the day
4 after the incident?

5 A. Okay.

6 Q. Do you recall giving a recorded statement to
7 Officer Flood?

8 A. Yes.

9 Q. Before we started this deposition, you had an
10 opportunity to review this nine-page document. Correct?

11 A. Correct.

12 Q. Did you give this statement over the phone?

13 A. Yes.

14 Q. Where were you when you gave this statement?

15 A. On a work trip or training in New Jersey, I
16 believe.

17 Q. And that was not associated with Yale Billiards,
18 was it?

19 A. No.

20 Q. What work was that associated with?

21 A. Best Buy.

22 Q. And what did you do for Best Buy?

23 A. I was a wireless sales consultant at that time.

24 Q. Did you give the statement through a hotel
25 telephone or through your cell phone?

1 A. My cell phone.

2 Q. And what was your cell phone number at the time?

3 A. It's the same one. Do you still want me to tell
4 you?

5 Q. Yes.

6 A. [REDACTED].

7 Q. How did it come about that you gave the statement?

8 A. I don't understand.

9 Q. Did Officer Flood set up an appointment with you?
10 Did he just call you?

11 A. I don't remember. I believe -- see, I don't
12 remember talking to the police officer the night of the
13 incident, but I know that I ended up talking to him the next
14 day. So I don't remember if maybe we briefly spoke and he
15 asked if he could call, or he just called because I had been
16 there. I'm not positive.

17 Q. You had an opportunity to review this
18 transcription of your recorded statement. Is there anything
19 that you believe is incorrect in this statement?

20 A. The spelling of my name.

21 Q. Okay. It is spelled here D-O-B-E-N-S-K-Y. What
22 is the proper spelling of your name?

23 A. That's the correct spelling of my last name.

24 Q. Okay.

25 A. My first name is incorrect, and in the

1 transcription my middle name is incorrect as well.

2 Q. And what is the correct spelling of your first
3 name?

4 A. S-A-R-A.

5 Q. What is your middle name?

6 A. Lyn, L-Y-N.

7 Q. Okay.

8 A. Besides that, everything seems correct.

9 Q. Your recollection of the incident the day after
10 the accident would be clearer than it is now. Correct?

11 MR. GASSER: Object to the form.

12 THE WITNESS: Can you rephrase that?

13 Q. (By Ms. Maccini) Your recollection on May 17,
14 2010, the day after the incident, is better than it is
15 today. Correct?

16 MR. GASSER: Object to the form.

17 THE WITNESS: Correct.

18 Q. (By Ms. Maccini) Your statement basically sets
19 forth what you have told me here today. Correct?

20 MR. GASSER: Object to the form.

21 THE WITNESS: Yes.

22 Q. (By Ms. Maccini) Did you do anything to prepare
23 for your deposition here today --

24 A. No.

25 Q. -- other than review your statement before coming

1 into the deposition?

2 A. Correct.

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

4 Thank you.

5

6 CROSS-EXAMINATION BY MR. GASSER:

7

8 Q. Ms. Dobensky, good morning. For the record, my
9 name is Ed Gasser, and along with Attorney Baird, I
10 represent the plaintiff, Mr. Burgess, who is seated a little
11 bit to your left, in this matter.

12 A. Okay.

13 Q. I just have some questions for you in follow-up to
14 the questions that counsel asked you. Just some background
15 information, counsel indicated that she spoke to you last
16 night?

17 A. Correct.

18 Q. Could you tell me what that conversation consisted
19 of?

20 A. She called and asked if I was going to be coming
21 today, just confirming that I would be here, and asked if I
22 needed directions or if I knew how to get here, and that was
23 it.

24 Q. Anything else besides that that you had discussed?

25 A. No.

1 Q. Between the time that you gave the recorded
2 statement on May 17, 2010, and receiving the subpoena to
3 require you to be here today, did you have any discussions
4 with counsel or anybody that you understood represented any
5 of the police officers or the town regarding this matter?

6 A. Not in regards to this matter.

7 Q. Have you spoken to counsel regarding any other
8 matter besides this matter between May 17, 2010 and
9 receiving the subpoena?

10 A. I don't know exactly if this even applies, but I
11 found a copy of my recorded statement on the Internet. So I
12 E-mailed someone in regards to it, because I was upset that
13 my personal information was out and about for everyone to
14 see.

15 Q. Who did you speak to after finding that on the
16 Internet?

17 A. There was a website. I don't remember because it
18 was a while ago. It was at least a year ago, and I had
19 E-mailed someone about it, and I don't remember their name,
20 but I still have the E-mail. They were just extremely rude
21 in responding and saying that it was personal -- not
22 personal -- public information, and that they were not
23 taking it down.

24 Q. My prior question had been whether or not you had
25 any discussion with counsel between the time that you gave

1 the statement on the 17th and then receiving the subpoena?

2 A. So, no. I have not spoken to her at all, no.

3 Q. When, approximately, did you receive the subpoena?

4 A. Between one and two weeks ago.

5 Q. After giving the recorded statement on the 17th,
6 have you had any discussion with Officer Flood or any
7 interaction with him at all --

8 A. No.

9 Q. -- from that point until today?

10 A. No.

11 Q. Any interaction with any of the Wallingford police
12 officers -- any Wallingford police officer, I should say,
13 between May 17th when you gave the recorded statement and
14 today for any reason?

15 A. Not that I can recall.

16 Q. You know, literally anything, where they came into
17 the billiard hall or a speeding ticket or any interaction
18 with any Wallingford police officer within that period of
19 time?

20 A. I know I had an interaction with them, but I can't
21 recall if it was before or after this event, so --

22 Q. And in the interaction that you had, the one that
23 you don't recall being before or after this, do you know if
24 it dealt with this issue?

25 A. No, it did not.

1 Q. And there's one thing I just wanted to clear up.
2 Counsel had mentioned to you, going back to the beginning,
3 about your ability to change your testimony. She indicated
4 that you can change any transcription errors. In my
5 opinion, that's an inaccurate statement of the law. It's my
6 opinion that you have the right to change any of your
7 testimony, either the form or the substance of that on the
8 errata page, not just the transcription. So if you keep
9 that in mind when you get the transcript to make any changes
10 in that, and we can deal with whether that is -- who has the
11 correct version, but just keep in mind that it's my opinion
12 that is an inaccurate statement. You have the right to
13 change either the form or the substance of one of your
14 answers.

15 A. Okay.

16 Q. Let me show you this document, which is an E-mail
17 that contains a photograph. It's an E-mail from myself to
18 myself that has a photograph attached to that. Do you
19 recognize what is shown in the photograph, ma'am?

