

# EXHIBIT B

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## SUPREME COURT OF THE STATE OF NEW YORK

## COUNTY OF ORANGE

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ORAL CLARKE, ROMANCE REED, GRACE

PEREZ, PETER RAMON, ERNEST

TIRADO, and DOROTHY FLOURNOY,

Plaintiffs,

v.

Index No.

TOWN OF NEWBURGH and TOWN BOARD

EF002460-

OF THE TOWN OF NEWBURGH,

2024

Defendants.

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DEPOSITION OF 30 (b) (6) CORPORATE REPRESENTATIVE FOR

TOWN OF NEWBURGH - GILBERT PIAQUADIO

DATE: Monday, September 23, 2024

TIME: 9:08 a.m.

LOCATION: Town of Newburgh Town Clerk

1496 Route 300

Newburgh, NY 12550

REPORTED BY: Jaz R. Ramos

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## A P P E A R A N C E S

ON BEHALF OF PLAINTIFFS ORAL CLARKE, ROMANCE REED,  
GRACE PEREZ, PETER RAMON, ERNEST TIRADO, AND DOROTHY  
FLOURNOY:

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1                   A P P E A R A N C E S (cont'd)  
2           ON BEHALF OF DEFENDANTS TOWN OF NEWBURGH AND TOWN  
3           BOARD OF THE TOWN OF NEWBURGH:  
4           DANIEL GORMAN, ESQUIRE (by videoconference)  
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8           daniel.gorman@troutman.com  
9           (212) 704-6333

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G. PIAQUADIO

THE REPORTER: Good morning. My name is Jaz Ramos, and I am the court reporter assigned by Veritext to take the record of this proceeding. We are now on the record at 9:08 a.m.

This is the deposition of Gilbert Piaquadio taken in the matter of Oral Clarke, et al., vs. the Town of Newburgh, et al., on Monday, September 23, 2024. Our witness is located at 1496 Route 300 in Newburgh, New York 12550.

I am a notary authorized to take acknowledgements and administer oaths in New York. Parties agree that I will swear in this witness remotely.

Additionally, absent an objection on the record before the witness is sworn, all parties and the witness understand and agree that any certified transcript produced from the recording of this proceeding:

- is intended for all uses permitted under applicable procedural and evidentiary rules and laws in the same

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1 G. PIAQUADIO  
2 manner as a deposition recorded by  
3 stenographic means; and  
4 - shall constitute written  
5 stipulation of such.

6 At this time, will everyone in  
7 attendance please identify themselves for  
8 the record and which party they're here to  
9 represent. We're going to start with  
10 Counselor Davis.

11 MR. DAVIS: Samuel Davis. I'm with  
12 the Harvard Election Law Clinic. I'm here  
13 for the plaintiffs.

14 MS. GREENWOOD: Ruth Greenwood with  
15 the Harvard Election Law Clinic for the  
16 plaintiffs.

17 MR. IMAMURA: David Imamura, Abrams  
18 Fensterman, A-B-R-A-M-S, Fensterman,  
19 F-E-N-S-T-E-R-M-A-N, for the plaintiffs.

20 MR. GORMAN: Daniel Gorman, Troutman  
21 Pepper for Defendants.

22 THE REPORTER: Thank you --

23 MR. PIAQUADIO: Gilbert Piaquadio,  
24 supervisor, Town of Newburgh, witness.

25 THE REPORTER: Thank you. Thank you.

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1 G. PIAQUADIO

2 Hearing no objection, I will now swear in  
3 this witness.

4 Mr. Piaquadio, please raise your  
5 right hand for me, sir. Thank you.

6 WHEREUPON,

7 GILBERT PIAQUADIO,  
8 called as a witness and having been first  
9 duly sworn to tell the truth, the whole  
10 truth, and nothing but the truth, was  
11 examined and testified as follows:

12 THE REPORTER: Counsel, please  
13 proceed.

14 EXAMINATION

15 BY MR. DAVIS:

16 Q Good morning, Supervisor  
17 Piaquadio. We just met, but for the  
18 record, my name's Sam Davis, and I  
19 represent the Clarke Plaintiffs in this  
20 case. I'm going to be asking you some  
21 questions today. Have you ever been  
22 deposed before?

23 A Yes.

24 Q Okay. So you're probably  
25 already familiar with these, but I'm just

1 G. PIAQUADIO  
2 going to go over some ground rules before  
3 we start so that we all have the same  
4 understanding of how this will work. So  
5 I'll be asking you some questions, and the  
6 court reporter is transcribing everything  
7 we say.

8 So the court reporter is able to  
9 get everything on the record, please wait  
10 for me to finish asking my question before  
11 you give an answer, and I'll try to do the  
12 same so that we're not talking over each  
13 other. Does that make sense?

14 A Yes, it does.

15 Q The court reporter can only  
16 record verbal responses, so it's important  
17 that you answer out loud with words rather  
18 than nodding your head or saying "Uh-huh."  
19 Does that make sense?

20 A Yes.

21 Q If you don't understand a  
22 question for any reason or need  
23 clarification, please tell me, and I'll do  
24 my best to clarify. If you answer the  
25 question, I'm going to assume that you

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1 G. PIAQUADIO

2 understood what I was asking. Does that  
3 make sense?

4 A Yes.

5 Q Your counsel, Mr. Gorman, may  
6 object at some points today. Even if he  
7 objects, you should still answer the  
8 question unless he instructs you not to  
9 answer. Does that make sense?

10 A Yes.

11 Q Okay. And then we can take a  
12 break anytime you feel like you need one.  
13 I'll also try to build in breaks as we're  
14 going through the day. I just ask that if  
15 you do need to take a break, don't do it  
16 while a question is pending. Does that  
17 sound good?

18 A Yes.

19 Q Thank you. Do you understand  
20 that you're under oath today?

21 A Yes.

22 Q Is there any reason why you  
23 can't give truthful answers to my  
24 questions?

25 A No.

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1 G. PIAQUADIO

2 Q Are you taking any medications  
3 or do you have any conditions that would  
4 impair your memory?

5 A No.

6 Q Part of the oath you took today  
7 was to tell the whole truth, which means  
8 providing full and complete answers to my  
9 questions. Do you understand that?

10 A Yes.

11 Q Is there any reason why you  
12 cannot give full, complete, and accurate  
13 testimony today?

14 A No.

15 Q In today's deposition, I'll be  
16 using the terms Hispanic and Latino  
17 interchangeably. Do you understand that  
18 if I refer to Hispanic residents or to  
19 Latino residents, I'm referring to the  
20 same group of people?

21 A Yes.

22 Q Okay. And when I refer to White  
23 residents, I'm referring to White  
24 residents who do not identify as Hispanic  
25 or Latino. Does that make sense?



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1 G. PIAQUADIO

2 A Yes.

3 Q I'll also be using the terms  
4 Black and African American  
5 interchangeably. Do you understand that  
6 if I refer to Black voters or to African  
7 American voters or Black residents or  
8 African American residents, I'm referring  
9 to the same group of people?

10 A Yes.

11 Q And if I say "the Town" today,  
12 will you understand that unless I specify  
13 otherwise, I'm referring to the Town of  
14 Newburgh?

15 A Yes.

16 Q And if I say the town council or  
17 the town board, will you understand that  
18 I'm referring to the town council of the  
19 Town of Newburgh unless I specify  
20 otherwise?

21 A Yes.

22 Q Okay. And then if I refer to  
23 the NYVRA or the New York Voting Rights  
24 Act, will you understand that unless I  
25 specify otherwise, I'm referring to the

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1 G. PIAQUADIO

2 John R. Lewis Voting Rights Act?

3 A Yes.

4 Q Great. I'm going to introduce  
5 and mark the first exhibit. Just give one  
6 second. Okay. I just introduced it, so  
7 let me know when you see it in the folder  
8 on your screen.

9 (Exhibit 1 was marked for  
10 identification.)

11 A Okay.

12 Q You see the document with the  
13 header, "Notice to take deposition upon  
14 oral examination"?

15 A Yes, I do.

16 Q Have you seen this document  
17 before?

18 A I would say no.

19 Q Was that no?

20 A Well, I didn't want to give the  
21 answer, "I'm not sure." I believe I did  
22 see it, but I'm not a hundred percent  
23 sure.

24 Q That's okay. "I'm not sure" is  
25 a perfectly acceptable answer. I'll

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2 represent to you that this is the notice  
3 that Plaintiff's counsel sent to take the  
4 deposition of the Town of Newburgh. Can  
5 we scroll down? If you scroll down on the  
6 first page, second page and the third  
7 page, do you see it lists 22 different  
8 topics?

9 A Yes.

10 Q Have you seen this list before?

11 A Not sure.

12 Q Okay. Which of these topics are  
13 you prepared to talk about today?

14 A Just about all of them.

15 Q Okay. Are there any that you're  
16 not prepared to talk about today as you're  
17 looking at the list?

18 A Well, if you ask and if I'm not  
19 prepared, I'll tell you. Let's do it that  
20 way rather than me try to scan through 22  
21 right now.

22 Q Okay. We'll go through them, so  
23 that's fair. Do you understand that you  
24 are testifying today as the corporate  
25 representative on behalf of the Town with

1 G. PIAQUADIO

2 respect to these topics?

3 A Yes.

4 Q Okay. So if I ask questions  
5 where I refer to you or I ask for your  
6 opinion, I'm asking for your testimony as  
7 the Town's corporate representative, not  
8 you personally, unless I specify  
9 otherwise. Does that make sense?

