



Meet The Attys In Latest Suit Over Conn. Hotel Confrontation

By Sameer Rao

Colleagues of a headline-grabbing criminal lawyer, a civil rights attorney who accused the state judiciary that suspended her of racism, a former New London politician and his son are among the various attorneys representing parties in a federal lawsuit that stemmed from a highly publicized June 2020 hotel altercation.

The incident at the Quality Inn in Mystic-Stonington, video of which was published by local media outlet The Day and prompted outrage from Connecticut politicians and activists, led to Long Island couple Philip Sarner and Emily Orbay being arrested by U.S. marshals in Brooklyn, New York. They were extradited to Connecticut and each charged with two counts of assault and one of bias-based intimidation. The intimidation charges are based on their having apparently used racist language while assaulting hotel employee Crystal Caldwell-Boyd, who is Black. Sarner also faces an additional harassment charge for allegedly harassing one of Caldwell-Boyd's attorneys, M. John Strafaci.

Sarner and Orbay, who face these charges in New London Superior Court, challenged this characterization in their own federal lawsuit against Caldwell-Boyd, her son Jamel Caldwell and Quality Inn's parent company, Choice Hotels International Inc. According to their July 2021 complaint, Caldwell-Boyd was the one who threatened them, stole their personal information from the hotel's registration system, and leaked it to her son so he could "lie in wait for and harass the plaintiffs." They further accused Caldwell of inducing his mother to leave the hotel so that he could attack them himself.

The complaint from Sarner and Orbay, who video showed hitting Caldwell-Boyd (Sarner additionally appeared to throw her to the ground and kick her), also accused Caldwell-Boyd of leveraging "the ascendant Black Lives Matter 'movement' in order to paint herself as a victim and the plaintiff[s] as a racist, white-hood wearing spawn of Bull Connor." They later argued in a September 2021 memorandum, filed in response to Caldwell-Boyd's own

motion for partial dismissal, that the State’s Attorney’s Office only pressed bias-based intimidation charges against them because of pressure from Black Lives Matter and the NAACP. Overall, the couple charged Caldwell-Boyd and Caldwell with inflicting emotional distress, Caldwell-Boyd with invasion of privacy, and the hotel group with negligence of common law, among other charges. They seek a jury trial, damages and attorney fees.

Sarner and Orbay’s lawsuit is one component of a complex and interlocking web of court actions that also includes the aforementioned criminal cases, a counterclaim by Caldwell-Boyd, and Caldwell-Boyd’s workers’ compensation claim against the hotel chain. The situation has spawned activism supporting Caldwell-Boyd, questions about why the Stonington Police Department did not arrest Sarner and Orbay before they left Connecticut, and opinions from the likes of Connecticut’s U.S. Senator Richard Blumenthal. Here, Law360 Pulse highlights the attorneys, as varied as the many related lawsuits, in the Sarner and Orbay civil suit.

REPRESENTING SARNER AND ORBAY

KEVIN MURRAY SMITH
Pattis & Smith LLC

Smith splits the name of New Haven-

based Pattis & Smith LLC with Norm Pattis, an outspoken attorney who has defended such high-profile clients as radio host Alex Jones and his website Infowars against families of Sandy Hook massacre victims. With his fellow name partner, Smith has taken on the cases of Saifullah Khan, who filed a Title IX complaint against his alma mater, Yale University, and a fellow student over her accusation of rape; Qinxuan Pan, a Massachusetts Institute of Technology graduate student accused of murdering Yale student Kevin Jiang; and real estate developer Fotis Duolos, who maintained his innocence against charges of murdering his wife, Jennifer, before committing suicide in 2020.

Smith did not immediately return answers to Law360 Pulse’s emailed questions on Thursday.

EARL AUSTIN VOSS
Pattis & Smith LLC

Voss on Wednesday filed a certificate of good standing to appear on behalf of the plaintiffs. The certificate corresponds with presiding Judge Jeffrey A. Meyer’s granting of the plaintiffs’ motion for Voss to appear pro hac vice, as well as for Smith to be “excused from attendance in court and participation in other proceedings before the court pursuant to” local practice rules

on Oct. 8. The certificate noted that Voss was sworn in as a Connecticut attorney in June 2021.

Little information exists about Voss online, and he did not immediately return Law360 Pulse's comment request. His name appears in a footnote from Quinnipiac School of Law scholar G. Alex Sinha's October 2020 Buffalo Law Review article on political manipulation, "Lies, Gaslighting and Propaganda," that credits Voss with research assistance. Sinha did not immediately return Law360 Pulse's comment request, either.

Filings listed Voss alongside Pattis as representing plaintiffs in a federal lawsuit, *We The Patriots USA Inc. et al. v. Hochul et al.*, that they successfully appealed from New York's Eastern District to the Second Circuit in September. The case pits various plaintiffs, led by an organization whose website describes itself as devoted to religious and scientific freedom, against current New York Gov. Kathy Hochul and other state officials over religious exemptions to COVID-19 vaccine mandates.