20 A. Yes, that's the Yale Billiards.

21 Q. I'm sorry?

22 A. That's Yale Billiards.

23 MR. GASSER: If you would hand that to the
24 reporter, please, we'll mark that as an exhibit.

25

1 (Plaintiff's Exhibit A, E-mail Photograph, marked
2 for identification)

3

4 Q. (By Mr. Gasser) And a couple things you had
5 mentioned is that you, to the best of your recollection, you
6 were playing at table four --

7 A. Uh-huh.

8 Q. -- when something came to your attention with
9 regard to Mr. Burgess. Is table four shown in that
10 photograph?

11 A. No, it's not.

12 Q. You also mentioned, if my notes are correct, that
13 you thought that Mr. Burgess was playing at table 11?

14 A. Yes.

15 Q. Is table 11 shown in that photograph?

16 A. Yes.

17 Q. And I know there's a number of tables there. It
18 may not be the best photograph in the world, but where is
19 table 11 in that photograph?

20 A. If you go all of the way to the back wall, it's
21 the second table in.

22 Q. Let me just -- I am going to give you my pen. If
23 you can, just draw an arrow either way, perhaps from the top
24 down, to where you believe table 11 is.

25 A. (Witness drawing).

1 Q. And, if you could, at the top of that where you
2 began the arrow, just put some kind of a note identifying
3 that line as pointing to table 11.

4 A. (Witness drawing).

5 Q. Now, you also mentioned this person that was on
6 the phone, he was playing at the time. Correct?

7 A. Yes.

8 Q. And do you recall what table he was playing at?

9 A. Well, they were playing league, so they had
10 between two and four tables, but it was in the front corner
11 of this very picture.

12 Q. And the table where you believe that gentleman on
13 the phone was playing, is that table shown in that
14 photograph?

15 A. Yes. They're matched tables. It's the one right
16 in the front, and their practice table would be right next
17 to it, I believe.

18 Q. So the photograph has a person, for lack of a
19 better phrase, who is pretty much looking from the -- well,
20 withdrawn. In the right-hand side of the photograph there
21 appears to be a gentleman playing pool looking towards the
22 direction of the camera that is -- that took the photograph.
23 Correct?

24 A. Correct.

25 Q. Is that the table that you believe --

1 A. Yes.

2 Q. -- that person that was on the phone, the league
3 player was playing at?

4 A. Yes.

5 Q. How many tables, if you were to -- you know, as
6 the crow flies, so to speak -- draw a straight line between
7 the table that he was playing at, the league player on the
8 phone, and the table that Mr. Burgess was playing at, how
9 many tables in between there?

10 A. There is one in between.

11 Q. And do you recognize where the photograph came
12 from?

13 A. Yes.

14 Q. Have you looked recently on the Yale Billiards
15 website?

16 A. I have not been on the website recently, but I was
17 at the pool hall yesterday.

18 Q. But the photograph itself, do you know if that
19 came actually from one of the photographs on the billiard
20 hall's website?

21 A. I don't know, but it definitely could have.

22 Q. Would you agree with me the photograph has the
23 table that we have been discussing? You call that the
24 tournament table. Is that --

25 A. The match table.

1 Q. The match table. Excuse me. Just behind the
2 person playing at the match table, it looks like there is a
3 person with -- and I know it's not a very good photograph
4 the way it's presented -- but dark shorts, looks like he has
5 white socks and a white shirt on or a light-colored shirt.

6 A. Yes.

7 Q. It looks as if to his left there is a table
8 immediately adjacent to him. Is that accurate?

9 A. Yes.

10 Q. And it looks like right behind him that there is
11 another table?

12 A. That would be table 11. That's where I was
13 talking about.

14 Q. Thank you. And let me understand this just in
15 terms of number of people. How many players on a team in
16 the type of game that was being played that evening?

17 A. There were eight players on one team. Two teams
18 play each other. Five matches take place. So, five people
19 out of the eight will play an actual match.

20 Q. Do all eight people need to be physically present
21 in order for the match to go forward?

22 A. They don't, no. They don't need to be there, but
23 the team likes if they are there, so they have options.

24 Q. Do all five people that are going to play in that
25 match need to be there?

1 A. Not at the start of it. Not to start, but at some
2 point they do.

3 Q. So you can't play with -- you couldn't play a
4 match with four people and have one person do two jobs?

5 A. You could. You could technically have three
6 people there and have -- you just have to let the other team
7 know ahead of time.

8 Q. I am just asking in terms of trying to figure out
9 the number of people that -- the minimum number of people
10 that would have had to have been there that evening as far
11 as the league play.

12 A. Well, from my recollection, there were a minimum
13 of six people there for the team.

14 Q. How does it work when a customer -- back at that
15 time when a customer came in and wanted to play, how does
16 that take place? Do they have to go to the front desk?

17 A. Yes.

18 Q. Then what happens when someone goes to the front
19 desk, do they get a tray of balls?

20 A. Yes.

21 Q. You said you were working that night?

22 A. Correct.

23 Q. And who else was working besides you?

24 A. I know Bobby Hilton was there. And he works
25 whenever he's there because he owns the place. I don't

1 remember -- like I said, Robert Piersa may have been there
2 working.

3 Q. And could you spell his last name?

4 A. P-I-E-R-S-A.

5 Q. And the man who's name has come up, Dave, do you
6 know the spelling of his last name?

7 A. Z-A-B-O-R-O-W-S-K-I.

8 Q. Was he working that evening?

9 A. No.

10 Q. Was he an employee?

11 A. Yes.

12 Q. But not working that evening?

13 A. Correct.

14 Q. Do you know if he was playing in a league that
15 evening?

16 A. No.

17 Q. That was a bad way to ask. Was he playing in a
18 league that evening?

19 A. No.

20 Q. Are there records kept for the leagues in terms of
21 who actually plays?

22 A. Yes, I believe so.

23 Q. Do you have an understanding as to how long those
24 records are kept?

25 A. No, I do not.

1 Q. Who keeps those?

2 A. The league operator, that would be Bruce
3 Barthelette of Connecticut APA.

4 Q. And his name again? Bruce?

5 A. Bruce Barthelette.

6 Q. And the league name?

7 A. Connecticut APA. American Pool Players
8 Association.

9 Q. Do you know where he is located? Home address?
10 Home town?

11 A. No.

12 Q. Is he still involved with the league through Yale
13 Billiards now?

14 A. Yes. They are still a league out of there.

15 Q. But is he still involved with that league?

16 A. He was the league operator for, like, the entire
17 Connecticut/Massachusetts region, so --

18 Q. Do you have an understanding as to how Mr. Burgess
19 paid? Can people pay with cash? Credit card? How did it
20 work?

21 A. They can pay with cash or credit card. I don't
22 remember what he paid with.

23 Q. Do you pay beforehand or afterwards?

24 A. It depends on the day, and it depends on who you
25 are. Some of the customers are regulars, so they're there

1 several times a week. They get like a flat fee. And
2 sometimes depending on the day, it's hourly. So the
3 customers who come in who are there once a month or once a
4 year, they would pay hourly if it was an hourly rate.