10 A Yes.

11 Q Okay. Thank you. What did you  
12 do to prepare for today's deposition?

13 A Probably the same as all  
14 these -- the questions you're going to ask  
15 me, whatever I know from experience or  
16 talking with the attorneys over time.

17 Q Did you have any meetings to  
18 prepare for this deposition?

19 A No.

20 Q Did you review any documents to  
21 prepare for this deposition?

22 A No.

23 Q Did you speak to anyone to  
24 gather information in order to testify on  
25 behalf of the Town?

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2 A No.

3 Q So how much time did you spend  
4 preparing for this deposition?

5 A I didn't prepare any time.  
6 Prior from the notice that we were going  
7 to have it until now, I have not prepared  
8 at all.

9 Q Okay. Let's go through the  
10 deposition topics, and I'll do this as  
11 quickly as we can. I know there's a lot  
12 of them. Okay, so do you see the first  
13 item listed? It says, "The history of  
14 discrimination in or affecting Hispanics  
15 and/or Latinos in the Town of Newburgh."  
16 Did I read that correctly?

17 A Yes.

18 Q Are you prepared to testify on  
19 this topic today?

20 MR. GORMAN: Let me caution the  
21 witness to the extent the answer to the  
22 question is not public, don't reveal any  
23 information based on the legislative  
24 privilege and the First Amendment  
25 associational privilege.

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2 THE WITNESS: All right. So no  
3 response.

4 BY MR. DAVIS:

5 Q So you will not testify on this  
6 topic today because anything you would  
7 testify to is covered by the legislative  
8 privilege. Is that your answer?

9 MR. GORMAN: Objection.  
10 Misconstruing the response.

11 MR. DAVIS: My apologies. Can you  
12 just clarify your position?

13 MR. GORMAN: My position is that he  
14 can testify about any of these topics  
15 except to the extent that they're subject  
16 to both of those privileges. And so he  
17 could respond to them, but if any of the  
18 information is not public, then he's not  
19 going to based on those privileges.

20 MR. DAVIS: Okay. Thank you.

21 BY MR. DAVIS:

22 Q Did you prepare to testify on  
23 topic number 1, Mr. Piaquadio?

24 A No.

25 Q Okay. Let's turn to topic 2.

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1 G. PIAQUADIO  
2 It says, "The extent to which African  
3 Americans and/or Hispanics have been  
4 elected to office in the Town of  
5 Newburgh." Did I read that correctly?

6 A Yes.

7 Q Are you prepared to testify as  
8 the Town's representative as to this  
9 topic?

10 MR. GORMAN: I'm going to give the  
11 same direction. Yeah. For each of  
12 them -- and I won't repeat it for each of  
13 them as you walk through, assuming you're  
14 going to ask the exact same question for  
15 each of them, but I'm going to caution the  
16 witness the same. To the extent that the  
17 questions are invoking anything that is  
18 not in public, let's not reveal it.

19 MR. DAVIS: Daniel, I'll just say,  
20 "Subject to Mr. Gorman's previous  
21 response," if that's okay?

22 MR. GORMAN: Sure. Thank you.

23 MR. DAVIS: Yeah.

24 BY MR. DAVIS:

25 Q Did you prepare to testify with

1 G. PIAQUADIO

2 respect to topic 2?

3 A No.

4 Q Okay. Topic 3, "The Town of  
5 Newburgh's efforts to increase the  
6 political participation of African  
7 Americans and/or Hispanics." Did I read  
8 that correctly?

9 A Yes.

10 Q And are you prepared to testify  
11 today as the Town's representative with  
12 respect to this topic subject to your  
13 counsel's objections?

14 MR. GORMAN: Yeah, not objections;  
15 direction.

16 MR. DAVIS: Directions. My  
17 apologies. Yup. I'll restate the  
18 question.

19 BY MR. DAVIS:

20 Q Are you prepared to testify  
21 today on this topic subject to your  
22 attorney's instructions?

23 A Yes.

24 Q Did you do anything to prepare  
25 to testify on this topic?



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1 G. PIAQUADIO

2 A No.

3 Q Topic 4, "The Town of Newburgh's  
4 efforts to address disparities between  
5 non-Hispanic Whites and African Americans  
6 and/or Hispanics." Did I read that  
7 correctly?

8 A Yes.

9 Q And are you prepared to testify  
10 today as the Town's representative on this  
11 topic subject to your attorney's  
12 instructions?

13 A No.

14 MR. GORMAN: I think the questions  
15 are becoming confusing, because my  
16 instruction to him is that he shouldn't be  
17 answering subject to the legislative and  
18 first amendment associational privilege to  
19 the extent that it's not public. And so  
20 when you say, "Subject to your attorney's  
21 instructions," I think it's confusing the  
22 witness.

23 So the standing objection, just to  
24 make the record very clear, is that to the  
25 extent he says -- yes, he's prepared to

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2 testify to the extent it is not subject to  
3 those privileges. I think that's what he  
4 is trying to convey.

5 Is that accurate?

6 THE WITNESS: Correct.

7 MR. DAVIS: Understood. Let's just  
8 note the standing objection. I'll just  
9 read the questions, and we can proceed  
10 like that.

11 MR. GORMAN: Yeah. And after we get  
12 through the topic area, I'll resume my  
13 objections, but just for purposes of  
14 reading through the topics in the  
15 30(b)(6), there's a standing objection to  
16 each of them. And he'll testify to the  
17 extent that it's in the public record.

18 THE WITNESS: All right. So --

19 MR. DAVIS: Understood.

20 THE WITNESS: So my answer will be no  
21 or yes?

22 MR. GORMAN: Your answer is, yes,  
23 you're going to testify if you're going to  
24 testify about it. But it will be subject  
25 to my objection or my instruction to you

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1 G. PIAQUADIO

2 not to testify to the extent that it is  
3 subject to those privileges.

4 THE WITNESS: Okay.

5 MR. GORMAN: Sorry. I think it was  
6 just confusing with the --

7 MR. DAVIS: No. I hear you. I hear  
8 you.

9 BY MR. DAVIS:

10 Q Let's go back. We're on topic  
11 4, I believe. So "The Town of Newburgh's  
12 efforts to address disparities between  
13 non-Hispanic Whites and African Americans  
14 and/or Hispanics." Did I read that  
15 correctly?

16 A Yes.

17 Q Are you prepared to testify on  
18 that topic today?

19 A No.

20 MR. GORMAN: I think the question's,  
21 "Are you prepared to testify on the topic  
22 subject to my objections."

23 MR. DAVIS: Yes.

24 BY MR. DAVIS:

25 Q So you will testify on that --

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1 G. PIAQUADIO

2 A -- objections. Yes, I got it.

3 Q Will you testify on that topic  
4 today?

5 A No.

6 THE REPORTER: Counsel, just please  
7 if we could all just talk one at a time,  
8 I'd appreciate it. Thank you.

9 BY MR. DAVIS:

10 Q Okay. Topic 5, "The Town of  
11 Newburgh's efforts to address disparities  
12 between non-Hispanic Whites and African  
13 Americans and/or Hispanics and criminal  
14 justice outcomes." Did I read that  
15 correctly?

16 A Yes.

17 Q Will you testify on this topic  
18 subject to your counsel's instructions?

19 A Yes.

20 Q Did you do anything to prepare  
21 to testify on this topic today?

22 A No.

23 Q Topic 6, "The Town of Newburgh's  
24 efforts to address disparities between  
25 non-Hispanic Whites and African Americans

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2 and/or Hispanics and housing and land

3 use." Did I read that correctly?

4 A Yes.

5 Q And will you testify on this

6 topic subject to your attorney's

7 instructions?

8 A Yes.

9 Q Did you do anything to prepare  
10 to testify on this topic today?

11 A No.

12 Q Topic 7, "The Town of Newburgh's  
13 efforts to address disparities between  
14 non-Hispanic Whites and African Americans  
15 and/or Hispanics in income and  
16 socioeconomic status." Did I read that  
17 correctly?

18 A Yes.

19 Q Will you testify on this topic  
20 subject to your attorney's instructions?

21 A Yes.

22 Q And did you do anything to  
23 prepare to testify on this topic today?

24 A No.

25 Q Okay. Topic 8, "The Town of

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1 G. PIAQUADIO

2 Newburgh's response to the use of overt or  
3 subtle racial appeals in political  
4 campaigns." Did I read that correctly?

5 A Yes.

6 Q And will you testify on this  
7 topic subject to your attorney's  
8 instructions?

9 A Yes.

10 Q And did you do anything to  
11 prepare to testify on this topic today?

12 A No.

13 Q Topic 9, "The Town of Newburgh's  
14 responsiveness to the particularized needs  
15 of African Americans and/or Hispanic  
16 residents." Did I read that correctly?

17 A Yes.

18 Q And will you testify on this  
19 topic today subject to your attorney's  
20 instructions?

21 A Yes.

22 Q Did you do anything to prepare  
23 to testify on this topic today?

24 A No.

25 Q Topic 10, "The Town of

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2 Newburgh's interest in maintaining an  
3 electoral system in which the supervisor  
4 and town board members are elected at  
5 large." Did I read that correctly?

6 A Yes.

7 Q Will you testify on this topic  
8 today subject to your attorney's  
9 instructions?

10 A Yes.

11 Q Did you do anything to prepare  
12 to testify on this topic today?

13 A No.

14 Q Topic 11, "The Town of Newburgh  
15 lawsuit: Town of Newburgh, New York, v.  
16 Newburgh UM, LLC, Orange County index  
17 number EF003105-2023." Did I read that  
18 correctly?

