

WWM-CV23-5014797-S : SUPERIOR COURT  
MICHAEL F. SOBIENIAK : JUDICIAL DISTRICT OF WINDHAM  
v. : AT PUTNAM, CONNECTICUT  
AMY B. LYONS : APRIL 11, 2024

TRANSCRIPT OF PROCEEDINGS

EXCERPT  
2:12 TO 2:49

BEFORE THE HONORABLE ERIK T. LOHR, JUDGE

A P P E A R A N C E S :

Representing the Plaintiff:

ATTORNEY MATTHEW-ALAN HERMAN  
16 South Main Street  
P.O. Box 663  
Putnam, Connecticut 06260

**FILED**

**MAY 28 2024**

**SUPERIOR COURT  
JUDICIAL DISTRICT OF WINDHAM**

Representing the Defendant:

AMY B. LYONS  
Self-Represented Party

Recorded and Transcribed By:

Lara Luppi  
Court Recording Monitor II  
120 School Street  
Danielson, Connecticut 06239

*Copies made to all parties of record & counsel of court on 5/28/2024 by [Signature]*

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1  
2 THE COURT: The only thing that is before me  
3 right now is whether the 91 Lake Road assets should  
4 be replevied. I note that there is one -- and, Madam  
5 Monitor, this will constitute my decision with  
6 respect to the prejudgment remedy being sought, the  
7 replevin -- prejudgment remedy being sought by the  
8 plaintiff, technically, the applicant because there  
9 is no case pending yet, this is a prejudgment remedy.  
10 However, 52-278d, which is the statute controlling  
11 the hearing on the prejudgment remedy is controlling  
12 in this regard.

13 I did have to take a look with regard to  
14 replevin actions and prejudgment remedies in  
15 connection with replevin, and one properly may seek  
16 replevin in a prejudgment remedy. One of the more  
17 recent and leading cases on this would be  
18 *International Harvester Credit Corporation v. Gills*,  
19 that would be 4 Conn. App. 510. It's a 1985  
20 Connecticut Appellate Court case concerning, among  
21 other things, a replevin. On appeal, the standard on  
22 appeal with regard to a court's determination and a  
23 trial court's determination in a replevin PJR  
24 situation is clear error, and the duty of the trial  
25 court at a hearing on an application for PJR, or  
26 prejudgment remedy, is limited to a determination of  
27 whether or not there's probable cause to sustain the

1 validity of the plaintiff's claim.

2 And so probable cause is a much lower standard  
3 -- well, it is a lower standard than, ultimately,  
4 what needs to be proven in most civil actions, which  
5 is preponderance of the evidence or 50 percent plus a  
6 feather. And so here, the -- what is being sought is  
7 replevin of various items that likely are in the  
8 possession of Ms. Lyons. They are set forth on  
9 Schedule A, which is the -- it's an attachment to the  
10 PJR application. The items at 332 Church Street that  
11 are on Schedule A on page 1, along with the 91 Lake  
12 Road property possessions being sought by the  
13 plaintiff, the 332 Church Street items, those are  
14 abandoned at this point, and so the Court won't  
15 address those at this point. That does not mean that  
16 they cannot be sought at a later hearing on this, but  
17 the Court will not entertain those now because of the  
18 representations of the parties.

19 Also, the property, and there was the bulk of it  
20 listed under the 187 Barstow Road property, likewise,  
21 the Court need not entertain that because during the  
22 pendency of this PJR action pursuant to the Court's  
23 orders, Mr. Sobieniak, the def -- the plaintiff,  
24 rather, or applicant was permitted to access that  
25 property and remove the personal property from that  
26 property by agreement of the parties.

27 So the only properties that are -- or the only

1 personal property that is left is the personal  
2 properties listed on Schedule A at the 91 Lake Road  
3 property, with the exception of the next to the last  
4 item on that list, which is parts inside six-horse  
5 aluminum trailer at trailer lot and value unknown.  
6 That's not at issue here because there was prior  
7 testimony that that may not be in the possession of  
8 the PJR respondent, Ms. Lyons, at this point.