5 Q. Do you pay ahead of time? For instance, do you
6 pay for an hour or two hours, or do you wait until you're
7 done and then pay for what time you use?

8 A. If it's hourly, you would pay at the end.

9 Q. Do you have an understanding as to when Mr.
10 Burgess first entered the club?

11 A. No. I don't remember him walking in. I think he
12 may have been there when I had gotten there.

13 Q. When you weren't playing pool, what were you
14 actually doing as an employee that evening?

15 A. I was going back and forth between working the
16 front counter and handing out tables and bartending.

17 Q. Working the front counter, would that be taking
18 someone's money if they were paying either in the beginning
19 of their playing or at the end of their playing?

20 A. Correct.

21 Q. If I understand you correctly, the first time you
22 had any knowledge that Mr. Burgess was there was after Dave
23 said something to you about a patron having a gun?

24 A. Correct.

25 Q. Do you have any understanding as to how long Mr.

1 Burgess was at the club before Dave brought that to your
2 attention?

3 A. No. Like I said, I didn't see him walk in. I
4 don't know if he was there already when I had gotten there.

5 Q. And is there any rhyme or reason as to how the
6 tables get assigned?

7 A. Well, normally you want to give out the corners
8 because they are the most spacious first, and then every
9 other table until you can't do that anymore. So it's really
10 your preference. There is no set-in-stone way to give them
11 out, but --

12 Q. I don't know if you try to rotate them to try to
13 cut down on the wear on the felt or how that works.

14 A. No. It gets pretty full most days of the week.
15 Like I said, you want to do the corners and then every other
16 one, so the middle table, which is in the back left of this
17 picture. And then once that was taken, then you would do
18 table 5 and 11, which are on either side of it.

19 Q. Is table 11 where Mr. Burgess was playing?

20 A. I believe.

21 Q. I'll ask the question better. Is table 11 where
22 you believe Mr. Burgess was playing, is that one of the last
23 tables that get given out?

24 A. Yes. Well, the last table in that back row. You
25 would always give it out before you gave out one of the

1 crowded tables on the right-hand side of the pool hall or
2 the very center where there's no seating around then.

3 Q. Did you say the crappy tables?

4 MS. MACCINI: She said crowded.

5 Q. (By Mr. Gasser) I'm sorry. I didn't hear you. I
6 thought you said one of the crappy tables.

7 A. No, crowded.

8 Q. Do I understand correctly that -- withdrawn. If
9 you didn't wait on Mr. Burgess when he first came in, the
10 other options would have been Mr. Hilton. Correct?

11 A. Yes.

12 Q. Or?

13 A. Dave Z. I don't believe he was working at the
14 time because Bobby had gotten there, but he may have opened
15 the pool hall, so he may have been working when Mr. Burgess
16 came in. But when he was sitting there when I was playing
17 pool, he was no longer working there because Bobby had
18 gotten there.

19 Q. Your best recollection is that you came in at
20 five?

21 A. Correct.

22 Q. You told us about the discussion that there was
23 between Mr. Hilton and Mr. Burgess. You said that there was
24 a brief discussion, and it's your understanding that
25 Mr. Hilton asked Mr. Burgess to cover it up. Do you recall

1 that testimony?

2 A. Yes, the first time that Mr. Hilton went over.

3 Q. And that's information, if I understand correctly,
4 that you got from Mr. Hilton as opposed to hearing any
5 actual interaction between the two of them?

6 MS. MACCINI: Objection to the form.

7 THE WITNESS: Correct.

8 MR. GASSER: And the object is what, Counsel?

9 MS. MACCINI: You are giving her -- it's confusing
10 the way that you asked the question, but she answered
11 it.

12 Q. (By Mr. Gasser) Was my question confusing to you,
13 ma'am?

14 A. I don't believe so.

15 Q. The entire evening from when Mr. Burgess first
16 came to your attention until he left to go outside, did you
17 ever actually hear any interaction between Mr. Hilton and
18 Mr. Burgess that entire time period?

19 A. The only thing I think I heard was when Mr.
20 Burgess was actually leaving and he was at the counter. I
21 believe he said that, I'm going to leave. I don't -- there
22 was more conversation to it, but that was the only phrase
23 that I heard.

24 Q. And the, quote, unquote, I am going to leave, do
25 you believe that those words were directed by Mr. Burgess to

1 Mr. Hilton?

2 A. Yes.

3 Q. And other than that, any actual exchange of words
4 that you heard between the two gentleman?

5 A. I did not hear anything, no.

6 Q. Did you overhear any interaction while Mr. Burgess
7 was inside the building between him and this other league
8 player that was on the phone, actual words being exchanged?

9 A. I heard them talking and the gentleman on the
10 phone raising his voice, but I did not hear what Mr. Burgess
11 had said.

12 Q. Did you hear what the gentleman that was raising
13 his voice said?

14 A. I don't remember word-for-word, but it was
15 something along the lines of Mr. Burgess having to cover it
16 up and he was going to call the police and just things of
17 that nature.

18 Q. And the person on the phone, this league player,
19 was he someone that was a regular at the club?

20 A. He is not a regular customer, but he is a regular
21 league player. He comes down at least three times during a
22 session, which is approximately four to five months.

23 Q. And can you help me distinguish or understand the
24 difference between a regular customer versus someone who is
25 a regular league player? How do you distinguish those two?

1 A. A regular customer is someone who comes in and
2 wants to play pool by themselves or with friends or with a
3 family member once a month or once a week, whereas a league
4 player, they only come down when their team is there to play
5 for a league.

6 Q. Did any customer -- withdrawn. Did you hear any
7 customer, other than the league player on the phone, and
8 other than Dave's comment to you, say anything about Mr.
9 Burgess having a gun?

10 A. No.

11 Q. Do I understand that no person playing, whether
12 they were a customer or league player -- well, withdrawn.
13 Let me try to ask it better. Did any customer that night
14 that was either a regular customer or a league player
15 indicate directly to you that they were leaving because Mr.
16 Burgess had a weapon?

17 A. Not to me, no.

18 Q. Did you overhear any customer say to anyone else,
19 either to Mr. Hilton, to Dave, or just in general, you know,
20 to no one in particular, that they were leaving because Mr.
21 Burgess had a weapon?

22 A. I did not hear it, but like I said earlier, there
23 was a customer who left and they ended up having a
24 conversation with Bobby Hilton and ended up pointing in the
25 direction of where Mr. Burgess was. And it seemed like they

1 were talking about him, and that customer normally, from
2 what I remember, would have stayed the entire night. So I
3 believe that they left because of it, but I did not verbally
4 hear anything.