19 A Yes.

20 Q Will you testify on this  
21 subject -- strike that. Will you testify  
22 on that topic subject to your attorney's  
23 instructions?

24 A Yes.

25 Q Did you do anything to prepare

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1 G. PIAQUADIO

2 to testify on this topic today?

3 A No.

4 Q Topic 12, "The Town of  
5 Newburgh's participation in a lawsuit  
6 challenging moving town elections to even  
7 years." Did I read that correctly?

8 A Yes.

9 Q Will you testify on that topic  
10 today subject to your attorney's  
11 instructions?

12 A Yes.

13 Q Did you do anything to prepare  
14 to testify on that topic today?

15 A No.

16 Q Topic 13, "The Town of  
17 Newburgh's state of emergency declared in  
18 response to the housing of migrants in the  
19 Town." Did I read that correctly?

20 A Yes.

21 Q Will you testify on this topic  
22 today subject to your attorney's  
23 instructions?

24 A Yes.

25 Q And did you do anything to



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2 prepare to testify on that topic today?

3 A No.

4 Q Item 14, "Any and all other  
5 declarations of the Town of Newburgh  
6 regarding migration." Did I read that  
7 correctly?

8 A Yes.

9 Q And will you testify on this  
10 topic today subject to your attorney's  
11 instructions?

12 A Yes.

13 Q And did you do anything to  
14 prepare to testify on this topic today?

15 A No.

16 Q Okay. Topic 15, "The Town of  
17 Newburgh's response to the alleged  
18 displacement of veterans by asylum  
19 seekers." Did I read that correctly?

20 A Yes.

21 Q Will you testify on this topic  
22 today subject to your attorney's  
23 instructions?

24 A Yes.

25 Q Did you do anything to prepare

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2 to testify on that topic today?

3 A No.

4 Q Item 16, "The Town of Newburgh's  
5 support of the expansion of the Danskammer  
6 Power Plant." Did I read that correctly?

7 A Yes.

8 Q Will you testify on that topic  
9 today subject to your attorney's  
10 instructions?

11 A Yes.

12 Q Did you do anything to prepare  
13 to testify on that topic?

14 A No.

15 Q Item 17, "The absence of Spanish  
16 translations on the Town of Newburgh's  
17 website." Did I read that correctly?

18 A Yes.

19 Q Will you testify on that topic  
20 today subject to your attorney's  
21 instructions?

22 A Yes.

23 Q Did you do anything to prepare  
24 to testify on that topic today?

25 A No.

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2 Q Item 18, "The Town of Newburgh's  
3 response to the January 26, 2024, notice  
4 letter regarding a violation of the New  
5 York Voting Rights Act sent on behalf of  
6 Plaintiffs in this case pursuant to the  
7 New York Voting Rights Act." Did I read  
8 that correctly?

9 A Yes.

10 Q Will you testify on this topic  
11 today subject to your attorney's  
12 instructions?

13 A Yes.

14 Q Did you do anything to prepare  
15 to testify on this topic today?

16 A No.

17 Q Item 19, "The Town of Newburgh's  
18 response to this lawsuit and its retention  
19 of Sokoloff Stern and Troutman Pepper."  
20 Did I read that correctly?

21 A Yes.

22 Q Will you testify on these topics  
23 today subject to your attorney's  
24 instructions?

25 A Yes.

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2 Q Did you do anything to prepare  
3 to testify on this topic today?

4 A No.

5 Q Item 20, "The Town of Newburgh's  
6 hiring or lack thereof of racial  
7 minorities for town positions." Did I  
8 read that correctly?

9 A Yes.

10 Q Will you testify on that subject  
11 today subject to your attorney's  
12 instructions?

13 A Yes.

14 Q Did you do anything to prepare  
15 to testify on that topic today?

16 A No.

17 Q Item 21, "The impact of features  
18 of the Town of Newburgh's elections on  
19 racial minority residence of the Town."  
20 Did I read that correctly?

21 A Yes.

22 Q Will you testify on this topic  
23 today subject to your attorney's  
24 instructions?

25 A Yes.

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2 Q Did you do anything to prepare  
3 to testify on this topic today?

4 A No.

5 Q Finally, item 22, "Defendant's  
6 responses to the interrogatories and  
7 requests for production served by  
8 Plaintiffs in this action, including  
9 responsive documents produced." Did I  
10 read that correctly?

11 A Yes.

12 Q Will you testify on this topic  
13 today subject to your attorney's  
14 instructions?

15 A Yes.

16 Q And did you do anything to  
17 prepare to testify with respect to this  
18 topic?

19 A No.

20 Q Okay. Thank you for bearing  
21 with me. Is there anything else you did  
22 to prepare for this deposition that we  
23 haven't already covered?

24 A No.

25 Q Okay. Thank you. I am going to

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2 introduce another exhibit. Let me know  
3 when Exhibit 2 pops up in your folder.

4 (Exhibit 2 was marked for  
5 identification.)

6 MR. GORMAN: Yeah. Just let us know  
7 once it's fully uploaded because we have  
8 to refresh it.

9 MR. DAVIS: Okay. I believe it  
10 should be uploaded.

11 MR. GORMAN: Sure. We have it.  
12 Thanks.

13 MR. DAVIS: Yup.

14 BY MR. DAVIS:

15 Q Have you seen this document  
16 before?

17 A Yes.

18 Q What is it?

19 A This is stating in the lawsuit,  
20 the plaintiffs versus the  
21 defendants -- Town of Newburgh. This is  
22 Newburgh's responses and objections to  
23 Plaintiff's first request for discovery  
24 and information.

25 THE REPORTER: Sorry. Mr. Piaquadio,

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2 please speak up if you can. Thank you.

3 THE WITNESS: Okay.

4 BY MR. DAVIS:

5 Q Were you involved in responding  
6 to these requests for information and  
7 documents?

8 A Which ones are you referring to?

9 Q Any of them.

10 A Whatever I did,  
11 would -- would've been with the attorney.

12 Q Did you conduct any searches to  
13 comply with these requests?

14 MR. GORMAN: I'm going to caution the  
15 witness to the extent the answer to the  
16 question's not public, do not reveal  
17 information based on the legislative  
18 privilege and First Amendment  
19 associational privilege. That being said,  
20 you could answer what you did, if  
21 anything.

22 THE WITNESS: I don't have much to  
23 answer.

24 BY MR. DAVIS:

25 Q So is it fair to say you did

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2 nothing to comply with these requests?

3 A Any discussions would've been  
4 with the -- the Town's attorney.

5 Q I appreciate that. I just want  
6 to be clear. I'm not asking for your  
7 discussions with your attorneys. I'm just  
8 asking if you conducted a search to comply  
9 with this request.

10 A Do not recall.

11 Q Do you recall if you did  
12 anything to comply with these requests?

13 A Do not recall.

14 Q Did you search your emails?

15 A Was a search of emails done?  
16 Yes.

17 Q Did you do the search?

18 A I performed the search.

19 Q Did you search your text  
20 messages?

21 A I know -- I remember searching  
22 emails. I don't -- there was almost  
23 nothing -- nothing down, I believe, on  
24 text messages.

25 Q Did you do anything else to



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2 comply with these requests?

3 A Not that I recall.

4 Q Do you ever use your personal  
5 email address for work business?

6 A No.

7 Q Did you search your personal  
8 email address for work-related messages?

9 A No.

10 Q Do you ever exchange text  
11 messages with members of the town board?

12 A Yes.

13 Q Did you search your text message  
14 exchanges for information that may have  
15 been relevant to this request?

16 A Not that I recall.

17 Q Did you ask anyone else for  
18 assistance in complying with these  
19 requests?

20 MR. GORMAN: I'm going to caution the  
21 witness that to the extent the answer to  
22 the question is going to reveal  
23 information based on non-public  
24 communications, don't reveal it based on  
25 the legislative privilege and the First

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2 Amendment associational privilege.

3 THE WITNESS: So no response.

4 BY MR. DAVIS:

5 Q Is there anything else you did  
6 to comply with these requests?

7 A Not that I recall.

8 Q Who's your current employer?

9 A Town of Newburgh.

10 Q And what's your role at the  
11 Town?

12 A Supervisor.

13 Q When did you become the  
14 supervisor?

15 A 2013.

16 Q Have you been the supervisor  
17 ever since?

18 A Yes.

19 Q Do you report to anyone?

20 A Probably every resident in this  
21 town and about 220 employees.

22 Q What are your responsibilities  
23 as town supervisor?

24 A Create the budget from the Town  
25 on a day-to-day basis.

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2 Q Anything else?

3 A Probably others, but I think  
4 running the Town on a day-to-day basis  
5 includes them.

6 Q Fair enough. Are those  
7 responsibilities different from the  
8 responsibilities of other members of the  
9 town board?

10 A Probably. Supervisor puts in  
11 many more hours, sets the agenda, and that  
12 type of thing. So there are some more  
13 responsibilities, supervisor than council.

14 Q Is it fair to say that the  
15 Town's Latino community has grown in the  
16 past few decades?

17 MR. GORMAN: I'm going to caution the  
18 witness to the extent the answer to the  
19 question is not public, do not reveal it  
20 based on that the information is both  
21 subject to the legislative privilege and  
22 the First Amendment Associational  
23 Privilege.

24 THE WITNESS: No response.

25 //

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2 BY MR. DAVIS:

3 Q So just to confirm, you will not  
4 testify on whether whether the Latino  
5 population has grown because of  
6 legislative privilege?

7 MR. GORMAN: And the First Amendment  
8 associational privilege. To the extent  
9 there's no non-public information that he  
10 could share on the growth of the  
11 population. Assuming that was the  
12 question. Do you want to rephrase the  
13 question?

