

DOCKET NO.: HHD-CV-18-6088970 S : SUPERIOR COURT
GLORIA FARBER, as Executor of the : J.D. OF HARTFORD
Estate of HILLIARD FARBER
V. : AT HARTFORD
FORE GROUP, INC. and FOTIS DULOS : AUGUST 22, 2019

SUPPLEMENT TO
OBJECTION TO MOTION FOR ORDER REQUIRING SURETY BOND
AND
REPLY TO OBJECTION TO REQUESTS FOR PRODUCTION

It is now evident that the defendant Fotis Dulos and his attorneys are involved in a media road show. It was defense counsel who disclosed that a deposition was scheduled for the undersigned's office on August 20, 2019 at 10 a.m. When the defendant Dulos appeared with his counsel for the deposition, there was a prepared statement given to the media. This is in conjunction with the opposition to the gag order filed by Attorney Pattis in the criminal case which evidences the public relations efforts being made by the defendant Dulos to try this case in the media rather than in the courtroom. In fact, plaintiff's notice of deposition was not disclosed or accessible to the media on the judicial website until the defendants filed it as an attachment to their Supplemental Objection to Motion for Default (Mot. No. 195.00), which made the notice a public record and allowed the media to be

present as the defendant Dulos and his counsel arrived at the deposition and issued the prepared statement.

While the defendants make wild and bizarre accusations that the plaintiff's goal is to put the defendant Fore Group out of business, and that the pendency of these civil actions have somehow affected the defendants' business, the documents produced during Dulos' deposition, contrary to the claims made by the defendants, evidence that it was the pendency of Dulos' divorce that was causing the financial pressures on the Fore Group, as is referenced in Exhibits 5, 6, 9 and 10, copies of which are attached hereto. Now that the plaintiff is aware of such exchanges, the plaintiff needs a broader request for production to include all of the documents exchanged by and between the Fore Group and any third party between June of 2017 through present.

Apparently the defendant Dulos never paid any child support in the two years that the divorce has been pending, and claimed such financial hardship that by October of 2018 he defaulted on the payments due under the first mortgage on 4 Jefferson Crossing, as well as had previously defaulted on the payments on a second mortgage due to the plaintiff, which default occurred in 2017. Hence, the plaintiff will request a continuance of any hearing in regard

to the need for a surety bond until full and proper production has been provided.

REPLY TO OBJECTION TO REQUESTS FOR PRODUCTION

It is not surprising that the defendants filed this objection on August 20, 2019, notwithstanding that the notice of deposition was dated August 1, 2019, and the defendants had represented to the court that they were going to appear at the deposition in their supplemental objection to the motion for default for failure to appear at two previously noticed depositions. While the defendants have purportedly provided some information in regard to a number of the items requested in the deposition production request, a copy of which notice is attached hereto as Exhibit A, the financial applications, the tax returns, financial statements, items 1 through 3, are not signed. We don't know if they were actually filed with taxing authorities or provided to any banking institutions. The defendants have objected to items 4, 5, 7 and 8, but have produced no documents in regard to item 9.

As to request 4, all financial statements may be sealed for purposes of a divorce case. They are not confidential in and of themselves outside of the divorce proceedings, and since the divorce is effectively on hold indefinitely,

as Jennifer Farber Dulos has been missing since May 24, 2019, there is no good cause as to why the defendant should not produce his financial statement(s) which obviously will shed light on his assets and the value ascribed to Fore Group, which will certainly influence the claim for surety bond and reflect on the financial ability of the defendants to meet their obligations to the plaintiff.

As to request 5, as has previously been represented to the court, the Fore Group reimbursed the defendant Fotis Dulos hundreds of thousands of dollars by way of expense reimbursement. The justification now appears to be based on charges made to credit cards that were in the name of Fotis Dulos individually. The defendant Fotis Dulos claims he has all of those records to support the reimbursements but rejects plaintiff's request for a forensic examination. The plaintiff has the right to verify whether or not defendants wrongfully utilized the assets of Fore Group for the defendant Dulos' personal piggy bank for non-corporate expenses. This is particularly true because a number of the expenses relate to "travel," "meetings," "various hotels" and "gas" for thousands of dollars.