5 Q. This is your assumption from?

6 A. Their demeanor.

7 Q. Do you know who that customer is?

8 A. No.

9 Q. Was it a league customer or a customer, customer?

10 A. It was an actual customer.

11 Q. Had you seen that customer before?

12 A. Yes.

13 Q. Have you seen the customer after that time?

14 A. I don't recall.

15 Q. I know I am being somewhat speculative, but do you
16 know whether or not Mr. Hilton knew who that customer was --

17 MS. MACCINI: Objection.

18 Q. (By Mr. Gasser) -- by name?

19 MS. MACCINI: Objection.

20 THE WITNESS: I know that they had spoken before
21 and were possibly comfortable talking together, but I
22 don't know if Bobby knew his name. I'm not sure.

23 Q. (By Mr. Gasser) And if I understand the sequence
24 of things correctly, was it after the league player that was
25 on the phone with the police, was it after he, to use your

1 expression, made a scene, that the customer then left?

2 MS. MACCINI: I don't remember.

3 MR. GASSER: And the basis of your objection,
4 Counsel?

5 MS. MACCINI: Mischaracterization of her
6 testimony.

7 Q. (By Mr. Gasser) Well, let's do that separately.
8 Do you believe that the league player that was on the phone
9 caused commotion that night, caused a scene, I should say?

10 MS. MACCINI: Objection to form.

11 THE WITNESS: I believe that the person on the
12 phone created a larger scene than was already coming,
13 like it had -- a scene had already started, and they
14 added to it.

15 Q. (By Mr. Gasser) Well, tell me what events that you
16 consider to be a scene had transpired prior to the person
17 from the league on the phone coming over to Mr. Burgess?

18 MS. MACCINI: Objection to the form.

19 THE WITNESS: Again, it wasn't anything I heard,
20 but you could tell that the league had huddled up
21 together. They weren't spread out and relaxed the way
22 that they were. Some of the customers, like the one
23 with the child, just seemed uncomfortable. You could
24 tell by the way that they were acting and holding
25 themselves. There were a couple of people who were

1 uncomfortable. And I know I had had the conversation
2 with Dave. There were other groups of people like
3 talking amongst themselves. It just -- by observing
4 everything at once, it seemed like there was something
5 going on, like something wasn't natural at the pool
6 hall.

7 Q. (By Mr. Gasser) And this is before the customer
8 with the cell phone, the league player, came over to Mr.
9 Burgess?

10 A. Correct.

11 Q. Was it obvious to you after it was brought to your
12 attention by Dave that Mr. Burgess was carrying a weapon?

13 A. Yes.

14 Q. How far away were you from Mr. Burgess when it was
15 first brought to your attention?

16 A. I don't know how to measure it. It was about
17 three to four tables away --

18 Q. Okay.

19 A. -- diagonally.

20 Q. I'm sorry. I didn't mean to interrupt you.
21 Nine-foot tables, eight-foot tables?

22 A. Nine.

23 Q. And when you say three to four tables away --

24 A. Yes.

25 Q. -- are you measuring the tables by the width of

1 the table or the length of the table?

2 A. I am just measuring by how many tables were in
3 between him and myself, but it was diagonally so it
4 wasn't -- I'm not sure how to measure it.

5 Q. Dave was the first one to bring that to your
6 attention that Mr. Burgess had a weapon?

7 A. Correct.

8 Q. And do you know how -- withdrawn. Did Dave
9 indicate to you how it came to his attention?

10 A. No.

11 Q. And when he made that comment to you, if I recall
12 correctly, you testified that he had a calm demeanor?

13 A. Yes.

14 Q. Did you personally have any interaction with Mr.
15 Burgess?

16 A. Not that I can recall.

17 Q. You mentioned that when he came up to leave, that
18 he brought his tray of balls with him?

19 A. Uh-huh, yes.

20 Q. Did you overhear his conversation with Mr. Hilton
21 when he was leaving?

22 A. The only thing I heard was him saying, I'm leaving
23 now.

24 Q. Can you describe Mr. Burgess' demeanor when he had
25 that interaction with Mr. Hilton?

1 A. He seemed pretty calm.

2 Q. Do you have any reason to think -- withdrawn. Did
3 he seem to you to be calm when he was having that
4 interaction?

5 A. Yes.

6 Q. And did you ultimately -- withdrawn. Did you see
7 this league player with the phone go over to Mr. Burgess?

8 A. Yes.

9 Q. Can you describe how that took place, whether he
10 did it slowly, quickly? What's your recollection of that?

11 A. I believe it was pretty quickly. He's a louder
12 person, so people would think that he was riled up when
13 that's just really his character. But after the
14 conversation, he did get more -- I don't know the word for
15 it. He got a little bit louder and proceeded to make a
16 phone call.

17 Q. Did he do that on his cell phone?

18 A. Yes.

19 Q. Did you at any time overhear any of the
20 conversation that this person on the phone had with the
21 police?

22 A. No.

23 Q. To your knowledge, was he speaking with the police
24 when he was inside the club?

25 A. Yes. I believe the phone call started inside, and

1 then he proceeded to go outside.

2 Q. To your knowledge, did the adults that were with
3 the children comment to Mr. Hilton about being uncomfortable
4 or anything of that nature with Mr. Burgess having a firearm
5 as the basis for their leaving?

6 A. I don't know.

7 Q. And do you know if any of the people in that
8 group, either the children, the male adult or the female
9 adult, were either regular customers or regular league
10 players?

11 MS. MACCINI: Objection to the form.

12 THE WITNESS: I don't believe so. I think this
13 was their -- I mean, it could have been more than their
14 first time, but it was the first time that I had seen
15 them.

16 Q. (By Mr. Gasser) How does it work as far as the
17 regular customers? Is it an hourly basis that they are
18 there, a half hour? What are the increments?

19 A. If it's hourly, it's usually hourly. It depends
20 on the day. Like I said, certain days like Thursdays and
21 Saturdays, you pay seven dollars and you can play -- it
22 doesn't matter how long you're there -- that you pay up
23 front. And then Tuesdays and Wednesdays, I believe it's
24 hourly. I don't know what the rate was then, but like right
25 now it's \$3.99 an hour and you would, at very end of it, pay

1 however much you accrued.

2 Q. Is an hour the minimum time increment?

3 A. No.

4 Q. Is there a half hour rate?

5 A. No.

6 Q. Assuming that you weren't paying for the entire
7 evening, that you were paying on some hourly increment --

8 A. Yes.

9 Q. -- what is the least time increment that someone
10 can pay for?

11 A. A minute, essentially. It's an hourly rate. So
12 it would be however much per hour, and then once the time
13 started going, it would calculate the amount based on how
14 long they were there.

15 Q. So if they were there for 24 minutes, would they
16 only pay for the 24 minutes, or would they pay for the whole
17 hour?

