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Herbert L. Mitchell

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UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

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HERBERT L. MITCHELL

5

VS.

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MAURICE L. COLLIN, ET AL.

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8

DEPOSITION OF: Herbert L. Mitchell

DATE: November 26, 2003

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HELD AT: Law Offices of the Attorney General

55 Elm Street

10

Hartford, CT 06106

11

APPEARANCES:

12

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representing the Plaintiff.

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BY: KATRENA ENGSTROM, ESQUIRE

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LAW OFFICES OF THE ATTORNEY GENERAL

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representing the Defendants.

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BY: JOSEPH JORDANO, ESQUIRE

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Reporter: Aretha S. Martin, LSR

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1 Q Okay. Moe Collin was talking to Patty, the  
2 secretary?

3 A I don't know what he was doing.

4 Q What did you say to him?

5 A I didn't say anything to him. I was talking  
6 to Tasi.

7 Q Were you yelling?

8 A No, I was not. I was talking to Tasi. I  
9 said Tasi, Well, I will have no choice but to grieve it.  
10 At the point, Moe Collin yelled, Get the hell out of my  
11 office. I turned to him and I said, I am talking to  
12 Tasi. I am not talking to you.

13 Q All right.

14 A I said Tasi -- Moe yelled again, Get the hell  
15 out of my office. He came up to me and shoved me three  
16 times. I am right up against the door. I opened the door  
17 and he shoved me out. I went upstairs and I called  
18 security.

19 Q Okay. So your testimony is you were shoved in  
20 the hallway here outside --

21 A Not in the hallway. It was right in front of  
22 his desk.

23 Q In front of the two desks?

24 A Yes. I was standing right there and Tasi is  
25 standing there. Patty is there and Tasi is right here

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1 (indicating).

2 Q So you're saying that Mr. Tasi and Ms. -- What  
3 is her name?

4 A Patty Matulis.

5 Q They saw you get shoved?

6 A They most certainly did as plain as day. She  
7 was looking straight at me and so was he.

8 Q All right. Are you aware in the case that  
9 there is a different version of events from the different  
10 people who were there?

11 A Oh, I most certainly am, yes.

12 Q And you've accused them of lying; is that  
13 correct?

14 A Yes.

15 Q Would you agree that your version differs from  
16 Moe Collin's version?

17 A Yes.

18 Q Would you agree that your version differs from  
19 Mr. Tasi Vriga's version?

20 A As far as I know, yes.

21 Q I am talking about the issue of whether or not  
22 Moe Collin pushed you three times?

23 A Yes.

24 Q And would you agree that your version differs  
25 from Ms. Matulis?

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1           A     I raised my voice when he put his hands on me  
2     and then I yelled, Get your hands off me.

3           Q     Before that did you ever make a comment to the  
4     effect of, "I've got mud on you. And I'll get you"?

5           A     Absolutely no. In that statement to Tasi,  
6     there was a security guard that overheard Tasi trying to  
7     talk me out of it stating that Moe Collin was a good guy.  
8     He has a medical program -- actually he said psychiatric  
9     problem -- and he was under medicine and what was I trying  
10    to do. And that particular guard, who I had asked to  
11    write a statement to that effect, did write that  
12    statement. It was authorized by the chief of security.

13          Q     Which is who?

14          A     Hugo Adams. Hugo Adams said to me, I can  
15    have that statement in front of the steward, his  
16    secretary, and the security officer. The security officer  
17    wrote it up. I was told to pick it up at 3:00 that day.  
18    I went in at 3:00 and I was told that, no, that I would  
19    not be released. If I wanted it, it would have to  
20    subpoena it. I was told by the security guard Brian  
21    Toolan that his supervisor deleted it off of -- that his  
22    supervisor, Chris Dunn, deleted it out of the computer,  
23    which is the only one that he has access to in his  
24    specific office, and that the logbook in the security  
25    offices was changed. And that when he wrote up his first

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1 events that you told him. Correct?