9 However, the Court did hear extensive testimony  
10 with regard to all of the one, two, three, four,  
11 five, six, seven, eight, nine, ten -- nine, all of  
12 the nine remaining items listed at the Lake Road  
13 property, specifically, that being the 1997 Stoughton  
14 Trailer, valued at \$9500, which the parties  
15 affectionately or colloquially refer to as the "hay  
16 trailer"; the 1996 M5000 Moffett fork truck, valued  
17 at \$20,000; the 1978 Kenworth K100 truck, valued at  
18 \$15,000; the 1989 Kenworth K100E parts truck, spare  
19 parts truck basically, valued at \$2500; the 1946  
20 Edwards pup trailer, valued at a thousand dollars;  
21 the assorted truck parts in the upper barn loft,  
22 valued at \$2,000; the contents of orange truck body  
23 consisting of truck parts, tires, tire chains, and  
24 truck rims, valued at \$1,000; a pontoon boat, valued  
25 at \$500; and an orange Lincoln gas-powered welder,  
26 valued at \$500.

27 Those items, after hearing the testimony from

1 both sides on how these items came to be in the  
2 possession of the party or parties and looking at the  
3 title, how the title is held because that is  
4 relevant, the Court will find that the plaintiff has  
5 -- or the applicant, Mr. Sobieniak, has sufficiently  
6 proven that there is probable cause to believe that  
7 he will prevail with respect to those items at trial.  
8 Now that does not mean that he actually will prevail,  
9 but the standard on a PJR is lower than what is  
10 necessary to actually prevail at trial. It is  
11 probable cause to believe that he will prevail on the  
12 validity of his claims, and the Court finds that he  
13 has met that standard with regard to those items.

14 And so the Court will grant the prejudgment  
15 remedy of replevin and replevy the items listed under  
16 the 91 Lake Road property on Schedule A, with the  
17 exception of parts inside six-horse aluminum trailer  
18 at trailer lot. That being said, it has been some  
19 years since some of these things were last seen by  
20 the applicant, specifically, the assorted truck parts  
21 in the upper part -- in the upper barn loft. There  
22 was testimony that the pontoon boat no longer is  
23 there and possibly not the orange Lincoln gas-powered  
24 welder, though that -- I heard testimony was out in a  
25 field somewhere as are most of these things. They're  
26 either parked in a designated area on the property or  
27 in the field.

1           And so, what complicates this matter is the  
2           existence of a full no contact restraining order with  
3           Ms. Lyons, the respondent, as the protected party.  
4           The Court does note that the 332 Church Street  
5           address is -- or property is her residence, whereas  
6           the 91 Lake Road property is a farm/business  
7           property. So what I will do is, I will allow  
8           Attorney Herman to speak with Ms. Lyons, set up a  
9           mutually agreeable date. You're shaking your head,  
10          no, Ms. Lyons? I'll hear from you now.

11           THE DEFENDANT: Your Honor, I (indiscernible)  
12          speak to him. He hung up on me. .

13           THE COURT: All right. Then what I will do,  
14          when can he -- when can Mr. Sobieniak or a  
15          representative of Mr. Sobieniak's be on the 91 Lake  
16          Road property to pick up these things?

17           THE DEFENDANT: For clarification, there is an  
18          additional court order not related to the restraining  
19          order preventing him from coming to the Lake Road  
20          property.

21           THE COURT: Okay.

22           THE DEFENDANT: So --

23           THE COURT: And what court is that?

24           THE DEFENDANT: That was ordered by, I believe,  
25          Judge Newson in his criminal case.

26           THE COURT: Okay.

27           THE DEFENDANT: That was in 2017 or '18 that he

1 was court ordered not (indiscernible) that property.

2 THE COURT: Right.

3 THE DEFENDANT: So --

4 THE COURT: And so -- so I understand. And that  
5 court order has to do, as you said, with the criminal  
6 case where that has to do with individuals who come  
7 to your -- to the 91 Lake Road property for riding or  
8 something of that nature; correct?