As to request 7, Judge Budzik has already ruled that the source of funds for criminal defense and a private investigator is not privileged, and the

defendant was obligated to respond to the questions concerning same. The responses included a claim that the defendant lacked knowledge as to who was paying for the criminal defense and private investigator, except that the funds were believed to be coming from Greece being channeled through an attorney in New York, and paid over to Attorney Pattis. Those records should be produced as they are not privileged.

As to request 8, again, there is no attorney-client privilege. In fact, the representation made in the criminal court was that the Fidelity retirement account was being used as security for the bonding company, so there is no basis upon which those documents could or should be withheld.

Accordingly, the plaintiff urges the court to overrule defendants' objection to requests for production.

PLAINTIFF

By _____/s/_____
Richard P. Weinstein, Esquire of
WEINSTEIN & WISSER, P.C.
29 South Main Street, Suite 207
West Hartford, CT 06107
Telephone No. (860) 561-2628
Juris No. 45674
rpw@weinsteinwisser.com

CERTIFICATION

This is to certify that on the 22nd day of August, 2019, a copy of the foregoing was served upon:

Kent D. Mawhinney, Esquire
Markowitz & Mawhinney, P.C.
34 Jerome Avenue, Suite 108
Bloomfield, CT 06002
kent@m-and-mlaw.com

William E. Murray
Law Offices of William E. Murray, LLC
998 Farmington Avenue, Suite 102LL
West Hartford, CT 06107
bill@billmurraylegal.com

Andrew B. Bowman, Esquire
1804 Post Road East
Westport, CT 06880
andrew@andrewbowmanlaw.com

_____/s/_____
Richard P. Weinstein

From: **David Ford** dave.ford79@gmail.com
Subject: Deposit
Date: October 11, 2018 at 8:50 AM
To: fdulos@foregroupinc.com



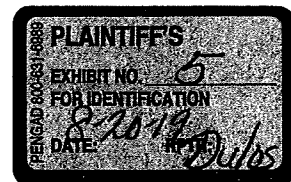
Good morning Fotis Dulos,

Thank you for refunding me our deposit. As stated before we are a little concerned with your divorce situation at this time and feel the need to pull out of the deal. We hope things get better and if we haven't found a home within the time frame that you can get things figured out we will revisit the opportunity to build for us. Again many thanks for your understanding.

Best,

David Ford

Sent from my iPhone





THE OFFICE OF
DAVID M. FORD

October 31st, 2017

Fore Group Inc.
c/o Fotis Dulos
4 Jefferson Crossing
Farmington, CT 06032

Dear Fotis,

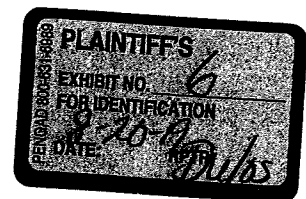
Following up on our discussions regarding the \$2.6M financing of your New Canaan project, I have reviewed the competitive analysis that you emailed on 10/26/2017. I have to pass at this point.

You and Fore Group have an outstanding reputation and great homes to show for it. Quite frankly I am concerned about your financial position and ability to successfully complete a project of this scale given the turmoil in your personal life. The Farmington Valley is a small community, and there is currently lots of speculation regarding Fore Group's survival.

I have recently gone thru a divorce and I know what it can do to you at all levels. And while I have the outmost respect for you as a person, builder and a businessman, I want to stay away from divorce issues. When you have this divorce behind you, I would be more than happy to work with Fore Group on a speculative project.

Thank you for understanding.

David Ford



From: **Rob Giuffria, GMS** rob@ctrob.com
Subject: Update on Marketing Homes
Date: March 12, 2018 at 9:38 PM
To: fdulos@foregroupinc.com

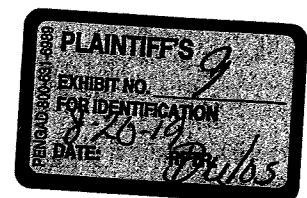


Hi Fotis,

Is all ok with your personal stuff? Had another agent ask me if you were moving and still plan to build homes in the area. Not sure what's happening, but every time I seem to get a lead for Loren's properties, they seem to have a change of heart. The C21 agent was the most recent. Maybe just coincidence, but you might want to address the rumors around your divorce stuff. Building a house is a huge commitment and clients get nervous easily, especially with the talk thats going around.

Lastly, we need to schedule a follow-up mtg w Loren to discuss the next TPZ hearing. Told him that he should take your lead on how to approach the lot approval issue. Let me know if you want to call him directly or I can arrange.

