

STATE OF VERMONT
PROFESSIONAL RESPONSIBILITY PROGRAM

In Re: Norman Watts
PRB File Nos. 2019-102 and 2020-011

OPPOSITION TO RESPONDENT'S REQUEST FOR ORDER
PERMITTING DEPOSITION OF DISCIPLINARY COUNSEL'S EXPERT WITNESS

Navah C. Spero, Esq., Specially Assigned Disciplinary Counsel ("Special Disciplinary Counsel") in this matter, opposes Respondent Norman Watts's ("Mr. Watts") Request For Order Permitting Deposition Of Disciplinary Counsel's Expert Witness ("Request for Order") as follows:

Introduction

The Panel should deny Mr. Watts' third request to take the deposition of Special Disciplinary Counsel's expert, Attorney Alison Bell. The Panel should deny this request because Special Disciplinary Counsel made Ms. Bell available at a time mutually agreed upon by the parties and Mr. Watts voluntarily chose not to appear for the deposition. He had no valid reason for postponing the deposition. The history recited in the Request for Order is incomplete and as set forth in more detail below, his erroneous recitation of the procedural history is another reason to deny the requested relief.

Background

This matter has a long procedural history. As relevant here, Mr. Watts did not take Ms. Bell's deposition in 2021 during the time set in the Panel's original scheduling order. In February 2022, Mr. Watts filed his Motion to Compel Ms. Bell's deposition many months after that time period had expired. Also pending at the same time was Special Disciplinary Counsel's

Supplemental Request for Sanctions, filed on October 15, 2021, in connection with Mr. Watts’s failure to produce documents. On January 26, 2023, the Hearing Panel issued its Order regarding these two pending filings and other filings (“January 2023 Order”).

In its Order, the Hearing Panel permitted Mr. Watts to “complete the deposition of Alison Bell, Esq., no later than thirty (30) days after entry of this Order.” January 2023 Order at 6. The Hearing Panel also stated: “Absent extraordinary circumstances, no further extensions will be granted.” *Id.*

Argument

According to Mr. Watts’ inaccurate narrative, Special Disciplinary Counsel is denying him a deposition of Attorney Bell after a reasonable request to take the deposition outside of the deadline. Not so. The Hearing Panel should deny the request for extension because there are no “extraordinary circumstances” present to justify such a delay and Mr. Watts cannot satisfy the excusable neglect standard of V.R.C.P. 6(b)(1)(B) for the late filing of his request.

Mr. Watts had thirty days from January 26 to take Attorney Bell’s expert deposition. In response to the January 2023 Order, Mr. Watts gave Special Disciplinary Counsel three dates for Ms. Bell’s deposition, one of which was outside the 30-day time-frame. *See* E-mails dated Jan. 31-Feb. 6 (Exhibit 1) (identifying February 22, 24 and March 2 as open dates). Because of busy deposition calendars and pre-planned vacations, none of the proposed dates worked, and Mr. Watts could not free up any time earlier in February. *Id.* (suggesting the week of February 13). Because the parties could not find a time within the 30-day time period, they cooperatively agreed to take the deposition outside of the January 2023 Order’s 30-day time period, on March 10, 2023. *Id.* (agreeing to March 10, 2023).

The Parties agreed that Mr. Watts would draft a consented-to motion seeking permission from the Panel to hold the deposition outside of the 30-day time period on March 10, 2023. Mr. Watts instead filed an inaccurate motion with the Panel. *See* Stipulated Motion to Extend Time, February 8, 2023.¹ In that Motion, Mr. Watts stated the parties had agreed on a thirty-day extension of time, when in fact they had agreed to proceed on a specific date, March 10, 2023.

On February 21, Mr. Watts attempted to move the deposition to April, but the parties ultimately re-confirmed on February 21, 2023 that the deposition would go forward on March 10, 2023. *See* E-mails dated Feb. 21 (Exhibit 3).