9 THE DEFENDANT: Yes.

10 THE COURT: And so how often does that occur?  
11 Is that on weekends or weekdays or how often is that  
12 occurring?

13 THE DEFENDANT: There is children on the  
14 property every day.

15 THE COURT: Every day, including weekdays -- or  
16 weekends.

17 THE DEFENDANT: Yeah. Especially weekends, very  
18 busy on the weekend.

19 THE COURT: And there are children on the  
20 property every day? These children are not attending  
21 school at any point?

22 THE DEFENDANT: Well, we have a homeschool  
23 program so there's children there during the day, and  
24 we have kids there after school, after work, and  
25 weekends are all day long. I have a huge lesson  
26 program and kids that come for riding lessons.

27 THE COURT: All right. Are there days when the

1 program is shut down, like a holiday?

2 THE DEFENDANT: Potentially, there's days that  
3 we don't --

4 THE COURT: No. I need to know --

5 THE DEFENDANT: -- I mean, like a holiday  
6 (indiscernible) --

7 THE COURT: -- specifically.

8 THE DEFENDANT: -- we've had --

9 THE COURT: You are the proprietor. I need to  
10 know specifically, when is the business closed?

11 THE DEFENDANT: It's --

12 THE COURT: Or at least--

13 THE DEFENDANT: -- not closed. I have --  
14 there's -- there are kids who own horses that are at  
15 the property, so they can come there any time,  
16 including holidays. I had people come for riding on  
17 Easter Sunday this year. It's not -- we have minors  
18 that work there to take care of their horses so  
19 there's never a point where there's not the  
20 possibility of children being there.

21 THE COURT: All right. So, Attorney Herman,  
22 does your client have people that can go and pick  
23 these items up --

24 ATTY. HERMAN: Yes, Your Honor.

25 THE COURT: -- on his behalf? All right. So  
26 let's talk about this because I'm going to limit this  
27 to just the items that are listed on this prop --



1 this list. The 1997 Stoughton trailer, the hay  
2 trailer, where is that now, Ms. Lyons?

3 THE DEFENDANT: Backed up to the barn.

4 THE COURT: Okay. And there is an area I heard  
5 some testimony about. There's an area adjacent to a  
6 road or a boundary of the property where there are  
7 other things parked, a boat and things of that  
8 nature. Right?

9 THE DEFENDANT: Yes.

10 THE COURT: Okay. So the hay trailer, the  
11 Moffett, where is the Kenworth K100 truck? Is that  
12 parked in that area?

13 ATTY. HERMAN: Yes.

14 THE DEFENDANT: In the field near there, yes.

15 THE COURT: Okay. And the parts truck, where is  
16 the parts truck, K100E parts truck?

17 THE DEFENDANT: The parts truck is in the field  
18 near the trailer lot where the other truck is.

19 THE COURT: All right. And when you say near,  
20 how close is near, a hundred feet, a hundred yards?

21 THE DEFENDANT: I don't -- 600 feet? I don't  
22 know what a -- but it's inside of the pasture so I  
23 don't know how they're going to access that or get  
24 that out of there with the mud without destroying my  
25 pasture.

26 THE COURT: All right. Where's the pup trailer?  
27 Is that in the parked area?

1 THE DEFENDANT: Yes.

2 THE COURT: Pontoon boat you said is not -- you  
3 have no idea where the pontoon boat is?

4 THE DEFENDANT: I haven't seen that. I don't  
5 know where that would be.

6 THE COURT: All right. But there's another boat  
7 that you want removed from the property still;  
8 correct or no?

9 THE DEFENDANT: Yes.

10 THE COURT: Okay. There are tires. Where are  
11 these tires that you wanted removed from the  
12 property?

13 THE DEFENDANT: They're in a couple locations,  
14 but the majority of them are in the pasture.

15 THE COURT: In the pasture? And this is the --

16 THE DEFENDANT: Yes.

17 THE COURT: -- pasture where you say he or  
18 people operating on his behalf can't get because  
19 there's mud there.