18 A. They would only pay for what they were there for.

19 Q. Now, you mentioned that after the gentleman on the
20 phone, the league player left, that you saw him -- I think
21 your expression was walking back and forth when he was
22 outside. Is that an accurate recollection of what the
23 gentleman on the phone was doing?

24 A. At the moment that I saw him, yes.

25 Q. Would you describe that as pacing?

1 A. Yes.

2 Q. In the times that you worked at the club from when
3 you were first there until the incident, had the police ever
4 come in as far as an official type visit?

5 A. I'm just trying to remember that incident that I
6 was involved in, and I don't remember when it was. That was
7 the only time that I had seen the police.

8 Q. And what was that incident?

9 A. Someone assaulted me.

10 Q. I'm sorry?

11 A. Someone assaulted me.

12 Q. During working hours?

13 A. Yes.

14 Q. Was that person ultimately arrested by the police?

15 A. Yes.

16 Q. And you don't recall whether it was before or
17 after this?

18 A. No.

19 Q. Do you recall that individual's name?

20 A. Yes.

21 Q. His or her name?

22 A. Mallory Machalek.

23 Q. I'm sorry. One more time?

24 A. Mallory Machalek, M-A-C-H-A-L-E-K.

25 Q. Was the club any place that police officers

1 played, to your knowledge?

2 A. If they did, they weren't in uniform, and I didn't
3 know they were there.

4 Q. You mentioned that when you observed Mr. Burgess
5 leaving, that he was polite?

6 A. Yes.

7 Q. Can you tell me what you recall about his demeanor
8 when he was talking to Mr. Hilton in that process of
9 actually leaving?

10 A. His demeanor was fine. I don't think anyone had a
11 problem with the way that his demeanor was. That's not why
12 the commotion started. He seemed, like I said, polite and
13 calm, and like he -- kind of like he didn't care or that he
14 was used to it.

15 Q. Was he, to your observation, polite and calm the
16 entire evening from when you first laid eyes on him until he
17 left?

18 A. Yes.

19 Q. Just some questions regarding the statement. Do
20 you still have that in front of you, ma'am?

21 A. Yes.

22 Q. You mentioned that you gave it over the phone?

23 A. Correct.

24 Q. If I understand correctly, you don't recall
25 whether it was set up ahead of time that the officer was

1 going to call you?

2 A. Correct.

3 Q. Did you have a conversation with the officer prior
4 to when the recording started?

5 A. I don't understand.

6 Q. Well, the recording indicates that it's a taped
7 transcription of a call, and he says, "All right. Um, the
8 first thing, can you just state your full name?" Had you
9 had any interaction with Mr. -- with Officer Flood before he
10 stated those words in the first line of the transcription?

11 A. I believe he introduced himself and said he was
12 calling in regards to the night before.

13 Q. Okay.

14 A. And he wanted to get a statement, and I said okay.

15 Q. Did you give him -- withdrawn. Did he ask you any
16 information about the incident before, to your knowledge, he
17 started the recording of that call?

18 A. No, he did not.

19 Q. If you would turn to the second page, ma'am, in
20 the very top section it has the heading of Officer Flood,
21 and then it's a -- it appears to be a string of his
22 statement to you. It says, "Okay. All right." And I'll
23 leave out all of the stuttering comments or uh-huhs, things
24 of that nature. It reads, "All right. So what I want you
25 to do is basically just tell me everything that you just

1 told me like you said, just start. Start at the beginning
2 of," and then you say, "Okay." So what I'm trying to find
3 out is what you recall about the discussion that he
4 characterizes as, quote, Everything that you just told me.

5 A. I don't remember.

6 Q. It appears from that -- withdrawn. From your
7 looking at that, does it appear that there was, in fact,
8 some interaction that you had before the recording started?

9 A. There could have been, but like I said, I remember
10 him calling and introducing himself. I may have said in
11 regards to yesterday when the guy with the gun was there,
12 and maybe that's what he is referring to, but I don't
13 remember going into detail at all about the incident.

14 Q. At any time literally from the moment that Mr.
15 Burgess stepped outside until today, have you written
16 anything down literally in, you know, hand, pen, pencil,
17 anything of that nature in writing regarding the incident?

18 A. Only the E-mail that I had mentioned to you
19 earlier that I sent to the person.

20 Q. And that's an E-mail -- I'm not trying to give you
21 a hard time about the specifics of that, but that's an
22 E-mail that you actually sent?

23 A. Correct.

24 Q. And I was going to get to those things in terms of
25 electronically, but anything actually in handwriting, either

1 with a pen or a pencil or Sharpie or anything like that that
2 you would have written down concerning the incident --

3 A. No.

4 Q. -- at any time from when Mr. Burgess first left
5 until today?

6 A. No.

7 Q. For instance, any statements to the police,
8 anything in writing that you sent to them, anything of that
9 nature?

10 A. No.

11 Q. As far as electronically, other than the E-mail
12 that you sent to that person about the statement being
13 on-line, have you sent anything electronically to anyone,
14 either an E-mail, a text, any kind of electronic version of
15 anything?

16 A. No.

17 Q. Have you kept -- withdrawn. Did you create any
18 type of a diary for the events of this incident for any
19 reason?

20 A. No.

21 Q. Are you the type of a person that keeps a regular
22 diary, like Dear Diary, I did so and so today, something
23 like that?

24 A. No.

25 Q. Other than this statement, the transcription of

1 the statement, I should say, and the E-mail that you sent to
2 this individual about the statement being on-line, are you
3 aware of anything in writing concerning the events of that
4 evening?

5 A. No.

6 Q. And if you could turn to, again, or probably still
7 on page two, if you look at your comment, it's the fourth
8 paragraph that has your name on it the large paragraph.

9 A. Okay.

10 Q. If you look about two-thirds of the way down, the
11 sentence reads, "Couldn't hear the first one, but after
12 that, got extremely loud, and, um, started almost yelling
13 about it and saying, um, Are you going to cover that thing?
14 Why don't you get the hell out of here, and just making a
15 very, like, big commotion." Does that refer to this league
16 player that was on the phone?

17 A. It seems that way.

18 Q. And if you go to the next page, ma'am, item number
19 three, it makes reference to Officer Flood the third time.
20 It has his name and the answer is, "A second." Do you see
21 that section?

22 A. Yes.

23 Q. And he goes on to reference that you thought he
24 was causing a commotion. Does that refer to that league
25 player with the phone?

1 A. Correct.

2 Q. Can you tell me what things he did that you
3 believe caused the commotion, to use your expression?

4 MS. MACCINI: Object to the form.

5 THE WITNESS: The league player?

6 Q. (By Mr. Gasser) Yes, ma'am.

7 A. Just that he had crossed the pool hall and gone up
8 to Mr. Burgess and was raising his voice, like I said. That
9 was really all I remember, him raising his voice.