2 A You have to restate that, no. It would be  
3 what he heard Tasi say to me.

4 Q Let me back up. Did you go down and report to  
5 Mr. Toolan what had happened?

6 A He took a statement from me.

7 Q Okay. So he took a statement from you about  
8 what happened?

9 A Yes.

10 Q And then while you were there, you claim that  
11 Mr. Tasi came in?

12 A Yes. And he put me in the office, but they  
13 stood out in the hallway talking.

14 Q And you claim that Mr. Toolan heard Mr. Tasi  
15 try to talk you out of filing charges against Moe Collin?

16 A Yes.

17 Q And you believe that that would have appeared  
18 in Mr. Toolan's report?

19 A Yes.

20 Q The conversation that he overheard?

21 A Yes.

22 Q And then the police officer was there also?

23 A Yes, Officer Phelps.

24 Q Okay. So the information that you believe was  
25 destroyed was Mr. Tasi allegedly trying to talk you out of

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1 pressing charges against Mr. Collin?

2 A Yes, that's correct.

3 Q But with respect to any of the facts of what  
4 happened in the office, these officers don't have any  
5 information about that, do they?

6 A No.

7 Q Okay.

8 A Brian Toolan had made a copy of the statement  
9 that was deleted by his supervisor Chris Dunn.

10 Q Do you have a copy of that statement?

11 A I do not have a copy of that statement, but  
12 Brian Toolan does.

13 Q Did you ever obtain a copy of that statement?

14 A No, I did not.

15 Q Do you know Mr. Toolan's background? What is  
16 his position?

17 A He's a security guard.

18 Q Has he ever had any disciplinary problems with  
19 the administration?

20 A I do not know.

21 Q Okay. So the information that you believe is  
22 missing, so that I am clear, is Mr. Tasi's statement about  
23 trying to talk you out of pressing charges?

24 A Yes. And that's what I had asked and was told  
25 that I could have it. And then I was told that Chris

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1 Dunn, because he had police background and had deleted it  
2 -- because the only way that it could have been deleted is  
3 on the computer where Brian supposedly works in the guard  
4 shack. Brian had E-mailed it to Dunn. Dunn had it. He  
5 told him, No, and that if Mitchell wants it, he was going  
6 to have to subpoena it.

7 Q Did the security people call the Rocky Hill  
8 Police for you?

9 A I am not sure who called them.

10 Q But you asked to call that the police --

11 A I said, I would like the police involved based  
12 upon what I see is going on in here.

13 Q And to your knowledge, someone called?

14 A Yes, they did.

15 Q So they didn't stop you from calling the Rocky  
16 Hill Police Department?

17 A No. But they said, Am I sure that I want to  
18 do that?

19 Q And you said, yes?

20 A I said, yes.

21 Q And to your knowledge, when the police came,  
22 they interviewed everyone. And at some point, they asked  
23 Mr. Collin if he wanted to press charges. And to your  
24 knowledge, he also said yes?

25 A That particular day all three individuals

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1 disappeared from the property. Maurice Collin left  
2 immediately. Patty Matulis left immediately. And  
3 Maurice Collin left immediately. I was told by the  
4 police officer that Maurice Collin had gone to the  
5 Newington VA Hospital for emergency psychiatric help.

6 MS. ENGSTROM: I think you mentioned Maurice  
7 Collin twice. Is there someone else that you forgot  
8 to --

9 THE WITNESS: Maurice Collin, Patty Matulis,  
10 and Tasi Vriga. The police officer stated to Tasi that  
11 he wanted him to remain on property. Tasi left the  
12 property. The Rocky Hill P.D. put a call out for Tasi  
13 and told him -- I heard it right over the phone -- the  
14 police officer said to him, If you don't return to the  
15 property, I am going to charge you with interference.  
16 That was Officer Phelps.