20 THE DEFENDANT: There's significant mud right  
21 now. I don't think you would drive any vehicle  
22 across and you don't want anything heavy.

23 THE COURT: All right. So here's what I'm going  
24 to do. The hay trailer --

25 THE PLAINTIFF: Your Honor? Oh, I'm sorry.

26 THE COURT: Who's speaking?

27 THE PLAINTIFF: I just wanted to -- Mike, this

1. is Mike. I just wondered if I could add something  
2 that may help the situation and clarify some things.

3 THE COURT: Attorney Herman?

4 THE PLAINTIFF: So --

5 THE COURT: Hold on.

6 THE PLAINTIFF: Is that okay?

7 ATTY. HERMAN: He's free to speak.

8 THE PLAINTIFF: Oh, I'm sorry.

9 THE COURT: All right. Go ahead. Go ahead,  
10 sir.

11 THE PLAINTIFF: Okay. All right. So -- and so  
12 I had spoke to Attorney Herman about the mud. I  
13 certainly do not want to destroy the pasture in any  
14 means. I'm not there to create problems. I'm trying  
15 to clean up messes from the past. Destroying  
16 pastures is not going to do that. So I was going to  
17 ask for a total of 60 days to remove all items. The  
18 stuff in the trailer lot, which is accessible, I  
19 would start removing immediately because it's on a  
20 hard pack, like, surface, stone surface. Those can  
21 come out as soon as my contractors -- I have a third-  
22 party contractor that I can use to come assume those  
23 items.

24 But the stuff in the field where the mud is, I  
25 would allow for the mud season, as we call it, to end  
26 so that we could get it. Like, the parts truck in  
27 the field, I certainly don't want to destroy the

1 field getting the parts truck. The Moffett can be  
2 driven to the parking lot area where it can be picked  
3 up by a truck. The '78 Kenworth is in the trailer  
4 lot. It can be picked up where it is. That boat  
5 that's being spoke of that needs removed is in the  
6 trailer lot. The pup trailer is in the trailer lot.  
7 And I would also ask that -- the trailer lot is  
8 probably 300 yards from the main farm business, and I  
9 would ask that if I could go to that trailer lot to  
10 retrieve those items and not go onto the main farm  
11 part so that I can help with the process of removing  
12 these things.

13 And anything inside the farm area, pasture-wise,  
14 would be handled by a third party. But I definitely  
15 don't want to go into the field with equipment and  
16 make ruts and destroy the field. I'm in agreeance  
17 with Amy that that doesn't -- that's un -- that just  
18 doesn't need to happen. But I can remove those other  
19 items when the mud subsides and it becomes hard,  
20 which is, you know, going to be in another month or  
21 so.

22 But, like the hay trailer that's being spoke of  
23 is on the stone lot and, you know, up against the  
24 barn; it can be removed. And if she has hay in it,  
25 obviously, I would give her time to take the hay out  
26 of it. You know, just -- and, you know, Attorney  
27 Herman can handle the phone calls obviously and find

1 out where things are, but, you know, within an agreed  
2 amount of time to get the hay out of the trailer and  
3 empty it and get whatever belongings she has inside  
4 the trailer out of it. And that might ease things  
5 for everybody, if that kind of adds a little  
6 clarification --

7 THE COURT: All right.

8 THE PLAINTIFF: -- for things.

9 THE COURT: Okay. So what I will do is I will  
10 issue a written order because I don't want there to  
11 be any ambiguity as to what I am ordering or your  
12 ability to go to the property. And, yes, it will be  
13 limited to the -- to -- your access to the property  
14 will be limited to that area where the other things  
15 are parked.