14 BY MR. DAVIS:

15 Q Do you have any testimony on  
16 this topic; the question of the growth of  
17 the Latino community that is not subject  
18 to the legislative or First Amendment  
19 privilege?

20 A No.

21 Q Is it fair to say that the  
22 Town's Black community has grown in the  
23 last few decades?

24 MR. GORMAN: Same caution. To the  
25 extent the answer to the question is not

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2 public, do not reveal information based on  
3 the legislative privilege and the First  
4 Amendment associational privilege.

5 BY MR. DAVIS:

6 Q Is it fair to say you have no  
7 testimony on this topic that is not  
8 covered by the legislative or First  
9 Amendment privilege?

10 A Yes.

11 Q Do you know what percentage of  
12 the Town identifies as Latino?

13 MR. GORMAN: Same direction. With  
14 respect to anything that's not public, I  
15 caution you not to reveal it based on the  
16 legislative privilege and First Amendment  
17 associational privilege?

18 THE WITNESS: No comment.

19 BY MR. DAVIS:

20 Q So you have no testimony on this  
21 topic that is not covered by the  
22 legislative or First Amendment privilege?

23 A Yes.

24 Q Is the Latino community  
25 concentrated anywhere geographically

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2 within the Town of Newburgh?

3 MR. GORMAN: Same direction. I  
4 caution the witness not to reveal any  
5 information that's not public based on the  
6 legislative privilege.

7 THE WITNESS: No response.

8 BY MR. DAVIS:

9 Q So you have no testimony on this  
10 topic that is not subject to the First  
11 Amendment or legislative privilege?

12 MR. GORMAN: Objection to the  
13 question. Lacks Foundation. If you have  
14 specific questions about the topic, you  
15 could ask it, but --

16 MR. DAVIS: My question was whether  
17 the Latino community was concentrated  
18 anywhere geographically. You instructed  
19 him on the privilege. He said, "No  
20 response." So I'm just confirming that he  
21 has no testimony that is not covered by  
22 any of the privileges you invoked.

23 THE WITNESS: No testimony.

24 BY MR. DAVIS:

25 Q Do you know if there are any

1 G. PIAQUADIO  
2 leaders in the Latino community in  
3 Newburgh?

4 MR. GORMAN: Same caution to the  
5 witness. If the answer's not public,  
6 don't reveal it based on the First  
7 Amendment associational privilege and  
8 legislative privilege.

9 THE WITNESS: No response.

10 BY MR. DAVIS:

11 Q So just confirming, you have no  
12 testimony on the question of whether there  
13 are leaders of the Latino community that  
14 is not covered by the legislative First  
15 Amendment privilege?

16 A Yes.

17 Q Do you know what percentage of  
18 the Town identifies as Black?

19 MR. GORMAN: Same direction. Caution  
20 the witness only to answer to the extent  
21 that he has public information on that  
22 based on the privileges.

23 THE WITNESS: No response.

24 BY MR. DAVIS:

25 Q So just confirming that you have

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2 no testimony on the question of what  
3 percentage of the Town identifies as Black  
4 that's not covered by the First Amendment  
5 or legislative privilege?

6 A Yes.

7 Q Is the Black community  
8 concentrated anywhere geographically  
9 within the Town of Newburgh?

10 MR. GORMAN: Same direction. You can  
11 answer if that information is public.

12 THE WITNESS: No response.

13 BY MR. DAVIS:

14 Q So you have no testimony on the  
15 question of where the Black community is  
16 concentrated that is not covered by the  
17 legislative or First Amendment privilege?

18 A Yes.

19 Q Do you know any of the leaders  
20 of the Black community in the Town of  
21 Newburgh?

22 MR. GORMAN: Objection.

23 And I caution the witness moreover  
24 not to answer based on the legislative  
25 privilege. To the extent there's any



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2 public information, you can answer

3 THE WITNESS: No response.

4 BY MR. DAVIS:

5 Q So to confirm, you have no  
6 testimony on the question of whether there  
7 are Black leaders in the community in  
8 Newburgh that is not subject to the First  
9 Amendment or legislative privilege?

10 A Yes.

11 Q How many members are there on  
12 Newburgh's Town Council?

13 A Five: four councilmen, one  
14 supervisor.

15 Q Do you consider yourself part of  
16 the town board as supervisor?

17 A Yes.

18 Q That was a yes?

19 A Yes.

20 Q Thank you. Who are the current  
21 members of the town board?

22 A You got to repeat that. Who are  
23 the appointed members?

24 Q Who are the current members of  
25 the town board?

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2 A Scott Manley, Anthony LoBiondo,  
3 Paul Ruggiero, and myself.

4 Q Is there currently a vacancy on  
5 the town board?

6 A Yes.

7 Q Who previously held that seat?

8 A Elizabeth Green.

9 Q And how will that vacancy be  
10 filled?

11 MR. GORMAN: Objection. Compound.  
12 Can you re-ask the question? I may have  
13 missed a question.

14 MR. DAVIS: That's okay. I'll run  
15 back a second.

16 BY MR. DAVIS:

17 Q So there's a vacancy on the town  
18 board; correct?

19 A Yes.

20 Q Will that vacancy be filled?

21 A Yes.

22 Q How will that vacancy be filled?

23 A In the November election.

24 Q How is the town supervisor of  
25 the Town of Newburgh elected?

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2 A At large.

3 Q Are council members also elected  
4 at large?

5 A Yes.

6 Q Okay. I'd like to introduce  
7 another exhibit. I'll let you know when  
8 it's uploaded. Okay. It should be  
9 uploaded.

10 (Exhibit 3 was marked for  
11 identification.)

12 MR. GORMAN: It's open.

13 BY MR. DAVIS:

14 Q Do you recognize this document?

15 A Yes.

16 Q What is it?

17 A Responses and objections to the  
18 plaintiffs' first set of interrogatories.

19 Q So without revealing the  
20 substance of any of your conversations  
21 with counsel, were you involved in  
22 responding to these interrogatories?

23 A So your question was other than  
24 speaking with the attorney?

25 Q So without revealing the

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2 substance of any conversations you had  
3 with your attorneys, were you involved in  
4 responding to these interrogatories?

5 A Only after -- with conversation  
6 with attorney.

7 Q Did you review the final version  
8 of these responses before they were  
9 submitted?

10 A I don't recall.

11 Q Okay. Can you scroll down to  
12 the final page, page 11, and let me know  
13 when you get there

14 A I'm there.

15 Q Okay. I'm going to read the  
16 text next to the number 2. Quote, "I have  
17 read the foregoing responses and  
18 objections to Plaintiffs' first set of  
19 interrogatories and know the contents  
20 thereof, and the same are true to the best  
21 of my knowledge, information, and belief."  
22 Did I read that correctly?

23 A Yes, you did.

24 Q Okay. And then the text next to  
25 number 3, "I affirm this 1st day of July

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2 2024, under the penalties of perjury under  
3 the laws of New York, which may include a  
4 fine or imprisonment, that the foregoing  
5 is true, and I understand that this  
6 document may be filed in an action or  
7 proceeding in a court of law." Did I read  
8 that correctly?

9 A Yes.

10 Q And is that your name and  
11 signature at the bottom of the page?

12 A Yes, it is.

13 Q Does that refresh your  
14 recollection as to whether you reviewed  
15 these answers before they were submitted?

16 A I definitely did.

17 Q Okay. So there aren't page  
18 numbers, but can we scroll to what should  
19 be the 8th page of the PDF, and then  
20 you'll see interrogatory number 8. And  
21 just let me know when you get there.

22 A Is that, "Please describe any  
23 policy justification"?

24 Q Correct. So I'll just read the  
25 whole interrogatory. It's number 8.

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2 "Please describe any policy justification  
3 for adopting and maintaining the current  
4 method of electing methods at" -- strike  
5 that. "Please describe any policy  
6 justification for adopting and maintaining  
7 the current method of electing members of  
8 the town board." Did I read that  
9 correctly?

10 A Yes.

11 Q And you said earlier that the  
12 board is elected in at-large elections.  
13 Is that correct?

14 A Repeat that question.

15 Q You testified earlier that  
16 members of the board are elected at large.  
17 Is that correct?

18 A Yes.

19 Q What is an at-large election?

20 A It includes all registered  
21 voters within the Town.

22 Q So all registered voters in the  
23 Town vote for the candidates. Is that  
24 correct?

25 A Yes.

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2 Q Okay. And then in the response,  
3 it says -- I'm reading on the third  
4 line -- "Defendants also object to this  
5 interrogatory on the grounds that the  
6 current at-large method of electing  
7 members of the town board was not," quote,  
8 "'Adopted.'" Did I read that correctly?

9 A Yes.

10 Q Do you agree with that  
11 statement?

12 MR. GORMAN: Objection.

13 You can answer.

14 THE WITNESS: No comment.

15 BY MR. DAVIS:

16 Q Do you know one way or the other  
17 whether the Town ever adopted an at-large  
18 method of elections?

19 MR. GORMAN: I caution the witness to  
20 the extent the answer to the question is  
21 not public, don't reveal the information  
22 based on a legislative privilege and the  
23 First Amendment associational privilege.

24 THE WITNESS: No comment.

25 //

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2 BY MR. DAVIS:

3 Q Do you agree that the Town  
4 maintains an at-large method of election?

5 A If it agrees to maintain an at-  
6 large election? Is that the question?

7 Q Yes.

8 A Yes.

9 Q Okay. And then in the last line  
10 of the response or the third to last line,  
11 it states, quote, "Defendants state that  
12 no petition has ever been submitted to the  
13 town board to hold a referendum to change  
14 the current at-large method of electing  
15 members of the town board to award  
16 system." Did I read that correctly?