Then, one week before the deposition, Mr. Watts unilaterally canceled the March 10 deposition over Special Disciplinary Counsel's objection. *See* E-mails dated March 3 (Exhibit 4). Mr. Watts cancelled the deposition because "the panel will not hear these cases until late May at the earliest," and he had "several deadlines to meet next week[.]" *Id.* Special Disciplinary Counsel informed him that she would not agree to another extension, and that he should seek permission from the Hearing Panel to take the deposition outside of the Parties' agreed-upon extension. *Id.* Mr. Watts did not choose to do so before the March 10 deposition date.

On March 28, 2023, Mr. Watts sent a subpoena to Special Disciplinary Counsel for a deposition of Ms. Bell on April 28. Exhibit 5; E-mail from March 28 at 1 (Exhibit 6). Special Disciplinary Counsel did not accept the subpoena and it was never served. The new deposition date proposed by Mr. Watts, April 28, 2023, is over two months past the due date in the Hearing Panel's Order to complete the deposition. Special Disciplinary Counsel declined the deposition for Ms. Bell, as it violates the Hearing Panel's Order and Mr. Watts failed to seek the Hearing Panel's permission to extend the deadline. Ex. 6.

¹ It is not clear from Special Disciplinary Counsel's files whether the Hearing Panel ever received this Motion. The E-mail transmitting it and the filing are attached as Exhibit 2.

This is the accurate history of what occurred based on the e-mails exchanged by the parties. Special Disciplinary Counsel accommodated Mr. Watts' schedule in February. The parties confirmed on February 21 that the March 10 deposition could proceed. Mr. Watts then unilaterally cancelled the already-extended date because he was busy. Special Disciplinary Counsel had already spent time preparing Attorney Bell for her deposition by that point. The cost of the case is increased by a repeated need to prepare a witness for her deposition. The reason Mr. Watts gave for postponing the deposition is not a reasonable one – that he had deadlines and a busy schedule that week. The date of the deposition had been planned for almost a month, and confirmed only two weeks earlier.

Critically, Mr. Watts cannot satisfy the Hearing Panel's order stating that no extensions will be granted absent "extraordinary circumstances." January 2023 Order. On top of this requirement, because he filed his request after March 10, 2023, he is required to satisfy the heightened excusable neglect standard required by V.R.C.P. 6(b)(1)(B). *See* A.O. 9, Rule 20.B. Mr. Watts does not even attempt to do so.

In addition, Mr. Watts' unilateral decision to cancel the deposition is consistent with the cavalier way in which he has handled discovery in this matter. As the panel may remember, the other portion of the January 2023 Order related to the production of documents:

Respondent is ORDERED to produce all documents stored electronically in the "Cloud" or "Google Drive" with respect to this matter and all documents identified on page 14 and 15 of Disciplinary Counsel's Reply in Support of Motion for Sanctions no later than fourteen (14) days after entry of this Order.

Order at 6-7. Mr. Watts has not produced any additional pursuant to the January 2023 Order.

When Mr. Watts did not produce any documents in response to the January 2023 Order, Special Disciplinary Counsel's office inquired whether the production of documents the year

prior was responsive to the January 2023 order and constituted the entirety of his files in the Google Drive. Ex. 6 at 4. Mr. Watts responded on March 22, 2023, stating that they were searching their records to make a determination. *Id.* at 3. On March 28, 2023, Special Disciplinary Counsel followed up with Mr. Watts, and asked for confirmation by the end of business on March 29. *Id.* at 2. Mr. Watts responded on the same day, stating he was busy attending to his clients “but cannot provide complete information by [Special Disciplinary Counsel’s] arbitrary deadline.” *Id.* at 1. At that point, Mr. Watts was already 47 days past the due date in the Hearing Panel’s Order to produce documents. As of the date of this Response, Mr. Watts still has not responded to that simple inquiry.

Mr. Watts has consistently abused the discovery process in this case. He abused it again in March by unilaterally cancelling a deposition date after Special Disciplinary Counsel had spent hours preparing Ms. Bell for the deposition. The Panel should not permit his disregard of its deadlines to continue.

Conclusion

Respondent has failed to meet the deadlines imposed by the Hearing Panel’s January 26, 2023 Order, and the Parties agreed upon extension that already accommodated his schedule. The Hearing Panel should deny the Request for Order.