16 Here's what I'll do, Attorney Herman, if you  
17 would be so kind as to draft a proposed order  
18 concerning these, with the assistance of your client  
19 who has worked on that property and has a better idea  
20 of the setup than myself. But, Ms. Lyons, the hay  
21 trailer, the Moffett, any of the trucks that are  
22 operational, the pup trailer --

23 THE DEFENDANT: The Moffett is also in the field

24 --

25 THE COURT: The Moffett is not --

26 THE DEFENDANT: -- in the mud.

27 THE COURT: -- able to be driven?

1 THE DEFENDANT: It's in the field. We have a  
2 lot of water and a lot of mud. And this is not new.  
3 That field is always wet, but this year it's  
4 excessive. And the Moffett is in the pasture.

5 THE COURT: All right. So, Mr. Sobieniak, do  
6 you concur with that?

7 THE PLAINTIFF: Well, I don't know where it's at  
8 in the field. I don't know -- the field does have  
9 muddy spots. I don't know why it would be left in a  
10 muddy field, and my thoughts are the Moffett can be  
11 driven out of the spot. There is a road, a Quikrete  
12 road, that was built in that field to transverse back  
13 and forth to stay out of the mud. So I don't know  
14 where it's at. I can't testify to that, but I would  
15 say that we would be able to retrieve that Moffett  
16 some way or another. It is three-wheel drive  
17 machine, and I can have an operator go there and  
18 operate it and get it out to the best of their  
19 ability.

20 THE COURT: All right. So with regard to the --  
21 to anything else that's in the field, that can wait.  
22 Attorney Herman --

23 ATTY. HERMAN: Yes.

24 THE COURT: -- draft around that. But I am  
25 going to order that the Moffett be removed from the  
26 property. What I would say is, 60 -- or 30 days for  
27 the removal of the -- one moment, please -- 30 days

1 for the removal of the vehicles that can be or are  
2 already in the designated area for vehicles, and I'll  
3 push to 90 days for removal of things that are in the  
4 field. But that's not going to be a sort of carte  
5 blanche. We're going to figure out a timeframe  
6 within there to make this happen.

7 Attorney Herman, I will take a look at your  
8 proposed order and modify it accordingly. And I  
9 would like for the proposed order to contain, sort of  
10 separate it out into two buckets. Like I said, the  
11 30 days would be the vehicles that are already in  
12 that designated area or can be brought to it, and the  
13 Moffett will be brought there. And then, other  
14 things, I mean, it's unclear whether some of this is  
15 even still there, the truck parts and so forth.  
16 Included in this order or your proposed order, will  
17 be removal of the speed boat. The pontoon boat, Ms.  
18 Lyons has indicated that she doesn't know where that  
19 is. If you do come across a pontoon boat in your  
20 travels on that property, Ms. Lyons, immediately make  
21 Attorney Herman aware of where it is.

22 But the other things that might cause damage to  
23 a pasture, I am -- those can wait and we'll push that  
24 out to a 90-day period and possibly need a subsequent  
25 order from me because I want that order to indicate  
26 where Mr. Sobieniak can and cannot go. And where he  
27 can go, where I am explicitly carving out that he can

1 be, and this will be at a designated time and date,  
2 so, Ms. Lyons, you will have sufficient time to make  
3 sure that there are no children within, you know, 50  
4 yards of that area. I take it, Mr. Sobieniak, this  
5 area that you're talking about where these things are  
6 parked is right off of a road or some sort of  
7 boundary to the property?

8 THE PLAINTIFF: That's correct. It's right off  
9 the -- right off of Lake Road, and it's separate --  
10 it's almost separated. It's -- Mr. Herman can draw  
11 you or show you a picture, and we'll outline areas.  
12 It's almost separated from the farm. It's a kind of  
13 a U-shape, and there's a residence or another  
14 property, so to say, between the trailer lot and the  
15 main farm operation. So it's an easy 300 yards or  
16 more from the actual farm hap -- you know, business  
17 area, the arenas and the barns. So it's almost, you  
18 know, like a neighboring property cause it's so far  
19 away.