10 Q. To your knowledge, did that league player with the
11 phone, the person you mentioned caused the commotion in the
12 statement, before the league player went to Mr. Burgess, did
13 that league player go to Mr. Hilton or anyone else that was
14 working at the club that evening?

15 A. He may have. He did not come up to me, but he may
16 have gone up to Robert Hilton.

17 Q. And where were you -- when Dave first brought it
18 to your attention that Mr. Burgess had a firearm, where was
19 Mr. Hilton in relationship to you?

20 A. Bobby had just gotten there. I know that he was
21 behind the front desk for a little while and then came out
22 and sat next to Dave who was right next to me. So I don't
23 know exactly where he was, but he was along that path when
24 Dave had said it.

25 Q. Dave then says to you that someone has a firearm.

1 Correct?

2 A. Yes.

3 Q. You then talk to Mr. Hilton about asking whether
4 that is legal and the issues that you have already told us
5 about. Mr. Hilton then goes to Mr. Burgess. And where does
6 Mr. Hilton go after that? Does he go back over towards you,
7 or where does he go?

8 A. I believe behind the counter. Possibly back over
9 to Dave. I know that they had talked as to how I found out
10 what he had asked him. But then shortly after that, the
11 customer with the child left, so he went back behind the
12 counter.

13 Q. To wait on that customer?

14 A. Correct.

15 Q. At any time -- I'll ask you this way. At any time
16 from when Dave first brought Mr. Burgess to your attention,
17 did you ever see this league player with the phone speak
18 with Mr. Hilton before the league player went to Mr.
19 Burgess?

20 A. I want to say yes, but I'm not positive.

21 Q. Do you have any recollection actually in your
22 mind's eye of seeing that happen where before the league
23 player with the phone went to Mr. Burgess that you actually
24 recall him interacting with Mr. Hilton?

25 A. I believe he did. Like I said, Bobby was working

1 and very friendly with all of the customers and league
2 players. So he could have, and I think he did, but I'm not
3 positive.

4 Q. If you go to that same page to item number three,
5 the last paragraph on the page that is attributed to you --

6 A. Okay.

7 Q. -- in what is the fourth line, it says -- and I
8 understand it's not the beginning of the sentence, but it's
9 the beginning of the line, "From what I could see after
10 Bobby finished speaking to him, he put the balls in the tray
11 and walked up to the front, thanked them, told them to have
12 a good night, and he apologized to Bobby who had walked out
13 with him." It goes on after that, but I want to just focus
14 on that part that I just read to you. Your statement says
15 that Mr. Burgess thanked them. Who was the "them"?

16 A. I'm not positive. But like I said, or like it
17 says, Robert Piersa was also working. So he could have been
18 behind the counter at that moment as well.

19 Q. In the reference to having a good night, is that
20 something that you recall Mr. Burgess saying?

21 A. I know that he was polite, but I don't remember.
22 I don't know.

23 Q. It goes on to say that he apologized to Bobby.
24 What words do you recall Mr. Burgess saying that you believe
25 was an apology?

1 A. I don't remember.

2 Q. In a conversation -- withdrawn. The recorded
3 statement at page five in the third section that is
4 attributed to you indicates that you asked the officer
5 whether or not someone can carry a firearm that's showing.
6 The officer gives you his opinion. Did you have any
7 subsequent conversations with the officer after the
8 recording ended about anything?

9 A. No.

10 Q. Did you have any discussion with the officer
11 before the incident about the legality of openly carrying of
12 firearms?

13 A. No.

14 MS. MACCINI: Attorney Gasser, can we go off the
15 record?

16 MR. GASSER: Sure.

17

18 (Off record conference)

19

20 MR. GASSER: We had a discussion -- just so the
21 record is clear, Counsel mentioned that Ms. Dobensky
22 needs to leave at 10:45 --

23 MS. MACCINI: Correct.

24 MR. GASSER: -- which she confirmed.

25 THE WITNESS: Right.

1 Q. (By Mr. Gasser) Did you have any discussion with
2 this league player about the events that transpired from the
3 moment you saw the league player go over to Mr. Burgess -- I
4 think your expression was -- pretty quickly, until today?

5 A. No.

6 Q. Have you ever -- so no interaction with this
7 league player?

8 A. Not that I can remember. I mean, he may have come
9 down for league and I waited on him, but there was no
10 conversation.

11 Q. Did you have any interaction -- have you had any
12 interaction with Mr. Burgess from the time that he left the
13 club that evening to go outside and today?

14 A. No.

15 Q. Did you have an understanding that the club had
16 any type of surveillance or security cameras?

17 A. Yes.

18 Q. To your knowledge, was the system working as of
19 the incident on May 16th?

20 A. Yes.

21 Q. And at any time after Dave first brought to your
22 attention that Mr. Burgess had a firearm until today, have
23 you ever seen any video that was on the security system?

24 A. Yes.

25 Q. When did you see that?

1 A. Well, have I seen any video at all or any video
2 regarding this?

3 Q. Any video regarding this.

4 A. Oh, no. I have not.

5 Q. Did you have any discussions with Mr. Hilton about
6 whether any of the incident was captured on the security
7 camera?

8 A. No, I have not.

9 Q. Did you have any discussion with any of the
10 Wallingford police officers about that?

11 A. No, I have not.

12 Q. Do you know -- withdrawn. How many times had you
13 seen any footage or surveillance from the cameras?

14 A. In general?

15 Q. Yes, ma'am.

16 A. Five to seven times.

17 Q. And to your knowledge, did any of the surveillance
18 have any audio component to it?

19 A. No, it did not.

20 Q. And what you had seen on those five to seven
21 times, the images from that, was it realtime or -- for the
22 event where you actually were in the back and saw the
23 cameras showing what was happening or was it recorded
24 coverage that you later saw?

25 A. Oh, I was just talking about recorded coverage

1 that I later saw. Realtime, I have seen it a million times.

2 Q. And under what circumstances had you seen the
3 recorded coverage?

4 A. We thought someone had stolen something. We went
5 back to view it. When I was assaulted, we went back and
6 viewed it. Instances where someone had claimed that they
7 tripped and fell, we went back and viewed it. There were a
8 couple of stolen situations we went back to look at. And
9 once there was a really amazing pool game going on and we
10 wanted to go back and watch.

11 Q. Had you ever assisted in trying to copy any of
12 surveillance footage, the saved footage?

13 A. Yes.

14 Q. And when did you do that?

15 A. When I had been assaulted.

16 Q. And who besides you assisted in that process?

17 A. Robert Piersa and Bobby Hilton.

18 Q. How did that take place? Do you recall the
19 process of actually getting that footage copied?

20 A. We actually couldn't get it done. It was
21 extremely difficult, and we couldn't do it.

22 Q. Okay.

23 A. I know it ended up getting done the following day,
24 but I was not there for that, so I don't know how it
25 happened. But the footage is only kept for, I think, 36

1 hours.