Dated: April 24, 2023

/s/ Navah C. Spero

Navah C. Spero, Esq.
Gravel & Shea PC
76 St. Paul Street, 7th Floor, P.O. Box 369
Burlington, VT 05402-0369
(802) 658-0220
nspero@gravelshea.com
Specially Assigned Disciplinary Counsel

STATE OF VERMONT
PROFESSIONAL RESPONSIBILITY PROGRAM

In Re: Norman Watts
PRB File Nos. 2019-102 and 2020-011

INDEX OF EXHIBITS TO OPPOSITION
TO RESPONDENT'S REQUEST FOR ORDER PERMITTING
DEPOSITION OF DISCIPLINARY COUNSEL'S EXPERT WITNESS

<u>Exhibit No.</u>	<u>Description</u>
1	1-31-23 to 2-6-23 E-mails
2	2-8-23 E-mail and attached motion
3	2-21-23 E-mails
4	3-3-23 E-mails
5	Subpoena to Allison Bell
6	3-28-23 E-mail

-

Navah C. Spero

From: Norman Watts <nwatts@wattslawvt.com>
Sent: Monday, February 6, 2023 7:49 PM
To: Navah C. Spero; Margaux Reckard
Subject: Re: EXPERT DEPOSITION

Yes, we will prepare & send draft to you.
NW

Norman E. Watts, Esq.
Watts Law Firm PC
Civil Litigation

P.O.Box 270

176 Waterman Hill Road - Suite 4
Quechee VT 05059-0270
T - 802-457-1020
F - 802-369-2172

On Mon, Feb 6, 2023 at 7:44 PM Navah C. Spero <nspero@gravelshea.com> wrote:

The order said they had to happen within 30 days absent extraordinary circumstances. I'm not sure our schedules qualify for that. I don't have a problem with 3/10, but I also don't want to violate the panel's order. Do you want to file a consented to motion to have the deposition on 3/10 explaining to the panel that we both have busy deposition schedules in February and that I'm on vacation 2/27-3/3 which is a week of the 30 days the panel gave you.

Best,
Navah

Navah C. Spero (she/her) | *Shareholder*
Gravel & Shea PC

76 St. Paul Street, 7th Floor | P.O. Box 369 | Burlington, VT 05401
T: 802-658-0220 | F: 802-658-1456 | Direct: 802-264-3207
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EXHIBIT

1

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From: Norman Watts <nwatts@wattslawvt.com>
Sent: Monday, February 6, 2023 12:01 PM
To: Navah C. Spero <nspero@gravelshea.com>
Subject: Re: EXPERT DEPOSITION

No, Navah, I tried but to no avail. Perhaps we should explore early March - I have 2/3 & 2/9 & 10 open.

NW

Norman E. Watts, Esq.

Watts Law Firm PC

Civil Litigation

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176 Waterman Hill Road - Suite 4

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On Mon, Feb 6, 2023 at 9:48 AM Navah C. Spero <nspero@gravelshea.com> wrote:

Norman,

February 24 does not work on my end. Can you shift your schedule to make any of the other dates in February work?

Best,
Navah

Navah C. Spero (she/her) | *Shareholder*
Gravel & Shea PC

76 St. Paul Street, 7th Floor | P.O. Box 369 | Burlington, VT 05401
T: 802-658-0220 | F: 802-658-1456 | Direct: 802-264-3207
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From: Navah C. Spero
Sent: Wednesday, February 1, 2023 8:58 PM
To: 'Norman Watts' <nwatts@wattslawvt.com>; Margaux Reckard <mreckard@wattslawvt.com>
Subject: RE: EXPERT DEPOSITION

Hi Norman,

Alison is available all of the dates I am. I am meeting regarding the schedule in my other case Friday AM. In the meantime, I suggest you try to shift something in your schedule so we can have this deposition the week of 2/13.

Best,
Navah

Navah C. Spero (she/her) | *Shareholder*
Gravel & Shea PC

76 St. Paul Street, 7th Floor | P.O. Box 369 | Burlington, VT 05401
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From: Norman Watts <nwatts@wattslawvt.com>

Sent: Wednesday, February 1, 2023 9:25 AM

To: Navah C. Spero <nspero@gravelshea.com>; Margaux Reckard <mreckard@wattslawvt.com>

Subject: Re: EXPERT DEPOSITION

Thanks much.

