

NO. UWY X06 CV 03 0183606S	:	SUPERIOR COURT
	:	
NEW ENGLAND ESTATES, LLC	:	JUDICIAL DISTRICT OF WATERBURY
	:	
V.	:	COMPLEX LITIGATION DOCKET
	:	
TOWN OF BRANFORD, ET AL.	:	FEBRUARY 6, 2007

**NEW ENGLAND ESTATES' AND TOWN OF BRANFORD'S  
JOINT MOTION FOR A CONTINUANCE OF TRIAL**

The plaintiff, New England Estates L.L.C. ("NEE") and the defendant Town of Branford ("Town"), jointly move this Court for a continuance of the February 9, 2007 jury selection date to August 7, 2007. In support hereof, NEE respectfully represents as follows:

1. Jury selection is currently scheduled for February 9, 2007.
2. On January 22, 2007 and January 29, 2007, NEE, the Town and Cross

Complainants Frank Perrotti, Jr. and Thomas Santa Barbara, Jr. ("Cross-Complainants")<sup>1</sup> appeared before Judge Silbert for a mediation conference.

3. Subsequent to mediation, NEE and the Town reached a settlement agreement, pursuant to which NEE agreed to seek the necessary permits and approvals to develop the 77-

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<sup>1</sup> Perrotti and Santa Barbara are parties in the third of three cases now combined and before the court. That case is No. UWY-CV-03-4010334-S.

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WATERBURY CT 06702  
400 GRAND ST  
COMPLEX LITIGATION

174

acre parcel, in accordance with the terms of the settlement agreement. If NEE receives the necessary permits and approvals, the Town agrees to convey the 77-acre parcel to NEE.

4. Under the terms of the settlement agreement, Town agencies will render their decisions on NEE's various applications for permits and approvals no later than Friday, May 25, 2007, and publish their decisions no later than Wednesday, May 30, 2007, thus allowing the parties to determine whether any appeal has been taken no later than Thursday, June 14, 2007.

5. Because the effectuation of the settlement agreement is subject to NEE's ability to obtain the requisite permits and approvals, a continuance is necessary to enable NEE to pursue its various applications.

6. In the event that NEE fails to receive the necessary permits and approvals, this case will proceed to trial on August 7, 2007.

7. Perrotti and Santa Barbara are not parties to the settlement agreement between NEE and the Town. However, settlement negotiations continue in earnest between all the parties. At this time, the prospect for a universal settlement is difficult to predict.

8. Perrotti and Santa Barbara have informed counsel for NEE that they object to the instant motion.

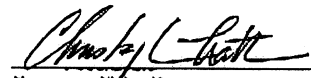
9. This is NEE's first request for a continuance of the jury selection date. By a motion dated January 11, 2007, the Town moved for a continuance of the jury selection date, which motion was denied.

10. NEE, the Town and the Cross-Complainants all respectfully ask the Court to allow them to participate by teleconference in the hearing on this motion scheduled for 9:30 AM on Friday, February 9, 2007.

WHEREFORE, NEE and the Town now jointly move this Court to continue the jury selection date to August 7, 2007.

Respectfully submitted,

PLAINTIFF  
NEW ENGLAND ESTATES L.L.C.


  
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Its Attorneys

**CERTIFICATION**

I hereby certify that a copy of the foregoing was sent by facsimile on this the 6<sup>th</sup> day of February 2007 to the following counsel of record:

David S. Doyle, Esq.  
The Marcus Law Firm  
111 Whitney Avenue  
New Haven, CT 06510

Steven R. Humphrey, Esq.  
Brian R. Smith, Esq.  
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280 Trumbull Street  
Hartford, CT 06103-3597

  
\_\_\_\_\_  
Christopher M. Mattei

**ORDER**

The Joint Motion For a Continuance of Trial Date having been heard, it is hereby

ORDERED: GRANTED/DENIED.

*Per teleconference  
with all counsel of  
record and Debbie, CR  
present. MBF/c.o.*

BY THE COURT,

Cremins, J 2-9-07  
Court/Clerk

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