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CASE NO. CV03-0183606	:	
NEW ENGLAND ESTATES, LLC	:	JUDICIAL DISTRICT
V.	:	OF WATERBURY
TOWN OF BRANFORD, ET AL	:	SEPTEMBER 11, 2007
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*E X C E R P T*

BEFORE:                   HONORABLE WILLIAM T. CREMINS, JUDGE,  
AND A JURY

APPEARANCES:           ATTORNEY JAMES W. BERGENN  
ATTORNEY CHRISTOPHER MATTEI  
ATTORNEY TIMOTHY S. HOLLISTER  
For the Plaintiff New England Estates

ATTORNEY STEVEN R. HUMPHREY  
ATTORNEY BRIAN R. SMITH  
For Thomas Santa Barbara and  
Frank Perrotti, Jr.

ATTORNEY KERRY CALLAHAN  
ATTORNEY DANIEL CANAVAN  
ATTORNEY BARBARA FREDERICK  
For the Defendant Town of Branford

(Morning Session)

(Closing Arguments)

Lisa Longi  
Court Recording Monitor

1 (During the matter the following occurred.)

2 THE COURT: Ladies and gentlemen, again the  
3 evidentiary portion of the matter is concluded. Now  
4 the time is for the attorneys to make their closing  
5 statements and arguments to you.

6 Attorney Bergenn, please.

7 MR. BERGENN: Thank you, Your Honor.

8 You know, we all teach our children and we all  
9 resist learning from our parents something that we all  
10 figure out. You can't always get what you want. And the  
11 founders of our country knew that same thing. The king used  
12 to get what he wants all the time. But they put something  
13 in that constitution that said the other part of that phrase  
14 we've heard. You can't always get what you want, you get  
15 what you need. We're all familiar with that.

16 well, that's how the law works. That's the  
17 constitution. It's rock solid. Can't be avoided like  
18 gravity, where water always goes down hill, like history,  
19 where you already have history and you can't change it,  
20 where landfills are perfect. You can't - and when there's  
21 already been approvals, you can't change it. So you can't  
22 change the constitution, you can't change gravity, you can't  
23 change history.

24 Here, this case is based on the town not  
25 listening to that basic Mick Jagger proposition. They  
26 wanted to get what they want, not what they need. And they  
27 all admitted it.

1           Now, in the opening I told you you were sitting  
2 in the position of a constitution. Cases like this never  
3 happen. And then when the witnesses got on the stand, that  
4 answered the question, what's this guy talking about.  
5 Because - in the opening you guys don't know anything.

6           Now, what do the witnesses tell you.  
7 Stanziale, 25 years in the business. His father, his  
8 grandfather, never heard of this. Three years into a 10-  
9 year project, whop, they just take it. Gordon, 32 years,  
10 dozen towns, never heard of it. DaRos, 64 years in the Town  
11 of Branford, never heard of it except for some easement.

12           Bellamy, the town attorney, never involved  
13 with it. Glezen, town officials, everybody asked said the  
14 same thing. You don't just take property - private  
15 property. There's a reason for that. It's as solid as  
16 gravity and it doesn't change. Now, when you guys do your  
17 justice, I think we can be pretty sure it's not going to  
18 happen again.

19           Nothing good comes easy. Another simple thing  
20 that we've learned that - the hard way, most of us. This  
21 has been a long trial, not like a car accident or a criminal  
22 case. What we had is very well-prepared witnesses.  
23 Professionals reluctant. And sometimes I showed a little  
24 passion for justice. I hope you have the same passion.  
25 You're not allowed to have sympathy for parties. The law  
26 doesn't tell you not to have passion for justice.

27           And we learn something in civics or history,

1 and that is the constitution is alive. All remember that?  
2 well, your role is to extend that live constitution today to  
3 what you now know to be the truth of what happened in this  
4 case. The story is very clear to you. You know what  
5 happened. All I'm going to do is now when I put it  
6 together, you're going to see why it happened the way it  
7 happened.

8 We start 1988, unanimous approval of the  
9 Fairways golf course. That was a lot of work. Remember,  
10 had Mr. Gordon here and I saved you from having to look at  
11 all this. But this is in evidence. There was no  
12 environmental concern, unanimously passed, landfill at that  
13 time is being tested constantly. They're taking in  
14 municipal solid waste.

15 why is it passing unanimously. why no  
16 environmental concern. Because it was run right.  
17 Santa Barbara was running it and Fuss and O'Neill was  
18 testing it, and there were no problems.

19 Nineteen ninety-one, Santa Barbara buys it at  
20 an auction price. He knows there's no environmental issues.  
21 We just heard that. He knew the land. He ran the landfill  
22 from '84 to '98, 14 years. He knew that it was already  
23 approved for 298 units and golf. what's the town do? They  
24 send him a sewer assessment bill for the 298 bills - 298  
25 units and a tax bill for residential. That stays right  
26 through the time of the taking.

27 Santa Barbara agrees with the town, I'll pay