2 Q. Do you know who assisted in getting that footage
3 copied?

4 A. I don't know.

5 Q. Do I understand correctly that the club sold
6 alcohol?

7 A. Yes.

8 Q. To your knowledge, did Mr. -- did the league
9 player with the phone consume any alcohol that evening
10 before the incident?

11 A. I don't know if he personally did, but people from
12 the league had come up and bought like a round of drinks,
13 approximately four to five drinks at a time to bring back
14 for the league. So one of them could have been for him.

15 Q. Who would be the person that would serve the
16 drinks? I know you mentioned that you would be a bartender
17 or waitress. I forget your expression.

18 A. Yes. I would go back and forth between working
19 the desk and bartending, depending on who was available to
20 do so. That night, I was supposed to be working the front
21 desk and Robert Piersa was supposed to be bartending, but if
22 he was in the bathroom or playing pool or something, I would
23 help.

24 Q. To your knowledge, was any alcohol served to Mr.
25 Burgess that evening at the club?

1 A. I don't know for sure, but I don't believe so.

2 MR. GASSER: If I can just have five minutes, I
3 may not have anything else, but just five minutes,
4 please.

5

6 (A recess was taken)

7

8 MR. GASSER: Back on the record.

9 Q. (By Mr. Gasser) Ms. Dobensky, I just have a few
10 last questions for you.

11 A. Okay.

12 Q. The transcript of the discussion with the officer
13 has you asking him whether or not it's legal to open carry.

14 A. Correct.

15 Q. Prior to that discussion with the officer, had you
16 inquired of any other police officer from the first moment
17 Mr. Burgess came to your attention until the recorded
18 statement?

19 A. No.

20 Q. As of the time that Mr. Burgess carrying his
21 firearm came to your attention, was it your understanding
22 that it was illegal to open carry in Connecticut?

23 A. I didn't have any definite information, but I had
24 thought that it was supposed to be hidden.

25 Q. When you say you thought it was supposed to be

1 hidden, do I understand -- is it fair to say that you
2 thought it was illegal to open carry, to not have it hidden?

3 A. I suppose that's the way to put it, yes.

4 Q. I understand this is going to be somewhat
5 speculative, so I'm telling you -- giving you a fair warning
6 of that, but if you knew that it was legal, for instance, if
7 an officer -- the day before this you happened to be
8 speaking to a police officer and someone whose opinion you
9 trusted said to you it's legal to open carry in Connecticut,
10 would you still have been concerned that Mr. Burgess was
11 open carrying?

12 A. Absolutely.

13 Q. And why is that?

14 A. Because it still made me uncomfortable because
15 there were children in the area. And like I said, anyone
16 with proper training and the wrong mindset could have tried
17 to take the weapon from him because it was out in the open,
18 and it was just -- I don't feel comfortable with someone
19 having a gun around me.

20 Q. Do you have an understanding -- withdrawn. That
21 evening, did you have any understanding as to the type of
22 holster that Mr. Burgess had his firearm in?

23 A. No.

24 Q. Do you know if it was the type of holster that
25 would have allowed someone to just take the firearm out of

1 the holster?

2 A. I don't know what kind he had. I know -- I
3 believe it was leather. The other ones that I have seen in
4 the past have like a button or a snap or something, but you
5 can take it out.

6 Q. Did you know -- withdrawn. Your knowledge or your
7 belief that someone with proper training could have just
8 taken it away from him, what is that based on?

9 A. It's just an idea that -- I mean, if there's a
10 weapon out and about and you come up to the wrong type of
11 person like a robber or someone, they're going to try and
12 take it from you.

13 Q. Okay.

14 A. And if the holster has, like I said, a button or a
15 snap, you can easily open it and take it out.

16 Q. That evening, did you know whether or not Mr.
17 Burgess was a police officer or somewhat involved in law
18 enforcement?

19 A. No.

20 MS. MACCINI: Objection to the form.

21 Q. (By Mr. Gasser) Did you ask anyone, that evening
22 before Mr. Burgess left, whether or not he was involved in
23 law enforcement and in your opinion had the right to open
24 carry?

25 A. No.

1 Q. Would it have made a difference to you if Mr.
2 Burgess was a police officer, and therefore, had the right,
3 in your opinion, to open carry?

4 A. The only way I would have been more comfortable if
5 he was in uniform, whereas he wasn't. And if a police
6 officer is undercover, they usually hide the weapon.

7 Q. Right. And what about the uniform would have made
8 you less concerned?

9 A. Because I know he is a police officer.

10 Q. Do you know if anyone asked Mr. Burgess whether he
11 was either a police officer or involved in law enforcement
12 that evening?

13 A. I don't know. Is he?

14 Q. It's not my job to answer questions, ma'am. It's
15 just my job to ask them. Just a couple last questions. The
16 family, to use that expression with the two children,
17 because I know you said that you weren't sure whether they
18 were husband and wife. They ultimately left, if I
19 understand correctly, in terms of the sequence, after the
20 league player with the phone came over to Mr. Burgess.
21 Correct?

22 A. No.

23 Q. They left before that?

24 A. Correct.

25 Q. You didn't have any conversation with either of

1 the adults in that family, so to speak?

2 A. Correct.

3 Q. And if I understand correctly, you didn't have any
4 discussion with Mr. Hilton about any discussion he had with
5 any of the family members. Correct?

6 A. Correct.

7 Q. And did you have any discussion with anybody else
8 that evening that you believe had a discussion with those
9 family people?

10 A. No.

11 Q. And would the family people have had to have gone
12 up to the counter to bring their tray of balls back before
13 they left?

14 A. Correct.

15 Q. Did you know if they did that as opposed to just,
16 you know, running out of the place?

17 A. Yes, they did that.

18 Q. Brought them back up?

19 A. Yes.

20 Q. Do you know who waited on them?

21 A. I don't recall. I remember them leaving without
22 saying much of anything, so --

23 Q. Can people do that? Can they leave without saying
24 much of anything when they're done playing?

25 A. Yes. They can walk up and give you money and just

1 walk out.

2 Q. Do you know how they paid?

3 A. No.

4 Q. Other than -- withdrawn. Other than some type of
5 credit card transaction that would have recorded a person's
6 name, is there any recording of people's information if they
7 just pay cash? Do you have to sign in or get their name
8 somehow?

9 A. No. The only other thing we would have is if they
10 sign up for our E-mail newsletter.

11 Q. Had you ever called the police about anything that
12 occurred in the club at any time?

13 A. Yes.

14 Q. And anything other than your situation where you
15 were assaulted?

16 A. No.

17 Q. That was the only time you had done that?

18 A. Correct.

19 Q. Again you -- now after discussing things a bit
20 more, do you know if that assault took place before or after
21 this?

