

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

CLARENCE O. REYNOLDS	:	CIVIL ACTION NO.
	:	3:04 CV0218 (JCH)
Plaintiff,	:	
VS.	:	
	:	
RICHARD S. BLUMENTHAL, ET AL	:	
	:	
Defendant.	:	MARCH 4, 2004

MOTION TO STRIKE COMPLAINT FROM DOCKET

Allan B. Taylor, a named defendant in this action, moves pursuant to Local Rule 16(g)(2) to strike the Complaint from the docket for the reason that it should never have been accepted for filing.

The Complaint in this matter is signed on behalf of the plaintiff by Attorney Nancy Burton.¹ Attorney Burton is the subject of at least two unsatisfied contempt orders issued by this

¹ Attorney Burton is the subject of a five year disbarment order entered by the Connecticut Superior Court and affirmed on December 16, 2003 by the Connecticut Supreme Court. *Burton v. Mottolese*, 267 Conn. 1, 835 A.2d 998 (2003). The Connecticut Supreme Court has stayed the effect of that order pending filing and disposition of a petition for certiorari. (*See* Exh. A.) The Supreme Court refused, however, to stay an order of the Superior Court appointing an attorney “to inventory the files of disbarred attorney Nancy Burton and to take such action as seems indicated to protect the interests of her clients.” That order took effect January 29, 2004, before the Complaint in this action was filed. (*See* Exh. B, Notice of Appointment and Exh. C, Amended Order denying stay of Notice of Appointment). In addition, the Connecticut Appellate Court has issued two opinions within the last six months affirming reprimands of Attorney Burton. *Burton v. Statewide Grievance Committee*, 79 Conn. App. 364, 829 A.2 927 (2003), cert. denied, 267 Conn.

Court. In the first of those orders, this Court (Nevas, J.) imposed a compensatory sanction of \$171,546.80. (See Exh. D). The Second Circuit affirmed the District Court's sanction in an unpublished opinion dated July 1, 2003. *Connecticut Yankee Atomic Power Co. v. Town of Haddam (In Re Egri)*, No. 02-7227, 68 Fed. Appx. 249, 2003 U.S. App. LEXIS 13409 (July 1, 2003). The Supreme Court has denied Attorney Burton's petition for certiorari and that judgment is now final. *Burton v. Connecticut Yankee Atomic Power Co.*, No. 03-865, 2004 U.S. LEXIS 1093 (U.S., Feb. 23, 2004).

While Attorney Burton's appeal from the contempt order described above was pending before the Second Circuit, she committed additional acts in violation of the order of this Court, and on July 1, 2003, this Court entered a second contempt order. That order imposed an additional compensatory sanction in the amount of \$2,500.00. (See Exh. E). On December 23, 2003, the Second Circuit (Walker, C.J., Kearse, Cabranes, Js.) summarily affirmed that order, finding the appeal to be "frivolous". *Egri v. Connecticut Yankee Atomic Power Co.*, 2d Cir. No. 03-78437, order granting motion for summary affirmance (2d Cir. Dec. 23, 2003), (attached as Exh. F). Attorney Burton has moved for reconsideration of that summary affirmance.

As the docket of this Court reflects, neither of the judgments imposing sanctions on Attorney Burton has been satisfied.

903, 838 A.2d 209 (2003); *Burton v. Statewide Grievance Committee*, 80 Conn. App. 536, 835 A.2d 1054 (2003). In light of these actions by the courts of Connecticut, defendant respectfully suggests that this Court should implement the procedures set forth in Local Rule 83.2(f).

Rule 16(g)(2) of this Court explicitly prohibits an attorney who has failed to pay an order imposing sanctions from filing papers in this Court:

With the exception of a motion and supporting memorandum seeking reconsideration or review of an order imposing sanctions, the Clerk shall not accept for filing any papers from an attorney or pro se party against whom sanctions have been imposed until there has been payment of said sanctions. Pending payment, such attorney or pro se party also may be barred from appearing in court.

D.Conn. Civ. R. 12(g)(2). In order to enforce that explicit prohibition, this Court should order the Complaint stricken from the docket.

DEFENDANT,
ALLAN B. TAYLOR, pro se

By _____
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CERTIFICATION

THIS IS TO CERTIFY that a copy of the foregoing was mailed on this date, via United States Mail, postage prepaid, to:

Nancy Burton
147 Cross Highway
Redding, CT 06876

Allan B. Taylor