

Docket # X02 CV04 – 4002651 S (CLD)

STATE OF CONNECTICUT	:	SUPERIOR COURT
	:	
v.	:	COMPLEX LITIGATION DOCKET AT WATERBURY
	:	
WILLIAM A. TOMASSO, ET AL,	:	JANUARY 8, 2007

JOINT MOTION FOR PARTIAL JUDGMENT UPON STIPULATION

The STATE OF CONNECTICUT, and LAWRENCE E. ALIBOZEK, jointly move that partial judgment enter pursuant to the attached STIPULATION FOR PARTIAL JUDGMENT.

STATE OF CONNECTICUT

**DEFENDANT
LAWRENCE E. ALIBOZEK**

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BY HIS ATTORNEY
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**ORAL ARGUMENT IS NOT REQUESTED
TESTIMONY IS NOT REQUIRED**

ORDER

The court having duly considered the JOINT MOTION FOR PARTIAL JUDGMENT UPON STIPULATION, hereby ORDERS as follows:

Judgment may enter in favor of the STATE OF CONNECTICUT and against LAWRENCE E. ALIBOZEK pursuant to the attached STIPULATION FOR PARTIAL JUDGMENT.

SO ORDERED.

BY THE COURT (Eveleigh, J.)

Date

Judge/

Clerk

CERTIFICATION

I hereby certify that a copy of the foregoing JOINT MOTION FOR PARTIAL JUDGMENT UPON STIPULATION was mailed or electronically delivered in accordance with Conn. Prac. Bk. §10-12 on this 8th day of January, 2007, to all counsel of record, as follows:

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STIPULATION FOR PARTIAL JUDGMENT

The STATE OF CONNECTICUT, and LAWRENCE E. ALIBOZEK hereby stipulate and agree that partial judgment shall enter as follows:

Judgment shall enter in favor of the STATE OF CONNECTICUT and against LAWRENCE E. ALIBOZEK (“SETTLING DEFENDANT”). While this partial judgment fully resolves the allegations against LAWRENCE E. ALIBOZEK it has no bearing on the claims against the other defendants in this case.

1. LAWRENCE E. ALIBOZEK shall pay the State of Connecticut restitution in the total amount of ONE HUNDRED THOUSAND (\$100,000.00) DOLLARS. So long as LAWRENCE E. ALIBOZEK is current on his payments no interest shall be charged. In the event of a default, interest shall run on the entire outstanding balance at the statutory rate.

2. LAWRENCE E. ALIBOZEK is ordered to make payments in monthly installments, payable no later than the first day of every month. The initial monthly payment order shall be that set forth by the United States District Court for the District of Connecticut in the matter of *U.S. v. Lawrence E. Alibozek*, Case #3:04CR284 (PCD) (monthly payment order for restitution component of

criminal sentence). This installment payment order may be modified by this court pursuant to Conn. Gen. Stat. §52-356d, or other applicable law.

3. LAWRENCE E. ALIBOZEK understands that to secure the sum owed under this judgment a Judgment Lien may be recorded against his interest in any real property owned by him. In the event of foreclosure proceedings involving such a lien, if LAWRENCE E. ALIBOZEK is current in his obligations under this Judgment he may seek an order from the court staying any such proceedings.

4. Settling Defendant warrants that he has reviewed his financial situation and that he is currently solvent within the meaning of 11 U.S.C. §§547(b)(3) and 548(a)(1)(B)(ii)(I), and shall remain solvent following payment of all amounts due under this Judgment. Further, the parties to this Judgment warrant that, in evaluating whether to execute this stipulation, they (a) have intended that the mutual promises, covenants, and obligations set forth constitute a contemporaneous exchange for new value given to the Settling Defendant, within the meaning of 11 U.S.C. §547(c)(1); and (b) conclude that these mutual promises, covenants, and obligations do, in fact, constitute such a contemporaneous exchange. Further, the parties to this Judgment warrant that the mutual promises, covenants, and obligations set forth herein are intended and do, in fact, represent a reasonably equivalent exchange of value which is not intended to hinder, delay, or defraud any entity to which the Settling Defendant was or became indebted to on or after the date of this transfer, within the meaning of 11 U.S.C. §548(a)(1).