20 THE COURT: All right. And so --

21 THE PLAINTIFF: But it's not anywhere near --

22 THE COURT: -- what I'll do, Attorney Herman, it  
23 will be a hundred yards, he's not to stray or no  
24 children will be -- he won't be within a hundred  
25 yards of any children on the property. That's a  
26 football field. And this shouldn't take long if all  
27 the possessions are in the same generalized area. So



1           there's going to need to be some drafting here  
2           because, as Ms. Lyons has indicated, there is not  
3           only what sounds like a protective order out of  
4           criminal court with regard to an underlying case, but  
5           also a restraining order specifically with respect to  
6           her as the protected party. And there is no need or  
7           reason for there to be any contact whatsoever between  
8           Mr. Sobieniak and any children on the property and  
9           Mr. Sobieniak and Ms. Lyons specifically.

10           Attorney Herman, how long do you think it'll  
11           take for you to put together a draft order? And I  
12           would like for that draft order to include just a  
13           rudimentary picture with -- outlining the area that  
14           we're talking about here where the vehicles are  
15           parked, where the boat is, where the trailer is,  
16           those sorts of -- actually, the trailer will be  
17           because the trailer's not there yet.

18           ATTY. HERMAN: There is an exhibit, Your Honor,  
19           that --

20           THE PLAINTIFF: The trailer --

21           ATTY. HERMAN: -- (indiscernible) which is  
22           Exhibit 30 (indiscernible.)

23           THE PLAINTIFF: Okay.

24           THE DEFENDANT: Stand by. Wait, wait. Exhibit  
25           what?

26           ATTY. HERMAN: Line 35, it's listed as Exhibit

27           24.

1 THE COURT: Google map?

2 ATTY. HERMAN: Yes.

3 THE COURT: Exhibit 12. This is the whole --

4 ATTY. HERMAN: It leads all the way --

5 THE COURT: -- property here?

6 ATTY. HERMAN: -- lake -- yes. I think it's --  
7 the majority of it, and I believe the -- all the way  
8 to the right, you see the trailers. I believe that's  
9 what they're referring to as the trailer lot where  
10 these trucks are.

11 THE COURT: I do see one, two, three, four -- at  
12 least four large trailers in that picture. Mr.  
13 Sobieniak, is that what we're talking -- if I'm  
14 looking down and facing Lake Road, to the far right  
15 of the property?

16 THE PLAINTIFF: I believe that's what the  
17 picture is. I'm remote right now, and I don't have  
18 it in front of me, but there is an area, a small  
19 square, if you say, that's right up against the road  
20 where there's large vehicles parked in it?

21 THE COURT: Yes, yes.

22 THE PLAINTIFF: That would be the trailer lot,  
23 yes. And you see how it's very con -- very far,  
24 disconnected from the rest of the business and farm.  
25 So that's where the majority of that is, and the  
26 Stoughton trailer is up against the barn, which is  
27 the main business, which I would just have a third-

1 party contractor come pick up the trailer up and just  
2 bring it straight out of there. Nobody has to really  
3 get too much involved. I don't need to be over  
4 there; I don't have any reason to be. So the third-  
5 party contractor would just make an appointment with  
6 Amy to, you know, show up and get the trailer.

7 THE COURT: And the -- so, Ms. Lyons, I'm giving  
8 you a choice here. Would you rather for a third-  
9 party contractor to pick up the trailer or would you  
10 rather for the trail -- would you rather have it on  
11 you to bring the trailer over to that lot on -- as  
12 you're facing Lake Road on -- to the right of the  
13 property?

14 THE DEFENDANT: I would rather not incur the  
15 expense of getting a truck to have it moved if I  
16 don't have to.

17 THE COURT: So you're in concurrence with the  
18 former, of him having a third-party contractor pick  
19 it up from near the barn?

20 THE DEFENDANT: Yes.

21 THE COURT: Okay. Attorney Herman, please  
22 include that in your draft order. So where are these  
23 tires that you're concerned about, Ms. Lyons?