NW

Norman E. Watts, Esq.

Watts Law Firm PC

Civil Litigation

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On Wed, Feb 1, 2023 at 9:20 AM Navah C. Spero <nspero@gravelshea.com> wrote:

I'll keep you in the loop. Note, that day was already set for a depo for me in another case, but we're having a global scheduling meeting this week, and it will depend on whether the witness and opposing counsel remain available. I'll let you know if it changes. I'll also check with Alison Bell about her availability on the dates I gave you.

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From: Norman Watts <nwatts@wattslawvt.com>

Sent: Wednesday, February 1, 2023 8:46 AM

To: Navah C. Spero <nspero@gravelshea.com>; Margaux Reckard <mreckard@wattslawvt.com>

Subject: Re: EXPERT DEPOSITION

The only dates I have open are those that I sent you > 2/22, 24 & 3/2. So it appears 2/24 is the best option.

Norman E. Watts, Esq.

Watts Law Firm PC

Civil Litigation

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On Tue, Jan 31, 2023 at 7:30 PM Navah C. Spero <nspero@gravelshea.com> wrote:

Hi Norman,

Right now none of those dates work. 2/24 is a possibility depending on a depo in another case. Alison is also available that day if it works out.

Other dates that work for me (I have not checked with Alison): 2/13-14, 2/15 after 12pm, 2/16 after 11am, 2/17.

2/20 and 2/23 are maybes right now as I might be traveling to/from CA those days for depositions or I might attend remotely. 2/27, with a hard stop at 2:30pm. I suggest we try to schedule for one of the dates that definitely works, given the Panel's order. Let me know if any of the dates work.

Best,
Navah

Navah C. Spero (she/her) | *Shareholder*
Gravel & Shea PC

76 St. Paul Street, 7th Floor | P.O. Box 369 | Burlington, VT 05401
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From: Norman Watts <nwatts@wattslawvt.com>
Sent: Tuesday, January 31, 2023 12:48 PM
To: Navah C. Spero <nspero@gravelshea.com>; Margaux Reckard <mreckard@wattslawvt.com>
Subject: EXPERT DEPOSITION

Hello Navah - Pursuant to the panel's decision, I would like to take your expert's deposition. I am holding 2/22 & 24 & 3/2 for that purpose.

Thanks,

NW

Norman E. Watts, Esq.

Watts Law Firm PC

Civil Litigation

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T - 802-457-1020

Linda Bradford Barron

From: Margaux Reckard <mreckard@wattslawvt.com>
Sent: Wednesday, February 8, 2023 10:15 AM
To: Grutchfield, Merrick; Norman Watts, Esq.
Cc: Navah C. Spero
Subject: PRB File Nos. 2019-102 & 2020-011
Attachments: STIPULATED MOTION TO EXTEND TIME 2-8-23.pdf

Good morning Ms. Garland,

Concerning PRB File Nos. 2019-102 & 2020-01, please find attached a stipulated motion for the PRB Panel's consideration. I am including Special Disciplinary Counsel Navah Spero on this email.

Please let Norman know if you have any questions.

Thank you,
Margaux

Margaux Reckard, Paralegal
Watts Law Firm, PC
PO Box 270
176 Waterman Hill Road, Suite 4
Quechee, VT 05059
<https://www.wattslawvt.com/>
802 457-1020

COVID-19 STATEMENT: Our office largely remains closed to visitors. We continue to operate remotely; staff remain available via phone (by prior arrangement) and email to meet client needs, but some functions may be delayed, such as mailings. **IN LIEU OF CONTACTING US AT THE FIRM PHONE NUMBER, PLEASE SEND AN EMAIL AND WE WILL GET RIGHT BACK TO YOU.** Thank you for your patience.


CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this date he made service of ***Respondent's Stipulated Motion for an Extension of Time*** via email upon the following parties:

Navah C. Spero, Esq.
Gravel & Shea PC
nspero@gravelshea.com

Merrick Grutchfield
Court Administrator's Office
Professional Responsibility Program
merrick.grutchfield@vermont.gov

DATED: February 8, 2023.