17 Q Did he come back and fill out the statement?

18 A He came back as far as I know. What he did  
19 after that, I don't know.

20 Q Do you know if Mr. Tasi ever spoke to Mr.  
21 Collin about not pressing charges? Try to talk him out of  
22 pressing charges against of me?

23 A The only thing that I know about that is that  
24 the following Monday when I went down to the office to get  
25 permission to go to the Admin, I was walking through the



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1 hall. Tasi and Moe were in their office and I heard Moe  
2 Collin say to him, Am I going to lose my job, and am I  
3 going to get arrested? And then they heard me walking  
4 with my steps. And I asked them, I said, Excuse me, can I  
5 go down to the Administration Office? They gave me  
6 permission and I went down there.

7 Q Did you know if Mr. Tasi ever tried to talk  
8 Mr. Collin out of pressing charges against you?

9 A I do not know, no.

10 Q And is it your testimony, sir, that you did  
11 not threaten Mr. Collin?

12 A That is correct.

13 Q Did you ever file a union grievance about that  
14 incident?

15 A Personally, myself, no. I asked the union  
16 for a grievance and I was told by the union steward that  
17 his job is to fill out the grievance and that he was  
18 filling the grievance out. Jim Trench from the union had  
19 told him to hold on to it, okay, until they found out what  
20 was happening with -- because there was two separate  
21 incidents. One of them terminated me for unwillingness  
22 and inability to perform the job.

23 Q All right. Other than going to the police  
24 department, did you ever make any comments about this  
25 incident to anyone else? Did you ever file a formal

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1 charge in any other forms?

2 MS. ENGSTROM: Objection to the form. Do you  
3 mean, whether he talked to his family or --

4 MR. JORDANO: I'll rephrase it.

5 Q (By Mr. Jordano) Other than going to the  
6 police department did you ever make any other public  
7 comments about this incident?

8 A Oh, yes, I did.

9 Q To who?

10 A Numerous people. I mean, I --

11 Q People at work?

12 A People at work, to friends.

13 Q All right. Who --

14 A My family.

15 Q Who at work did you talk to?

16 A I talked to Barbara Vaillancourt. I probably  
17 talked to everybody because I was very upset about it.

18 Q And you were relaying what happened in the  
19 incident?

20 A I relayed that incident to everyone that I  
21 could.

22 Q And you spoke about what happened.

23 A Yes.

24 Q And everything that you spoke about, was that  
25 particular incident with these people?

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1 A Yes.

2 Q Were any other matters discussed that you're  
3 aware of?

4 A I don't recall.

5 Q Did you talk to Ms. Vaillancourt about  
6 anything other than that incident regarding your  
7 relationship with Moe Collin?

8 MS. ENGSTROM: Objection to the form.  
9 Vague. I mean, what --

10 MR. JORDANO: If he doesn't understand it, he  
11 can tell me.

12 Q (By Mr. Jordano) Do you understand the  
13 question?

14 A I don't understand.

15 Q Did you work with Ms. Vaillancourt?

16 A Yes.

17 Q During the time that you worked with Ms.  
18 Vaillancourt, did you ever discuss your relationship with  
19 Moe Collin with her other than that incident?

20 A Yes, we talked all the time.

21 Q All right. What things did you tell her  
22 about your relationship with Moe Collin?

23 A At first, I thought he was standoffish. He  
24 wasn't happy that I was assigned as a VSO officer down  
25 there. He got annoyed with the fact that I asked a lot

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1 of questions. But being that I was brand new, if I don't  
2 know the answer to something, I am going to ask you.

3 Q Okay.

4 A Probably after about a month, he realized that  
5 I was okay in his mind and that I was working very hard  
6 and very diligently. And he was impressed with my  
7 knowledge and my demeanor and my relationship with the  
8 people. He said, You know, you're one of the best people  
9 that I've had. You've become the fastest and the  
10 quickest. Everything was really super up until the  
11 incident with Barbara and the other VSO officer, Doyle.