22 A. I don't know.

23 Q. And did the club have any type of a security
24 system like a bank where you would just push a button or
25 something and the police -- you know, a silent alarm where

1 the police would be summoned without having to pick up the
2 phone?

3 A. Can I ask you a question before I answer that? Do
4 I have to answer that?

5 Q. Well, I can't physically make you do that.

6 A. I just don't feel like that's necessary.

7 Q. That's fine. I'll ask it differently. Did you --
8 could you have contacted the police that night if you felt
9 somehow threatened about Mr. Burgess' presence with an open
10 carry firearm?

11 A. Yes.

12 Q. You didn't?

13 A. Correct.

14 Q. You could have done it by at least multiple
15 things, either by a regular phone or your cell phone or some
16 other device?

17 A. Correct.

18 Q. And at any time did you ask Mr. Hilton to call the
19 police?

20 A. I believe I asked him if he was going to.

21 Q. And do you have -- withdrawn. Did Mr. Hilton say
22 that he was going to call the police to find out if it was
23 legal?

24 A. I believe so, yes.

25 Q. And you understood that that was the purpose of

1 his calling?

2 A. Correct.

3 Q. Your suggestion about are you going to call was to
4 see if it was legal as opposed to calling the police to get
5 him out of there?

6 A. Correct.

7 MR. GASSER: I don't have any other questions,
8 ma'am. Thank you for your time.

9

10 CROSS-EXAMINATION BY MS. MACCINI:

11

12 Q. I have a few follow-up questions. Ms. Dobensky,
13 you testified at one point that the league player with his
14 cell phone created a larger scene, but there was a scene
15 already coming?

16 A. Correct.

17 Q. Why was it your impression that there was a scene
18 already coming?

19 MR. GASSER: Object to the form.

20 THE WITNESS: Because, like I said, the league had
21 huddled together, and normally they would be spread out
22 and relaxed. There were little groups of people like
23 whispering and looking in that direction, and you could
24 just tell the atmosphere of the pool hall had changed,
25 it wasn't like it normally is.

1 Q. (By Ms. Maccini) Would you describe the atmosphere
2 as tense?

3 A. Yes.

4 MR. GASSER: Object to the form.

5 MS. MACCINI: Before we conclude this deposition,
6 I would like to put on the record that I object to this
7 deposition transcript being placed on Mr. Burgess'
8 blog. Specifically, Ms. Dobensky objects to any of her
9 personal information being posted on any blog; her date
10 of birth, her cell phone number, her address. But it's
11 my hope that Mr. Burgess will respect all witnesses and
12 parties involved and not publish the deposition
13 transcript on his blog. And, if necessary, I can file
14 a motion with the court.

15 MR. GASSER: Are you done?

16 MS. MACCINI: Yes.

17 MR. GASSER: Have you done anything yet,
18 Counselor, because I know from reading the last
19 transcripts of the depositions that you had raised
20 those same issues and indicated that you had the
21 ability to do that, but it doesn't appear that you have
22 actually done anything in that regard.

23 MS. MACCINI: I have actually done something. I
24 objected when your client came in with his personal
25 recorder, and the judge intervened and said he was not

1 to do that and not to post it on his blog. So I expect
2 that Judge Height's ruling will be consistent with
3 that, and he will likely rule that none of these
4 transcripts are to be posted on Mr. Burgess' blog. But
5 if Counsel would like me to file an additional motion
6 and pay for the filing to get the same ruling, I can
7 certainly do that.

8 MR. GASSER: You can do that. I'm not suggesting
9 that you do anything, Counsel.

10
11 RECROSS-EXAMINATION BY MR. GASSER:

12
13 Q. Ma'am, the last question or two that I have for
14 you is, is it accurate to say that before Mr. Hilton went to
15 Mr. Burgess the first time, that there were no issues with
16 any atmosphere or anything at the club that evening?

17 MS. MACCINI: Objection to the form.

18 Q. (By Mr. Gasser) The league players weren't huddled
19 together or anything of that nature before Mr. Hilton went
20 over to Mr. Burgess the first time that evening?

21 MS. MACCINI: Objection to the form.

22 THE WITNESS: Well, I know that I had noticed it
23 because Dave pointed it out to me, and I noticed a few
24 other people looking in that direction. It had started
25 to change.

1 Q. (By Mr. Gasser) My last question -- let me ask you
2 this question. Prior to -- do you know how Dave came to be
3 aware that Mr. Burgess was open carrying?

4 A. I believe he saw it.

5 Q. Prior to Mr. -- withdrawn. Prior to Dave saying
6 anything to you, were there any atmosphere problems,
7 anything of that nature in the club that evening?

8 A. I was very focused on playing pool, so I wasn't
9 really observant as to what was going on around me at that
10 moment.

11 Q. Do you know if Dave said anything to anyone
12 between the time that he first noticed Mr. Burgess carrying,
13 open carrying, and commenting to you?

14 A. I know he spoke to Bobby Hilton about it and
15 Robert Piersa, and he may have spoken to other people, but
16 I'm not positive.

17 Q. Were those conversations before or after he went
18 over to you about the situation?

19 A. I believe it was around the same time.

20 MR. GASSER: I don't have anything else, ma'am.

21 Thank you.

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

23

24 (Deposition concluded at 10:50 a.m.)

25

C E R T I F I C A T E

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I, Christine E. Borrelli, a Notary Public and Licensed Court Reporter for the State of Connecticut, do hereby certify that the deposition of SARA L. DOBENSKY, was taken before me pursuant to the Connecticut Practice Book at the Law Offices of Howd & Ludorf, LLC, 65 Wethersfield Avenue, Hartford, Connecticut, commencing at 9:00 a.m. on Monday, June 25, 2012.

I further certify that the witness was first sworn by me to tell the truth, the whole truth, and nothing but the truth, and was examined by counsel, and her testimony was stenographically reported by me and subsequently transcribed as herein before appears.

I further certify that I am not related to the parties hereto or their counsel, and that I am not in any way interested in the events of said cause.

Witness my hand this 6th day of July, 2012.

Christine E. Borrelli
Notary Public
CT License No. 117

My Commission Expires:

CERTIFICATE OF DEPONENT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I, SARA L. DOBENSKY, have read the foregoing transcript of the testimony given at the deposition on Monday, June 25, 2012, and it is true and accurate to the best of my knowledge and/or with the changes as noted in the attached errata sheet.

Sara L. Dobensky

Subscribed and sworn to before me this

_____ day of _____, 2012.

Notary Public

My Commission Expires:

NO: 3:11 CV 01129 (CSH)
RICHARD E. BURGESS v. TOWN OF WALLINGFORD, ET AL
SARA L. DOBENSKY (AM) JUNE 25, 2012

CB