REPRESENTING CALDWELL-BOYD AND CALDWELL

JOSEPHINE SMALLS MILLER
Solo Practitioner

Miller is one of several attorneys listed as representing Caldwell-Boyd, as well as the only one cited for her son. Miller is a Danbury-based civil rights attorney who was reinstated to practice in federal courts this May. She is currently pursuing reinstatement in Connecticut's state courts after having been found guilty of mixing Interest on Lawyers Trust Accounts, as well as misrepresentation and other offenses. During this process, Miller has accused the state judiciary of holding her to racist double standards.

Miller told Law360 Pulse on Thursday via email that she got involved in the case because of Caldwell-Boyd's "desire to have representation from a civil rights practitioner who is very conversant with federal court practice." She went on to critique Pattis & Smith LLC's alleged "modus operandi of claiming that everyone other than their client is being falsely accused" and Sarner and Orbay's supposed attempt to "change the narrative" despite the evidence.

"What is particularly reprehensible in this litigation is the attempt to blame the NAACP and Black Lives Matter as the guilty ones who have caused my client to claim that the videotaped beat-down of her was not real," she said. "This is an attempt to ride the 'wave' of Trumpist, white

supremacist racial resentment that some find acceptable.”

Miller also repeatedly insisted that Law360 Pulse include the following comment regarding her suspension, for which a hearing is now pending, and broader perception of it: “My situation is not an issue for me. The Connecticut judicial branch may think I’m a ‘bad girl,’ while others say I’m a badass.”

M. JOHN STRAFACI
Strafaci Law Firm

Strafaci has been Caldwell-Boyd’s attorney in this case, as well as in the criminal cases and a separate workers’ compensation filing, since its inception. According to his firm’s website, Strafaci has a diverse practice in various areas of workers’ compensation law, DUI, estate planning and other fields. He also is a noted tribal law attorney who once netted a client a \$2.9 million personal injury settlement from Foxwoods Resort Casino in tribal court.

The firm’s website also catalogs Strafaci’s history in politics, as both a city councilor and mayor for New London, where his firm is based.

Strafaci has been Caldwell-Boyd’s most publicly visible attorney in news

conferences around the criminal cases. Sarner’s harassment charge is related to his calling and harassing Strafaci’s office, Strafaci told Law360 Pulse on Friday. The attorney added that Caldwell-Boyd had been his client for a long time before the hotel incident, after which she apparently found out that Stonington police did not arrest the couple and called Strafaci.

Strafaci added that he helped get Caldwell-Boyd representation via the hotel’s insurance company, which hired Jonathan A. Beatty of Esty & Buckmir LLC. He went on to assert that their focus has always been on the criminal charges against Sarner and Orbay.

“This was not about money, in terms of the case against Sarner and Orbay,” he said. “As far as we were concerned, it’s been about justice in the criminal court system, in seeing that the two of them go to jail and pay for their crimes. This was never, ever about making a civil claim against these two.”

“There is not a question in anyone’s mind that these two animals viciously assaulted Crystal,” he added. “For them to somehow claim that they’re going to sue her because, somehow, they’re the victims? That just shows what callous, disgusting animals these two are.”

M. JOSEPH STRAFACI
Strafaci Law Firm

The younger Strafaci joined his father’s law firm soon after earning his law degree from the University of Richmond School of Law in 2018. His LinkedIn profile notes that he interned with New Jersey-based federal bankruptcy Judge Michael B. Kaplan and Markel Corp. during law school. Since then, he has developed practice specialties in fields similar to his father’s and currently serves as the co-chair of the Connecticut Bar Association’s tribal law section.

Strafaci did not immediately return Law360 Pulse’s comment request.

JONATHAN A. BEATTY
Esty & Buckmir LLC

Beatty is a partner with Esty & Buckmir and joined the Hampden-based firm in 2000, according to his firm biography. His LinkedIn page notes that his trial and litigation practice focuses on general torts, insurance defense, construction law and product liability. Miller noted that Beatty is representing Caldwell-Boyd in relation to potential liability claims over her conduct as an employee of the hotel.

Beatty said Friday that he “cannot comment on pending litigation.”

REPRESENTING CHOICE HOTELS INTERNATIONAL

JEFFERY P. APUZZO
Law Office of Jeffrey P. Apuzzo

Apuzzo’s namesake practice is registered in Farmington, where he has also been a local Republican politician, member of the town council and chair of the town’s economic development commission. Case file searches revealed that he has represented parties as varied as a children’s orthodontics practice accused of maintaining faulty plumbing that led to water damage at a neighboring fur shop, and a tanning salon whose client sued over injuries in a tanning bed. Both complaints led to withdrawals of action against Apuzzo’s client.

Neither the hotel group nor Apuzzo immediately returned Law360 Pulse’s comment request.

The hospitality company was previously represented by Freeman Mathis & Gary LLP attorneys Marc E. Finkel and Shanique D. Fenlator. They also did not immediately return Law360 Pulse’s comment request.

The case is Sarnier et al. v. Caldwell-Boyd et al., case number 3:21-cv-00987, in the U.S. District Court for the District of Connecticut. ■