12 Q Let me back up for a second. So you went for  
13 a period that you got along very well?

14 A Extremely well. I was helping with new forms.  
15 I was offering assistance to put work together, you know,  
16 very helpful. He said, I can't believe that you would do  
17 that. Um, when we went to class at the VA, you know, I  
18 said, It would be nice -- they handed us all the loose  
19 disorganized stuff from the VA, you know, Hartford, and I  
20 said, It would be nice if we make these into booklets and  
21 become organized. And I said, Here, I'll do that. So I  
22 did a couple other guys' in the office also and he was  
23 taken back, you know, why you would do these things. And  
24 he had a little bit of a problem, I think, with my giving.  
25 Like I would bring, like, coffee and doughnuts and things

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1 like that and he just seemed uneasy about it.

2 The same thing happened with the lady, um,  
3 Ruth Morrison. I said that I wanted to make it happen as  
4 quick as I could. And I said, You know, I really would  
5 like to do something special for her. I said, Is there  
6 any way, you know, if I write the commissioner, can I  
7 write the commissioner and ask him if he can invite the  
8 secretary or president of Veterans' Affairs to do a  
9 presentation to this woman because she was a female  
10 veteran of World War I. And I wrote this letter to the  
11 commissioner. And he said, you're probably wasting your  
12 time. The bottom line was that -- Well, we really don't  
13 want to go through all of that -- but the bottom line is,  
14 I made it happen. And the secretary of the VA in  
15 Washington, Anthony Principi presented this 102-year-old  
16 woman her -- I found the medal she deserved. And I am  
17 the one that found that out. And then there was also  
18 another medal that she was due for as a World War I  
19 Veteran. And they did the presentation with Nancy  
20 Johnson and the secretary in Newington.

21 I think that they were a little bit fuddled  
22 about my persistence -- I call it "PEP," positive,  
23 enthusiasm, persistence -- ability to get things done. I  
24 would get things done and they were amazed as to how did I  
25 do these things. And I think he became a little agitated

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1 like -- I think that he thought that I was trying to go  
2 for his job. And I said to him one day that that is the  
3 furthest thing from my mind. I just wanted to come to  
4 work, do my job, and serve the veterans. And that is it,  
5 you know. I said, that's me. I am a very giving person.  
6 You know, it was kind of, like, you know, not too many  
7 people are.

8 Q When was the incident that you are talking  
9 about now?

10 A When the office -- There has been a battle for  
11 years there with George Doyle. He had been replaced from  
12 his previous position and brought to Rocky Hill. He  
13 didn't get along with our employees and you would have  
14 to....

15 Q When was the incident?

16 A I would have to look at the letter of that  
17 statement that I said that I -- it should be in my file.

18 Q Let me back up.

19 A I said that I disagree with this entirely.  
20 And that I was told by the union steward that once I did  
21 that, Moe said to the union steward that that anybody that  
22 files a grievance is calling me stupid, and I don't like  
23 that.

24 Q Let me back up for a second. You had a good  
25 relationship with Moe Collins?

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1 A Yes.

2 Q Up until this incident?

3 A Okay.

4 Q Describe the incident. You don't know when it  
5 occurred?

6 A It was in May.

7 Q May of 2002, you think?

8 A Yes.

9 Q Okay. Tell me what happened on the incident  
10 itself?

11 A Can I refresh --

12 Q Do you have a copy of the form that you  
13 said --

14 A Yes.

15 Q Why don't you pull that out for me and I will  
16 go and make a copy and then we will mark it.

17 MS. ENGSTROM: We probably have one here,  
18 don't we?

19 THE WITNESS: You should.

20 MS. ENGSTROM: What are you looking for?

21 THE WITNESS: It might have been March.

22 MS. ENGSTROM: What is it? A memo or --

23 THE WITNESS: No. It is a two page item.

24 And in it I say that I disagree with in it's entirety.

25 MS. ENGSTROM: Oh, this was a grievance that