Norman E. Watts, Esq.
Watts Law Firm, PC
info@wattslawvt.com

Navah C. Spero

From: Norman Watts <nwatts@wattslawvt.com>
Sent: Tuesday, February 21, 2023 5:08 PM
To: Navah C. Spero
Subject: Re: EXPERT DEPOSITION

Good enough for me. Thanks,
NW

**Norman E. Watts, Esq.
Watts Law Firm PC
Civil Litigation**

P.O.Box 270

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On Tue, Feb 21, 2023 at 3:16 PM Navah C. Spero <nspero@gravelshea.com> wrote:

Norman, I was already holding March 10 at 11am. That's what we agreed to in our prior emails – the March 10 piece, I have a 10am commitment and didn't think that would be an issue.. Our consented to motion only requests an extension through March (if memory serves). I'm not going into April.

Alison is also holding March 10.

Best,
Navah

Navah C. Spero (she/her) | *Shareholder*
Gravel & Shea PC

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From: Norman Watts <nwatts@wattslawvt.com>

Sent: Tuesday, February 21, 2023 3:10 PM

To: Navah C. Spero <nspero@gravelsthea.com>; Margaux Reckard <mreckard@wattslawvt.com>

Subject: EXPERT DEPOSITION

Navah - We need to renew efforts to find a date for the deposition of your expert. We are currently reserving 4/9, 10 and 17.

Please advise.

Thank you.

NW

Norman E. Watts, Esq.

Watts Law Firm PC

Civil Litigation

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F - 802-369-2172

Navah C. Spero

From: Navah C. Spero
Sent: Friday, March 3, 2023 2:30 PM
To: Norman Watts
Subject: Re: PRB CASE

Norman,

I'm on vacation right now but wanted to let you know I don't agree to an indefinite extension of attorney Bell's deposition. We already accommodated scheduling issues by agreeing to push the date to mid March.

You can seek additional relief from the panel but I'll only produce Alison on March 10.

Best,
Navah

Sent from my Android

From: Norman Watts <nwatts@wattslawvt.com>
Sent: Friday, March 3, 2023 1:30:48 PM
To: Navah C. Spero <nspero@gravelshea.com>
Subject: PRB CASE

Navah - Given that the panel will not hear these cases until late May at the earliest, I am postponing the attorney Bell's deposition, now scheduled for 3/10. I have several deadlines to meet next week and they will distract from my preparation for Ms. Bell's deposition. She deserves my full attention,
Best Regards,
NWatts

Norman E. Watts, Esq.
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Civil Litigation

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EXHIBIT

4

CIVIL SUBPOENA
STATE OF VERMONT

SUPERIOR COURT

CIVIL DIVISION

PROF'L RESP. PROG.

Unit

Docket No.: 2019-102 & 2020-011

Plaintiff(s) ALIBOZEK & HIRAMOTO VS. Defendant(s) WATTS & WATTS LAW FIRM PC

CIVIL SUBPOENA

In Re: N.WATTS & WATTS LAW FIRM PC

Type of Case: (Check One):

- Civil Small Claims Domestic Relations Juvenile Probate

TO: ALLISON BELL ESQ C/O N. SPERO, SDC, GRAVEL & SHEA, BURLINGTON VT

You are directed to appear at the Superior Court: Civil Division Family Division Probate Division

Other: REMOTE VIA ZOOM located at:

Street Address: Town/City:

Date: 4/28/23 Time: 10AM for a Trial Hearing Deposition

- to attend and give testimony
to permit inspection of premises
to produce and permit inspection, copying, testing or other sampling of designated electronically stored information, books, papers, documents or tangible things in your possession, custody or control
Other: ALLISON BELL EXPERT'S FILE

Dated 3/28/23

Clerk/Attorney/Magistrate

This subpoena was requested by Plaintiff Defendant State's Attorney Other

If you have any questions, contact Norman Watts, Esq. at 802-457-1020

Bring a copy of this subpoena to the hearing. See Important Notice on the reverse side of this Subpoena.

RETURN OF SERVICE

NOTICE: A Subpoena may be served by any person who is not a party and is at least 18 years of age.