17 A Yes.

18 Q Do you agree with that  
19 statement?

20 MR. GORMAN: Let me caution the  
21 witness to the extent the answer to the  
22 question is not public, do not reveal the  
23 information based on legislative  
24 privilege.

25 THE WITNESS: No comment.



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2 BY MR. DAVIS:

3 Q So you have no testimony on the  
4 topic of whether anyone has submitted a  
5 referendum to change the current at-large  
6 method of elections that is not covered by  
7 the First Amendment or legislative  
8 privilege. Is that correct?

9 MR. GORMAN: Objection. The  
10 direction was to the extent that it's not  
11 public. If he has non-public information,  
12 he could provide it.

13 THE WITNESS: No comment.

14 BY MR. DAVIS:

15 Q Okay. I'm going to give you a  
16 second to read the entire answer to the  
17 interrogatory number 8. Can you let me  
18 know when you've had a chance to read it?

19 A That's just number 8 I read;  
20 yes?

21 Q Correct.

22 A Okay. I read it.

23 Q Is there anything else you'd add  
24 in response to this interrogatory?

25 A No.

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2 Q Where do you live?

3 A Town of Newburgh.

4 Q What's your address?

5 A 2 Mace, M-A-C-E, Circle,

6 Newburgh, New York.

7 Q What area of the Town is that  
8 in?

9 MR. GORMAN: Objection.

10 You can answer if you know what he  
11 means.

12 THE WITNESS: I would say it's the  
13 southern section of town.

14 BY MR. DAVIS:

15 Q Is there an area of Newburgh  
16 called Orange Lake?

17 A Yes.

18 Q Is it fair to say that you live  
19 in Orange Lake?

20 A Along the shore, yes, on the  
21 south side.

22 Q Do you know where in Newburgh  
23 Councilmember Ruggiero lives?

24 A Yes.

25 Q Where does he live?

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2 A Sylvan Drive.

3 Q Is that also in Orange Lake?

4 A It'd be further away to the  
5 east.

6 Q What neighborhood is that in?

7 A Southeast section of town.

8 Q Do you know where Newburgh  
9 Councilmember Manley lives?

10 A More in the center of town,  
11 Kentucky Drive.

12 Q Does he live in a neighborhood  
13 or area of the Town of Newburgh?

14 MR. GORMAN: Objection.

15 You can answer.

16 THE WITNESS: I'm not sure of the  
17 question either.

18 BY MR. DAVIS:

19 Q Does Councilmember Manley live  
20 in a neighborhood within the Town of  
21 Newburgh?

22 MR. GORMAN: Same objection.

23 You can answer.

24 THE WITNESS: He lives on Kentucky  
25 Drive. I don't know what neighborhood

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2 that really is.

3 BY MR. DAVIS:

4 Q Is there a neighborhood in  
5 Newburgh called Balmville?

6 A Yes.

7 Q Does council member Manley live  
8 in Balmville?

9 A No.

10 Q Where does he live?

11 A Kentucky Drive. There's another  
12 councilman lives in Balmville.

13 Q Is that Mr. LoBiondo?

14 A Yes.

15 Q Okay. So you don't know what  
16 neighborhood Mr. Manley lives in. Is that  
17 correct?

18 A When you say neighborhood, I  
19 don't understand that question: "What  
20 neighborhood do you live in?"

21 Q Is Balmville a neighborhood in  
22 the Town of Newburgh?

23 A It's -- I think that would be  
24 considered one of the original hamlets,  
25 Balmville. A hamlet, yes.

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2 Q Okay. Does Mr. Manley live in a  
3 hamlet in the Town of Newburgh?

4 A I do not know the name.

5 Q Okay. Is there an area of  
6 Newburgh known as the Historic District?

7 A No.

8 Q Does the town board have the  
9 authority to fill a vacant seat on the  
10 town board?

11 A Yes.

12 Q Does the town board have the  
13 authority to appoint someone to fill that  
14 seat?

15 A Yes.

16 Q How does the town board appoint  
17 members to a vacancy?

18 MR. GORMAN: Let me caution the  
19 witness to the extent the answer to the  
20 question is not public, do not reveal the  
21 information based on legislative  
22 privilege.

23 THE WITNESS: No response.

24 BY MR. DAVIS:

25 Q So you have no testimony on the

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2 topic of how the board appoints members to  
3 vacant seats that is not covered by the  
4 legislative or First Amendment privilege?

5 A Yes.

6 Q Does the town council set any  
7 goals for the Town of Newburgh?

8 MR. GORMAN: Same direction. Don't  
9 answer to the extent that there's any  
10 information that -- unless to the extent  
11 it's public.

12 THE WITNESS: No response.

13 BY MR. DAVIS:

14 Q Do you have any non-public  
15 information with respect to whether the  
16 town council has goals for the Town of  
17 Newburgh?

18 A No.

19 Q Okay. I'm going to introduce  
20 one more exhibit. Actually, let's strike  
21 that. We've been going for about an hour.  
22 Do you want to take a short break?

23 A Sounds good to me.

24 THE REPORTER: All right. Off the  
25 record, 10:03.

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2 (Off the record.)

3 THE REPORTER: All right. We are  
4 back on the record, 10:18.

5 BY MR. DAVIS:

6 Q Okay. Do you understand you're  
7 still under oath?

8 A Yes, I do.

9 Q Okay. I'm going to introduce  
10 another exhibit. Bear with me. Okay. It  
11 says it's uploaded. Are you able to see  
12 the document marked Exhibit 4?

13 (Exhibit 4 was marked for  
14 identification.)

15 A Yes.

16 Q Do you recognize this document?

17 A Yes.

18 Q What is it?

19 A It'd be the agenda of a special  
20 meeting.

21 Q Okay. Can you scroll down to  
22 the 5th page in the PDF that has the  
23 Abrams Fensterman letterhead on the top.  
24 You let me know when you get there.

25 A Is it the sixth page; right?

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2 Abrams; yes?

3 Q Yeah, it has their letterhead at  
4 the top, and then it says, "Via certified  
5 mail."

6 A Yes.

7 Q Okay. Do you recognize this  
8 document?

9 A Yes.

10 Q What is it?

11 A It's a letter from the Abrams  
12 firm saying that we're in violation of the  
13 Voting Rights Act.

14 Q If I refer to the notice letter,  
15 do you understand that I'm referring to  
16 this document?

17 A Yes.

18 Q Have you read the notice letter?

19 A Yes.

20 Q What do you understand  
21 Plaintiffs' complaint to be in the letter?

22 MR. GORMAN: Let me caution the  
23 witness to the extent the answer reveals  
24 anything that's not public, don't reveal  
25 that information based on the legislative



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2 privilege.

3 THE WITNESS: I have no comment.

4 BY MR. DAVIS:

5 Q Do you have any non-public  
6 information regarding plaintiffs'  
7 complaint in this letter?

8 MR. GORMAN: Objection.

9 You can answer.

10 THE WITNESS: No.

11 BY MR. DAVIS:

12 Q So you have no understanding of  
13 what Plaintiffs' complaints are in this  
14 letter?

15 MR. GORMAN: Objection.

16 You can answer.

17 THE WITNESS: No comment.

18 BY MR. DAVIS:

19 Q Do you think Plaintiffs'  
20 complaints are valid?

21 MR. GORMAN: Let me caution the  
22 witness to the extent the answer to your  
23 question is not in the public record,  
24 don't reveal it based on legislative  
25 privilege.

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2 THE WITNESS: No comment.

3 BY MR. DAVIS:

4 Q So you have no opinions on  
5 Plaintiffs' complaints that are not  
6 covered by the legislative or First  
7 Amendment privilege. Is that correct?

8 A Yes.

9 Q Okay. I want to turn to the  
10 second paragraph under the section, "New  
11 York State Voting Rights Act." I'm going  
12 to read from that second paragraph, the  
13 second line.

14 Quote, "An analysis of election  
15 data and demographic patterns in the Town  
16 of Newburgh utilizing Bayesian Improved  
17 Surname Geocoding among other statistical  
18 methods reveal significant and persistent  
19 patterns of racially polarized voting with  
20 respect to African American and Hispanic  
21 voters, and demonstrates that the voting  
22 preferences and choices of African  
23 American and Hispanic voters differ  
24 markedly from those of White voters within  
25 the jurisdiction." Did I read that

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2 correctly?

3 A Yes.

4 Q Do you think the allegation that  
5 there's racially polarized voting in the  
6 Town of Newburgh is valid?

7 MR. GORMAN: Objection.

8 I'm going to direct the witness not  
9 to answer based on legislative provision  
10 and First Amendment associational  
11 privilege.

12 THE WITNESS: No comment.

13 BY MR. DAVIS:

14 Q So you have no testimony  
15 regarding the allegation of racially  
16 polarized voting that is not covered by  
17 the legislative or First Amendment  
18 privilege?

19 MR. GORMAN: Objection.

20 You can answer.

21 THE WITNESS: Yes.

22 BY MR. DAVIS:

23 Q Okay. And then turning to the  
24 next paragraph, starting in the second to  
25 last line, it says, quote, "Among other

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2 things, not once has Newburgh ever elected  
3 an African American or Hispanic candidate  
4 to Town office despite the fact that  
5 African Americans and Hispanics represent  
6 14.6 percent and 23.6 percent of the  
7 Town's populations respectively." Did I  
8 read that correctly?