5. If within 91 days of the effective date of this Judgment or of any payment made hereunder, Settling Defendant commences, or a third party commences, any case, proceeding, or other action under any law relating to bankruptcy, insolvency, reorganization, or relief of debtors, (a) seeking

to have any order for relief of Settling Defendant's debts, or seeking to adjudicate the Settling Defendant as bankrupt or insolvent; or (b) seeking appointment of a receiver, trustee, custodian, or other similar officials for the Settling Defendant, or for all or any substantial part of the assets of the Settling Defendants, Settling Defendant agrees as follows:

- a. The obligations of Settling Defendant shall not be avoided pursuant to 11 U.S.C. §547, and Settling Defendant shall not argue or otherwise take the position in any such case, proceeding, or action that: (i) the Settling Defendant's obligations under this Judgment may be avoided under 11 U.S.C. §547; (ii) the Settling Defendant was insolvent at the time this Judgment was entered, or became insolvent as a result of any payment made to the State of Connecticut; or (iii) the mutual promises, covenants and obligations set forth in this Judgment do not constitute a contemporaneous exchange for new value given to the Settling Defendant.
- b. If the obligations of Settling Defendant under this Judgment are avoided for any reason, including, but not limited to, through the exercise of a trustee's avoidance powers under the Bankruptcy Code, the State of Connecticut, at its sole option, may rescind its consent to this Judgment, and bring any civil and/or administrative claim, action, or proceeding against Settling Defendant for the claims that would otherwise be covered by the provisions of the Complaint in this action. Settling Defendant agrees that: (i) any such claims, actions, or proceedings brought by the State of Connecticut are not subject to an "automatic stay" pursuant to 11 U.S.C. §362(a) as a result of the action, case, or proceeding described in the first clause of this paragraph, and that Settling Defendant will not argue or otherwise contend that the State of Connecticut's claims, actions, or proceedings are subject to an automatic stay; (ii) Settling Defendant shall not plead, argue, or otherwise raise any defenses under the theories of statute of limitations, laches, estoppel, or similar theories, to any such civil or administrative claims, actions, or proceeding which are brought by the State of Connecticut within 120 calendar days of written notification to Settling Defendant that any consent to enter into this Judgment have been rescinded pursuant to this paragraph, except to the extent such defenses were available on the effective date of this Judgment; and (iii) the State of Connecticut has a valid claims against Settling Defendant, in the amount of \$100,000.00, and the State of Connecticut may pursue its claim in this case, action, or proceeding

references in the first clause of this paragraph, as well as in any other case, action, or proceeding.

- c. Settling Defendant acknowledges that his agreements in this paragraph are provided in exchange for valuable consideration provided in this Judgment.

6. Nothing in this Judgment shall relieve LAWRENCE E. ALIBOZEK of his other obligations under applicable federal, state and local law.

7. Nothing in this Judgment shall be construed to create a waiver of the State of Connecticut's sovereign immunity.

8. This Judgment shall neither create nor affect any rights of persons who are not parties to this Judgment.

9. This Judgment shall be governed by the laws of the State of Connecticut.

10. The exclusive forum for resolving any disputes under this Judgment shall be the Superior Court of the State of Connecticut.

11. This Stipulation for Partial Judgment constitutes the complete agreement between the State of Connecticut and LAWRENCE E. ALIBOZEK and may not be amended except by written consent of the parties to this stipulation.

12. LAWRENCE E. ALIBOZEK represents that this Judgment is freely and voluntarily entered into without any degree of duress or compulsion whatsoever.

13. This Judgment shall be effective immediately upon entry by the Superior Court.

STATE OF CONNECTICUT

**DEFENDANT
LAWRENCE E. ALIBOZEK**

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Lawrence E. Alibozek

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