On I served this subpoena upon

by:

at: Unit:

Signature Title

Miles \$
Reading \$
Copies \$
Total \$



From: Navah C. Spero
Sent: Tuesday, March 28, 2023 3:43 PM
To: 'Norman Watts'; Alyssa M. Bachand
Cc: Margaux Reckard
Subject: RE: PRB Matter - Document Productions

Hi Norman,

The question I'm asking does not take significant time to answer and has been pending with you for 11 days. The Panel ordered you to produce certain documents in February and it was your obligation to comply with that order. If you cannot tell me that what you produced to me is everything required by the Panel, then I'll file with the panel and let them know you did not comply with their order. I will wait until close of business tomorrow to receive your response.

On the subpoena, the subpoena violates the Panel's scheduling order. I'm also not available on April 28. I'm not accepting it. If you'd like to depose Ms. Bell you can return to the panel and ask for permission to depose her outside the schedule it set out and our agreed upon extension.

Best,
Navah



Navah C. Spero (she/her) | *Shareholder*
Gravel & Shea PC

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From: Norman Watts <nwatts@wattslawvt.com>
Sent: Tuesday, March 28, 2023 2:57 PM
To: Navah C. Spero <nspero@gravelshea.com>
Subject: Re: PRB Matter - Document Productions

Navah - I am very busy attending to responsibilities to our clients. I am reviewing our files, again, at your request but cannot produce complete information by your arbitrary deadline. I will produce any materials we find in a timely manner.

Please note the subpoena for Ms. Bell's deposition.

NW

EXHIBIT

6

**Norman E. Watts, Esq.
Watts Law Firm PC
Civil Litigation**

P.O.Box 270

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On Tue, Mar 28, 2023 at 10:47 AM Navah C. Spero <nspero@gravelshea.com> wrote:

Norman,

It's been almost a week since the email below. I need to know by close of business tomorrow whether that prior production was everything you had in that google drive so that I can let the panel know whether you complied with its order or not. I can tell you that we did not receive emails (or at least not many) in that 3/8/22 production.

Best,
Navah



**Navah C. Spero (she/her) | Shareholder
Gravel & Shea PC**

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From: Norman Watts <nwatts@wattslawvt.com>

Sent: Wednesday, March 22, 2023 12:13 PM

To: Alyssa M. Bachand <abachand@gravelshea.com>; Margaux Reckard <mreckard@wattslawvt.com>

Subject: Re: PRB Matter - Document Productions

Ms. Bachand - We are searching our records again to determine if all emails were sent to Attorney Spero.

NW

Alyssa M. Bachand

to Margaux, me

Fri, Mar 17, 10:0

Hello Margaux,

Can you comment on whether the documents produced to us on March 8, 2022 constitute the entirety of what exists in the Google Drive for both Judy Hiramoto and the Alibozeks?

Norman E. Watts, Esq.

Watts Law Firm PC

Civil Litigation

[P.O.Box](#) 270

176 Waterman Hill Road - Suite 4

Quechee VT 05059-0270

T - 802-457-1020

F - 802-369-2172

On Fri, Mar 17, 2023 at 10:00 AM Alyssa M. Bachand <abachand@gravelshea.com> wrote:

Hello Margaux,

Can you comment on whether the documents produced to us on March 8, 2022 constitute the entirety of what exists in the Google Drive for both Judy Hiramoto and the Alibozecks?

Alyssa M. Bachand (she/her) | *Paralegal*
Gravel & Shea PC

76 St. Paul Street, 7th Floor | P.O. Box 369 | Burlington, VT 05401
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STATE OF VERMONT
PROFESSIONAL RESPONSIBILITY PROGRAM

In Re: Norman Watts
PRB File Nos. 2019-102 and 2020-011

CERTIFICATE OF SERVICE

I, Navah C. Spero, Esq., certify that, on April 24, 2023, I caused to be served my
Opposition to Respondent's Request for Order Permitting Deposition of Disciplinary Counsel's
Expert Witness as follows:

Via E-mail

Norman Watts, Esq.
Watts Law Firm, PC
P.O. Box 270
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Dated: Burlington, Vermont
April 24, 2023

/s/ Navah C. Spero

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Specially Assigned Disciplinary Counsel