9 A Yes.

10 Q Do you think that the allegation  
11 that Newburgh has never elected an African  
12 American or Hispanic candidate to Town  
13 office is valid?

14 MR. GORMAN: Objection.

15 I'm going to direct the witness not  
16 to answer to the extent that he has known  
17 no non-public information subject to the  
18 legislative privilege.

19 THE WITNESS: No response.

20 BY MR. DAVIS:

21 Q So to confirm, you have no  
22 testimony on this topic that is not  
23 covered by the First Amendment or  
24 legislative privilege. Is that correct?

25 A Yes.

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2 Q What were your initial  
3 impressions when you received this letter?

4 MR. GORMAN: Same direction. Caution  
5 the witness not to answer to the extent  
6 that anything that you may testify about  
7 would be subject to legislative privilege.

8 THE WITNESS: No comment.

9 BY MR. DAVIS:

10 Q After you received the notice  
11 letter, did you share it with anyone?

12 MR. GORMAN: Objection.

13 A No comment.

14 Q Did you discuss the notice  
15 letter with anyone?

16 MR. GORMAN: Same direction. I'll  
17 caution the witness not to answer to the  
18 extent that the answer to your question  
19 would be subject to the First Amendment  
20 associational privilege.

21 THE WITNESS: No comment.

22 BY MR. DAVIS:

23 Q What did the Town do in response  
24 to the letter?

25 MR. GORMAN: Same direction. To the

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2 extent the answer invokes anything that  
3 would be subject to the legislative  
4 privilege and First Amendment  
5 associational privilege, I direct the  
6 witness not to answer.

7 THE WITNESS: No comment.

8 BY MR. DAVIS:

9 Q Okay. I'm going to introduce an  
10 exhibit. It should be uploaded. Let me  
11 know when you see it. Can you see the  
12 document marked Exhibit 5?

13 (Exhibit 5 was marked for  
14 identification.)

15 A Yes.

16 Q Do you recognize this document?

17 A Yes.

18 Q What is it?

19 A It's a press release that I put  
20 out.

21 Q What is the topic of the press  
22 release?

23 MR. GORMAN: Objection. The document  
24 speaks for itself.

25 You can answer.

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2 THE WITNESS: Yeah, I think the  
3 document does speak for itself.

4 BY MR. DAVIS:

5 Q Okay. But I asked you what the  
6 topic was. I note the objection, but you  
7 can answer.

8 MR. GORMAN: You can answer.

9 THE WITNESS: Okay. The fact that  
10 we -- a letter was received, that our  
11 election system -- work with minorities to  
12 be elected. And this was -- we're going  
13 to look into the matter.

14 BY MR. DAVIS:

15 Q What do you mean by look into  
16 the matter?

17 MR. GORMAN: Objection to the extent  
18 that it's going to call for attorney-  
19 client privileged communications or which  
20 would be subject to the legislative  
21 privilege.

22 You can answer to the extent that you  
23 could provide public information  
24 available.

25 THE WITNESS: I think the last

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2 paragraph sums it up there on my press  
3 release.

4 BY MR. DAVIS:

5 Q It says in the last paragraph,  
6 "The town board will consider available  
7 alternative courses of action." Is that  
8 correct?

9 A I think the last one, "Once it  
10 is consulted with attorneys." That's the  
11 what I'm talking about.

12 Q Right. And so in that  
13 sentence -- I'll read the whole sentence.  
14 It says, "Once it is consulted with the  
15 attorneys regarding the results of the  
16 review, the town board will consider  
17 available alternative courses of action."  
18 Is that correct?

19 A Yes.

20 Q What did you mean by available  
21 alternative courses of action?

22 MR. GORMAN: Same caution to the  
23 witness. To the extent the answer to the  
24 question would reveal information that is  
25 not public, don't do so based on



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2 legislative privilege.

3 THE WITNESS: No comment.

4 BY MR. DAVIS:

5 Q So you have no testimony on what  
6 you meant by available alternative courses  
7 of action that is not covered by the  
8 legislative or First Amendment privilege.  
9 Is that correct?

10 A Yes.

11 Q Okay. And then the next  
12 sentence said, "These may include an  
13 alternative method of electing town board  
14 members in future elections." Did I read  
15 that correctly?

16 A Yes.

17 Q What did you mean by that?

18 MR. GORMAN: Same objection.

19 Don't answer to the extent that you  
20 have no non-public information that would  
21 not be subject to the legislative  
22 privilege.

23 THE WITNESS: No comment.

24 BY MR. DAVIS:

25 Q So you have no testimony as to

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2 what alternative method of electing town  
3 board members in future elections the Town  
4 considered that is not covered by the  
5 legislative or First Amendment privilege.  
6 Is that correct?

7 A Yes.

8 Q Okay. I'd like to turn to the  
9 fourth paragraph. I'll read from it. It  
10 says, quote, "The town board nevertheless  
11 takes the allegations very seriously and  
12 has retained a law firm that has worked  
13 with the Town in the past, Sokoloff Stern  
14 LLP, to provide legal services for a  
15 review of the Town's compliance with the  
16 NYVRA and the allegations contained in the  
17 Abrams Fensterman letter, and to retain  
18 experts approved by the town board who are  
19 required in connection with that ongoing  
20 review." Did I read that correctly?

21 A Yes.

22 Q What steps did the Town take to  
23 investigate the allegations?

24 MR. GORMAN: Objection. Legislative  
25 privilege. Attorney-client privilege.

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2 I direct you not to answer.

3 THE WITNESS: No comment.

4 BY MR. DAVIS:

5 Q So you have no testimony on the  
6 steps the Town took to investigate the  
7 allegations that is not covered by the  
8 legislative, attorney-client, or First  
9 Amendment privilege. Is that correct?

10 A Yes.

11 Q Did the Town do anything to  
12 investigate the claim that Newburgh has  
13 never elected an African American or  
14 Hispanic candidate to Town office?

15 MR. GORMAN: Same objection.

16 Attorney client-privilege, legislative  
17 privilege, First Amendment associational  
18 privilege.

19 THE WITNESS: No comment.

20 BY MR. DAVIS:

21 Q So you have no testimony  
22 regarding any investigation the Town of  
23 Newburgh conducted into whether it had  
24 elected an African American or Hispanic  
25 candidate that's not covered by any of the

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2 privileges your attorney just referenced?

3 A Yes.

4 Q Did the Town investigate the  
5 claim that there was racially polarized  
6 voting in the Town of Newburgh?

7 MR. GORMAN: Same direction. Caution  
8 the witness not to answer unless there's  
9 public information available that would  
10 not be subject to privileges previously  
11 just noted.

12 THE WITNESS: No comment.

13 BY MR. DAVIS:

14 Q So you have no non-privileged  
15 testimony regarding whether there's  
16 racially polarized voting -- strike that.  
17 You have no testimony regarding any steps  
18 the Town took to investigate the claim of  
19 racially polarized voting that's not  
20 covered by one of the privileges your  
21 attorney just referenced?

22 A Yes.

23 Q Okay. Can we go back to exhibit  
24 4? That was the special meeting agenda.

25 A Got it.

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2 Q You see the document marked

3 Exhibit 4 on your screen?

4 A Yes.

5 Q Can you scroll to page 2, or it

6 says at the top, "Resolution of the town

7 board of the Town of Newburgh"?

8 A Yes.

9 Q What is this document?

10 A This is a resolution pertaining

11 to the New York State election law.

12 Q Was there a vote held on this

13 resolution?

14 A Yes.

15 Q Did the resolution pass?

16 A Yes.

17 Q Why did the Town pass this

18 resolution?

19 MR. GORMAN: Let me caution the

20 witness to the extent the answer to the

21 question would reveal information is not

22 public, I direct you not to answer based

23 on the legislative privilege.

24 THE WITNESS: No comment.

25 //

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2 BY MR. DAVIS:

3 Q So you have no testimony as to  
4 why the Town passed this resolution that's  
5 not covered by the First Amendment or  
6 legislative privilege. Is that correct?

7 A Yes.

8 Q Okay. Let's go to, I believe,  
9 the 5th whereas clause at the bottom of  
10 that page and at the top of the next page.  
11 And then in the first paragraph on the 3rd  
12 page, it says in the third line:

13 "Including, without limitation, any  
14 analysis that Abram Fensterman may provide  
15 following the adoption of this resolution,  
16 the town board concludes that there may be  
17 a violation of the NYVRA. The town board  
18 affirms that the Town intends to enact and  
19 implement the appropriate remedy or  
20 remedies." Did I read that correctly?

21 A Yes.

22 Q What did you mean -- or strike  
23 that. What did the Town mean by it  
24 "Concludes that there may be a violation  
25 of the NYVRA"?

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2 MR. GORMAN: I caution the witness to  
3 answer only to the extent that the  
4 information will be public and not subject  
5 to the legislative privilege.

6 THE WITNESS: No comment.

7 BY MR. DAVIS:

8 Q So you have no testimony on this  
9 question that's not covered by one of the  
10 privileges your attorney just referenced?

11 MR. GORMAN: Objection. Just to be  
12 clear, each time you make that statement,  
13 you mean non-public; correct?

14 MR. DAVIS: Correct.

15 MR. GORMAN: Okay. As long as we're  
16 in agreement on that, then you can answer.

17 MR. DAVIS: And I'm assuming if he  
18 had public information, you are directing  
19 him to testify on that. Is that correct?

20 MR. GORMAN: Yes.

21 MR. DAVIS: Okay. Thank you.

22 BY MR. DAVIS:

23 Q Okay. And then in that last  
24 line, it says, "Town board affirms that  
25 the Town intends to enact and implement

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1 G. PIAQUADIO  
2 the appropriate remedy or remedies." Did  
3 I read that correctly?