24 THE DEFENDANT: In the pasture.

25 THE COURT: All right. So those can't be gotten  
26 now anyway; correct?

27 THE DEFENDANT: No. The -- no.

1           THE COURT: Okay. So we won't do that. Where  
2           is the Moffett on this map that I'm looking at? It  
3           has -- to my right is the area where the tractor  
4           trailers are, towards the bottom is where -- I think  
5           that's -- it's either a road or some sort of  
6           drainage. I remember some testimony about that. And  
7           then there's what appears to be -- is that, like, an  
8           area for the horses to run that leads up to that  
9           drainage area?

10           THE DEFENDANT: I'm not sure what map you're  
11           looking at. I don't know if I have it.

12           THE COURT: (Indiscernible.) Hang on a second.  
13           What can you see now?

14           THE DEFENDANT: Okay. So from this map, you can  
15           see in the bottom edge here along the tree line, it's  
16           just littered with stuff, right where the mouse is  
17           now, that's where the majority of the items he's  
18           talking about are. That's where that orange truck  
19           body is, that's where the tires are, that --

20           THE COURT: So that -- can you see my --

21           THE DEFENDANT: That --

22           THE COURT: -- my pointer --

23           THE DEFENDANT: -- (indiscernible).

24           THE COURT: -- circling?

25           THE DEFENDANT: Yes.

26           THE COURT: Okay. And so --

27           THE DEFENDANT: And above that, that roadway

1           that's he's talking about that he made, between that  
2           and the bottom is just all mud.

3           THE COURT:   So where's --

4           THE DEFENDANT:   So to (indiscernible) --

5           THE COURT:   -- the Moffett now?

6           THE DEFENDANT:   So the Moffett is down near  
7           these items.

8           THE COURT:   The Moffett is down here?

9           THE DEFENDANT:   It's near there.  You can't --  
10          the area, this map cuts it off, but where the  
11          trailers are parked up closer to the road, that's an  
12          Eversource easement so there's power lines that run  
13          down so there's a road that continues.  And on the  
14          edge of that road is where the parts truck is and the  
15          Moffett is over near the parts truck.

16          THE PLAINTIFF:   Your Honor --

17          THE COURT:   So --

18          THE PLAINTIFF:   -- if I may?

19          THE DEFENDANT:   It's a --

20          THE COURT:   Yes.

21          THE DEFENDANT:   It can't really be seen from  
22          this map.

23          THE COURT:   Yes, Mr. Sobieniak.

24          THE PLAINTIFF:   Wait -- we heard testimony that  
25          the Moffett has been -- being used for the farm and  
26          the whole ploy of her side trying to say that she had  
27          ownership, that this was a machine being used every

1 day. So my question is, how was it that it's parked  
2 out in the middle of the field, you know, the mud  
3 pile where it's not being used?

4 THE COURT: Well, you're going to have access to  
5 the Moffett. The other things can wait. The Moffett  
6 goes now. Part of what replevin is, is the ancient  
7 meaning or use of replevin was for tools of the trade  
8 such that a tradesman could continue to earn a living  
9 during the pendency of the action and get, you know,  
10 use and profit out of those tools. The Moffett  
11 appears to be something in the nature of that. And  
12 so while we're not going to take out all sorts of  
13 other things and potentially damage fields, even  
14 you're in agreement with that, this one thing, that  
15 can be figured out.

16 All right. So I'll wait for a draft order.  
17 Attorney Herman, include plaintiff's Exhibit 12 and  
18 mark up with numbers or in some way that I can track  
19 through because I don't want for there to be any  
20 question about Mr. Sobieniak's access to the  
21 property, the limitation of that access. There will  
22 be a third party picking up the trailer from near the  
23 barn, not Mr. Sobieniak, and there -- he will remain  
24 at least 100 yards away from anywhere where there are  
25 children or Ms. Lyons.

26 And alternatively, similar to like -- similar to  
27 my last order in connection with the Barstow

1 property, whenever this is going to happen -- well,  
2 I'm not going to limit her access the property, but  
3 she'll remain in the barn area during the timeframe  
4 when this is occurring. The barn area is also the  
5 business area, correct, Ms. Lyons?