Rob
Rob Giuffria, GMS
Managing Broker
Tea Leaf Realty
1001 Farmington Ave, Suite 205, West Hartford, CT 06107
c [860.796.4555](tel:860.796.4555) | [203.918.9180](tel:203.918.9180)
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e Rob@CTRob.com
Zillow.com/profile/ctrob
Licensed in: CT – REB.0791336 | MA – 1000191 | FL – BK.3404419
INSTANT ONLINE MORTGAGE APPROVAL





STEFFEN REICH
INTEGRITY. EXCEPTIONAL SERVICE. OUTSTANDING RESULTS

84 MOUNTAIN SPRING MARKETING UPDATE

March 1, 2018

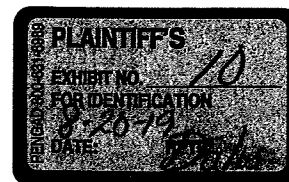
Hi Fotis,

RE: 84 Mountain Spring Road Update:

1. To follow up on our phone conversation I have had a few showings at 84 Mountain Spring Road in Farmington. Overall feedback on the lot and proposed package was favorable but there is a consistent theme that I am hearing from agents that your contentious divorce is having an impact on clients making the decision to build with you guys vs. other builders or something existing. The faster you put all this behind you the better IMO.
2. Higher end of the market continues to be sluggish in all of Farmington Valley.
3. Created a video slideshow that was uploaded to Facebook, Instagram and other Social Media sites.
4. Stated a team with Nick Cifaldi and we are exploring opportunities for new developments opportunities in Farmington and Avon.
5. Working on a drone video for the land that will incorporate 80 Mountain Spring as a high end adjacent property.
6. Can we meet and settle up on the Manafort Project?

Regards,

Steffen Reich



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Estate of HILLIARD FARBER
V. : AT HARTFORD
FORE GROUP, INC. and FOTIS DULOS : AUGUST 1, 2019

RE-NOTICE OF DEPOSITION

TO: Kent D. Mawhinney, Esquire
Markowitz & Mawhinney, P.C.
34 Jerome Avenue, Suite 108
Bloomfield, CT 06002

William E. Murray, Esquire
Law Offices of William E. Murray, LLC
998 Farmington Avenue, Suite 102LL
West Hartford, CT 06107

PLEASE TAKE NOTICE that in accordance with Practice Book § 13-27(h), testimony will be taken by deposition upon oral examination before a person authorized by the laws of the State of Connecticut to administer oaths on **August 20, 2019 at 10 a.m.** at the office of **WEINSTEIN & WISSER, P.C., 29 South Main Street, Suite 207, West Hartford, Connecticut**, with respect to all matters relevant to the subject matter involved in this action, at which time and place you will please produce the following person whose testimony is to be taken:

**FOTIS DULOS, INDIVIDUALLY AND
AS PRESIDENT OF FORE GROUP, INC.**

which person will bring with him:

1. Copies of the 2017 and 2018 tax returns for Fore Group, LLC.
2. Copies of the 2017 and 2018 tax returns for Fotis Dulos.
3. Copies of any corporate or financial statements given to banking institutions since 2016.
4. Copies of individual financial statements submitted to the court in the divorce action.
5. Copies of all documentation from January 1, 2017 supporting any expense reimbursements of Fore Group to Fotis Dulos individually.
6. Copies of all reconciliations of loans from Hilliard Farber or the Farber family to Fore Group and/or Fotis Dulos, including the reconciliation purportedly displayed to Steffen Reich.
7. Copies of records reflecting the source of funds paid to criminal attorneys and private investigator.
8. Copies of any and all documents given to criminal attorneys related to your Fidelity retirement account.
9. Copies of any and all documents supporting your motion for surety bond.

PLAINTIFF

By 

Richard P. Weinstein, Esquire of
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29 South Main Street, Suite 207
West Hartford, CT 06107
Telephone No. (860) 561-2628
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rpw@weinsteinwisser.com

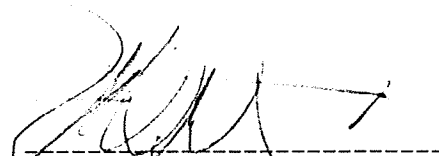
CERTIFICATION

This is to certify that on the 1st day of August, 2019, a copy of the foregoing was served upon:

Kent D. Mawhinney, Esquire
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34 Jerome Avenue, Suite 108
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Richard P. Weinstein