4 A Yes.

5 Q What did the Town mean by that?

6 MR. GORMAN: I caution the witness  
7 only to answer the extent that he has  
8 public information.

9 THE WITNESS: No comment.

10 BY MR. DAVIS:

11 Q And so you have no testimony on  
12 this topic that's not covered by one of  
13 the applicable privileges or one of the  
14 relevant privileges that your attorney  
15 just referenced. Is that correct?

16 A Yes.

17 Q You said this resolution was  
18 adopted. Is that correct?

19 A Yes.

20 Q What actions did the board take  
21 after adopting this resolution?

22 MR. GORMAN: I caution the witness  
23 only to answer to the extent that the  
24 steps taken or the response is public.

25 THE WITNESS: No response.



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2 BY MR. DAVIS:

3 Q Did the board retain Sokoloff  
4 Stern LLP?

5 A Yes.

6 Q Did the board retain an expert  
7 to assess Plaintiffs' allegations?

8 A No.

9 Q Did the board hold any further  
10 town meetings or public meetings to  
11 discuss Plaintiffs' allegations?

12 A No.

13 Q Did the board ever present to  
14 the public possible options to remedy the  
15 alleged NYVRA violations?

16 A No.

17 Q Did the board subsequently  
18 retain Troutman Pepper?

19 A Yes.

20 Q When did the board retain  
21 Troutman Pepper?

22 A I don't recall.

23 Q Can you give me a rough  
24 estimate?

25 A Around June of 2024.

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2 Q Did the Town reach out to  
3 Troutman?

4 A Yes.

5 Q Why did the Town reach out to  
6 Troutman?

7 MR. GORMAN: Objection.

8 I'll caution the witness to answer  
9 only to the extent that it doesn't reveal  
10 confidential communications, attorney-  
11 client privilege or subject to the  
12 legislative privilege.

13 THE WITNESS: No comment.

14 BY MR. DAVIS:

15 Q Is the Town planning to pay  
16 Troutman for its services in defending  
17 this lawsuit?

18 MR. GORMAN: Same objection.

19 A No comment.

20 Q Has Troutman submitted any  
21 invoices to the Town?

22 A Yes.

23 MR. GORMAN: Same objection.

24 You can answer.

25 THE WITNESS: Yes.

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2 BY MR. DAVIS:

3 Q Did the Town pay those invoices?

4 MR. GORMAN: I direct the witness not  
5 to answer based on legislative privilege  
6 and attorney-client privilege.

7 THE WITNESS: No comment.

8 BY MR. DAVIS:

9 Q Is there a line item in the town  
10 budget for Troutman's work on this case?

11 MR. GORMAN: I direct you not to  
12 answer except to the extent that it's  
13 public.

14 THE WITNESS: No comment.

15 BY MR. DAVIS:

16 Q Is there a publicly accessible  
17 way to see the Town's payments to  
18 Troutman?

19 MR. GORMAN: Same direction. I  
20 direct the witness not to answer to the  
21 extent that it's subject to legislative  
22 privilege.

23 THE WITNESS: No comment.

24 BY MR. DAVIS:

25 Q Has the Town received money from

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1 G. PIAQUADIO

2 any outside entity to pay for Troutman's  
3 services in defending against this  
4 lawsuit?

5 MR. GORMAN: Objection. Lacks  
6 foundation.

7 I direct the witness not to answer,  
8 legislative privilege.

9 THE WITNESS: No comment.

10 BY MR. DAVIS:

11 Q Are the Town's finances public?

12 A Yes.

13 Q If the Town makes an  
14 expenditure, does it have to report that  
15 expenditure to the public?

16 A There's a budget made in  
17 January -- by January for that year, and  
18 all items are in that budget.

19 Q Is there a line item in the  
20 budget for Troutman's work on this case?

21 MR. GORMAN: Objection. Lacks  
22 foundation.

23 I direct the witness not to answer  
24 based on legislative privilege, unless you  
25 have public information responsive.

1 G. PIAQUADIO

2 THE WITNESS: No comment.

3 BY MR. DAVIS:

4 Q If the Town receives money from  
5 an outside group to pay its litigation  
6 expenses, would that appear in the town  
7 budget?

8 MR. GORMAN: Same objection.

9 I direct the witness not to answer,  
10 legislative privilege.

11 THE WITNESS: No comment.

12 BY MR. DAVIS:

13 Q Is the Town authorized to spend  
14 money on something that doesn't appear in  
15 the town budget?

16 MR. GORMAN: I direct the witness not  
17 to answer, legislative privilege.

18 THE WITNESS: No comment.

19 BY MR. DAVIS:

20 Q Okay. I'm going to introduce  
21 another exhibit. It should be uploaded.

22 (Exhibit 6 was marked for  
23 identification.)

24 A Yup.

25 Q Do you see the document marked

1 G. PIAQUADIO

2 Exhibit 6 on your screen?

3 A Yes.

4 Q Okay. Reading from that  
5 document, it states, quote, "Please take  
6 notice pursuant to New York Civil Practice  
7 Law and Rules 1012(b), that Defendants  
8 Town of Newburgh and Town Board of the  
9 Town of Newburgh's," parenthesis,  
10 "Defendants' verified answer and  
11 affirmative defenses," parenthesis,  
12 "NYSCEF number 34," parenthesis, "Answer,  
13 challenges the constitutionality of the  
14 New York Voting Rights Act." Did I read  
15 that correctly?

16 A Am I in the right place here?

17 MR. GORMAN: Yeah. I think you just  
18 skipped a little bit of the document,  
19 so --

20 THE WITNESS: Oh, is that what it is,  
21 further down?

22 MR. GORMAN: Yeah.

23 BY MR. DAVIS:

24 Q Oh, I apologize. It's from the  
25 first paragraph of text. Do you see where

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1 G. PIAQUADIO

2 it says in the document that "Defendants  
3 are challenging the constitutionality of  
4 the New York Voting Rights Act"?

5 MR. GORMAN: Yeah, it's just because  
6 you're not reading the full text. Scroll  
7 up. When it says Defendants, you're not  
8 saying -- keep going -- pursuant to New  
9 York's Civil Practice Law --

10 THE WITNESS: Okay.

11 MR. GORMAN: Right there.

12 THE WITNESS: Okay. I got it.

13 MR. GORMAN: Go ahead.

14 BY MR. DAVIS:

15 Q So then in the fourth line, it  
16 says, "Challenges the constitutionality of  
17 the New York Voting Rights Act." Is that  
18 correct?

19 A Yes.

20 Q What do you understand that to  
21 mean?

22 MR. GORMAN: I direct the witness not  
23 to answer to the extent it reveals  
24 information that is not public based on  
25 legislative privilege and attorney-client

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2 privilege.

3 THE WITNESS: No comment.

4 BY MR. DAVIS:

5 Q What is your understanding of  
6 why the NYVRA is unconstitutional?

7 MR. GORMAN: Same direction.  
8 Legislative privilege, First Amendment  
9 associational privilege.

10 THE WITNESS: No comment.

11 BY MR. DAVIS:

12 Q Do you know what the  
13 consequences are for the Town if the  
14 laws -- strike that. Do you know what the  
15 consequences are for the Town in this  
16 lawsuit if the NYVRA is found  
17 unconstitutional?

18 MR. GORMAN: Same objection. Same  
19 direction.

20 THE WITNESS: No comment.

21 BY MR. DAVIS:

22 Q Did the Town enter into a  
23 contract with Troutman Pepper for its  
24 services in this lawsuit?

25 MR. GORMAN: I direct the witness not



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2 to answer, legislative privilege.

3 THE WITNESS: No comment.

4 BY MR. DAVIS:

5 Q Are contracts the Town enters  
6 into publicly available?

7 A Yes.

8 Q Okay. Have you reviewed any of  
9 the expert reports disclosed in this case?

10 A Not that I recall.

11 Q Okay. I'm going to introduce  
12 another exhibit. Okay. Can you let me  
13 know when you see the document marked  
14 Exhibit 7? It should be uploaded.

15 (Exhibit 7 was marked for  
16 identification.)

17 A Go ahead.

18 Q Have you seen this document  
19 before?

20 A Not that I recall.

21 Q Okay. I'll represent to you  
22 that this is the expert report of Dr. A.K.  
23 Sandoval-Strausz, who is an expert  
24 retained by the plaintiffs in this matter.  
25 Could you please turn to page 32 of the

1 G. PIAQUADIO

2 report?

3 A Okay.

4 Q I apologize. Could you actually  
5 scroll down to page 33, and the header is,  
6 G, "The extent to which members of the  
7 protected class." Could you let me know  
8 when you get there?

9 MR. GORMAN: I'm just going to put on  
10 the record a standing objection. The  
11 witness testified that he has never seen  
12 this document before. And he is now just  
13 looking at a single page, but he could  
14 testify to that extent.

15 THE WITNESS: No comment.

16 BY MR. DAVIS:

17 Q All right. I'm just asking if  
18 you are on page 33 and see the header I  
19 was referring to.

20 MR. GORMAN: I think the pending  
21 question is are you on the right page.

22 THE WITNESS: On page 33?

23 MR. GORMAN: Yes.

24 You want to ask again? Maybe  
25 it'll --

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2 MR. DAVIS: Yeah. Sure.

3 BY MR. DAVIS:

4 Q Do you see the header? I'll  
5 read it out. "G: The extent to which  
6 members of the protected class are  
7 disadvantaged in areas including but not  
8 limited to education, employment, health,  
9 criminal justice, housing, land use, or  
10 environmental protection." Do you see  
11 that header?