6 THE DEFENDANT: Yes.

7 THE COURT: All right.

8 THE PLAINTIFF: Your Honor, real quick just on  
9 that same note. I'm sorry to interrupt. But could  
10 we also include in there to not have agents such as  
11 Darlene Chapdelaine or anyone else interfering --

12 THE COURT: Or --

13 THE PLAINTIFF: -- the removal when I do have  
14 those agreed-upon times?

15 THE COURT: I was ac --

16 THE PLAINTIFF: Because I don't another incident  
17 like in Canterbury.

18 THE COURT: I was actually just looking at what  
19 Ms. Chapdelaine's last name was. And so she nor any  
20 agents of Ms. Lyons are to have any interaction  
21 whatsoever with Mr. Sobieniak, and no one is to be  
22 permitted to interfere with their ability to carry  
23 out my orders.

24 THE DEFENDANT: And, Your Honor, is there a way  
25 to offer protection to my belongings that are there  
26 that've historically been damaged and dismantled by  
27 Mr. Sobieniak when he was allowed access to them?

1           THE COURT: Mr. Sobieniak, I think, is well  
2 aware that he is to follow my orders to the letter  
3 and if not, if there is any issue, anything else that  
4 is touched other than what is specifically in my  
5 orders, then that will not be between you and Mr.  
6 Sobieniak. That will be between Mr. Sobieniak and  
7 the Court. I think he is --

8           THE PLAINTIFF: I understand, Your Honor. I  
9 understand one hundred percent.

10          THE COURT: Right.

11          THE PLAINTIFF: And just to put into context, if  
12 any of these things are blocked by Ms. Lyons'  
13 trailers or -- I haven't been down that road in a  
14 couple of years so I don't know. If there's  
15 something blocking the pup trailer that's hers, you  
16 know, can we have -- so she moves her belongings, so  
17 I don't have to interact with her belongings? So I  
18 can just go there, remove the boat that she wants  
19 removed, I can remove the pup trailer, I can remove  
20 the Kenworth, and not have to interfere with anything  
21 that she has going on.

22          THE COURT: Right. This should be set up such  
23 that the items can be removed without interfering  
24 with anything of yours, Ms. Lyons. So let's make  
25 this easy, and it can be quick and done. But no  
26 one's to do anything unless and until order to do so  
27 by me in writing.



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THE PLAINTIFF: Understood.

THE COURT: All right. Is there anything further right now?

ATTY. HERMAN: No, Your Honor.

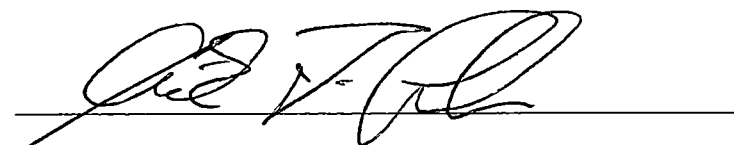
THE COURT: Then we're adjourned.

ATTY. HERMAN: Thank you.

THE PLAINTIFF: Thank you, Your Honor.

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BY THE COURT



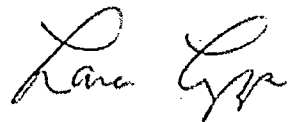
Honorable Erik T. Lohr, Judge

WWM-CV23-5014797-S : SUPERIOR COURT  
MICHAEL F. SOBIENIAK : JUDICIAL DISTRICT OF WINDHAM  
v. : AT PUTNAM, CONNECTICUT  
AMY B. LYONS : APRIL 11, 2024

ELECTRONIC  
CERTIFICATION

I hereby certify the electronic version is a true and correct transcription of the audio recording of the above-referenced case, heard in Superior Court, Judicial District of Windham, Putnam, Connecticut, before the Honorable Erik T. Lohr, Judge, on the 11th day of April, 2024.

Dated this 16th day of May, 2024 in Putnam, Connecticut.



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Lara Luppi  
Court Recording Monitor II