12 A Yes.

13 Q And do you see right below the  
14 header it says, quote: "The Town of  
15 Newburgh consists of seven tracks defined  
16 by the United States Census Bureau. The  
17 data in this section," parenthesis, "From  
18 the most recently tabulated surveys in  
19 2022 were accessed through Social  
20 Explorer, the widely used geodata site  
21 that maps census data." Did I read that  
22 correctly?

23 A Yes.

24 Q Okay. Can you scroll down to  
25 page 34?

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2 A Okay.

3 Q At the beginning of the second  
4 paragraph, it says, quote, "Across the  
5 Town of Newburgh, there are large ethno-  
6 racial gaps in income and housing and  
7 smaller ones in education and employment."  
8 Did I read that correctly?

9 A Yes.

10 Q Do you agree with that  
11 statement?

12 MR. GORMAN: I'm going to direct the  
13 witness not to answer the question based  
14 on legislative privilege and First  
15 Amendment associational privilege.

16 THE WITNESS: No comment.

17 BY MR. DAVIS:

18 Q So you have no testimony  
19 regarding the existence of ethno-racial  
20 gaps in income and housing and education  
21 and employment in the Town of Newburgh  
22 that's not covered by the privileges that  
23 your attorney just referenced?

24 A Yes.

25 Q Okay. Then in the third

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1 G. PIAQUADIO  
2 paragraph on page 34, it says, quote, "At  
3 the basic level of annual per capita  
4 income, the average among Newburgh's non-  
5 Hispanic Whites is 50,839, with Black  
6 people earning on average more than one-  
7 third less at 33,870 per capita, and  
8 Hispanics earning just under one-third  
9 less at 35,022 individually." Did I read  
10 that correctly?

11 A Yes.

12 Q Do you have any basis to dispute  
13 these figures?

14 MR. GORMAN: Caution the witness not  
15 to answer unless there's public  
16 information available that would not be  
17 subject to the legislative privilege or  
18 the First Amendment associational  
19 privilege.

20 THE WITNESS: No comment.

21 BY MR. DAVIS:

22 Q So you're not aware of any  
23 public information that would dispute  
24 these figures. Is that correct?

25 MR. GORMAN: Same objection. Same

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2 direction.

3 THE WITNESS: No comment.

4 BY MR. DAVIS:

5 Q I'm only asking about public  
6 information. I'm asking if you have any  
7 public information that would refute these  
8 figures.

9 A I -- I have no information.

10 Q Okay. Is the Town aware that  
11 there are disparities in the unemployment  
12 rate -- excuse me. Strike that. Is the  
13 Town aware of disparities in income  
14 between Hispanic and White residents of  
15 the Town of Newburgh?

16 MR. GORMAN: To the extent they  
17 answer the question's not public, do not  
18 reveal the information based on the  
19 legislative and First Amendment  
20 associational privilege.

21 THE WITNESS: No comment.

22 BY MR. DAVIS:

23 Q Has the Town taken any steps to  
24 address these disparities?

25 MR. GORMAN: Same direction. Caution

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1 G. PIAQUADIO

2 the witness not to answer unless there's  
3 public information that's available that  
4 wouldn't be subject to legislative  
5 privilege.

6 THE WITNESS: No comment.

7 BY MR. DAVIS:

8 Q Do you have any public  
9 information regarding steps that the Town  
10 has taken to address these disparities?

11 MR. GORMAN: Same direction. To the  
12 extent the answer to the question is not  
13 public, don't reveal the information based  
14 on the privileges just stated.

15 THE WITNESS: No comment.

16 BY MR. DAVIS:

17 Q I'm just asking about public  
18 information. Do you have any public  
19 information regarding steps that the Town  
20 has taken to address these disparities?

21 A No.

22 Q Okay. And then moving to the  
23 third to last line in that last paragraph  
24 on page 34, quote, "The unemployment rate  
25 among the Town's Latinos, 5.9 percent, was

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1 G. PIAQUADIO  
2 almost twice as high as for non-Hispanic  
3 Whites, 3.1 percent, and for the Town's  
4 Black people, their rate was almost 75  
5 percent higher at 5.4 percent." Did I  
6 read that correctly?

7 A Yes.

8 Q Do you have any basis dispute  
9 these figures?

10 MR. GORMAN: Caution the witness to  
11 the extent the answer to the question is  
12 not public, don't reveal that information  
13 based on legislative privilege.

14 THE WITNESS: No comment.

15 BY MR. DAVIS:

16 Q Are you aware of any public  
17 information that is available that would  
18 refute these figures?

19 A No.

20 Q Is the Town previously aware of  
21 disparities in the unemployment rate  
22 between Hispanic and Black people and  
23 White residents of Newburgh?

24 MR. GORMAN: Caution the witness to  
25 the extent the answer to the question is



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2 not public, don't reveal that information.

3 THE WITNESS: No comment.

4 BY MR. DAVIS:

5 Q Has the Town taken any steps to  
6 address disparities in employment between  
7 Black and Hispanic and White residents of  
8 the Town of Newburgh?

9 MR. GORMAN: Same objection and  
10 direction. Legislative privilege, First  
11 Amendment associational privilege.

12 THE WITNESS: No comment.

13 BY MR. DAVIS:

14 Q Do you have any public  
15 information regarding steps the Town has  
16 taken to address these disparities?

17 A No.

18 Q Okay. Can you turn to page 35,  
19 and then I'm looking in the middle of the  
20 second paragraph. And it states, quote:  
21 "Across the Town of Newburgh, there are  
22 unequal rates of homeownership versus  
23 renting. By race, non-Hispanic Whites are  
24 less likely to rent their homes. Across  
25 the entire town, only 14.7 percent of them

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2 are renters, as compared with 25.7 percent

3 of Latinos and 24.9 percent of Blacks."

4 Did I read that correctly?

5 A Yes.

6 Q Do you have any basis to dispute

7 these figures?

8 MR. GORMAN: Caution the witness to  
9 the extent the answer to the question is  
10 not public, don't reveal that information  
11 based on the legislative privilege and  
12 First Amendment associational privilege.

13 THE WITNESS: No comment.

14 BY MR. DAVIS:

15 Q Is there any public information  
16 that would refute these figures?

17 MR. GORMAN: Objection. Lacks  
18 foundation. Same objections as before.  
19 Are you asking him to testify as an expert  
20 or his personal knowledge?

21 MR. DAVIS: Asking him to testify as  
22 the representative of the Town. Let me  
23 rephrase.

24 BY MR. DAVIS:

25 Q Is the Town aware of any public

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2 figures or data that would dispute the  
3 figures reported in that paragraph?

4 MR. GORMAN: Same objection to the  
5 extent that the answer to the question is  
6 not public.

7 A No comment.

8 Q I am only asking for public  
9 information. Do you have any public  
10 information --

11 MR. GORMAN: Can you read back the  
12 question? I don't think that question  
13 said public in it.

14 MR. DAVIS: I'm happy to just ask the  
15 question again if that's okay.

16 MR. GORMAN: Even better. Thank you.

17 MR. DAVIS: Yeah. No problem.

18 BY MR. DAVIS:

19 Q Do you have any public  
20 information to dispute the figures  
21 reported in this paragraph regarding  
22 disparate rates of homeownership in the  
23 Town of Newburgh?

24 A No.

25 Q I'm sorry. I couldn't hear you.

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2 A There was no.

3 Q Thank you. Was the Town aware  
4 of these disparities in homeownership  
5 rates between Hispanic and Black and White  
6 residents at the Town of Newburgh?

7 MR. GORMAN: Objection. Lacks  
8 foundation. Timeframe.

9 And directing the witness not to  
10 answer unless there's public information  
11 available that wouldn't be subject to the  
12 legislative privilege.

13 THE WITNESS: No comment.

14 BY MR. DAVIS:

15 Q Has the Town taken any steps to  
16 address disparities in homeownership rates  
17 within the Town of Newburgh?

18 MR. GORMAN: Direct the witness to  
19 answer only to the extent that there's  
20 public information that wouldn't be  
21 subject to the legislative privilege.

22 THE WITNESS: No comment.

23 BY MR. DAVIS:

24 Q Is there any public information  
25 regarding steps the Town has taken to

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2 address these disparities that you are  
3 aware of?

4 A No.

5 Q Okay. And turning now to the  
6 bottom of page 35 and to the top of page  
7 36. It says, quote: "The discrepancies  
8 are most notable among men. Non-Hispanic  
9 Whites have the lowest high school non-  
10 completion rate, 2.1 percent, as compared  
11 with Black youngsters, 3.4 percent, and  
12 especially Hispanic ones whose rate is  
13 more than five times higher, 10.6  
14 percent." Did I read that correctly?

15 A Yes.

16 Q Do you have any basis to dispute  
17 these figures?

18 MR. GORMAN: I direct the witness not  
19 to answer to the extent the answer to the  
20 question is not public. Don't reveal  
21 information based on both legislative  
22 privilege and First Amendment  
23 associational privilege.

24 THE WITNESS: No comment.

25 //

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2 BY MR. DAVIS:

3 Q Are you aware of any public  
4 information that would dispute these  
5 figures?

6 A No.

7 Q Okay. And then moving down, it  
8 says, "Similarly, the rate of college  
9 completion among White Anglos, 15.8  
10 percent, is higher than for Hispanic men,  
11 13.5 percent, or Black men, 10.7 percent."  
12 Did I read that correctly?

13 A Yes.

14 Q Do you have any basis to dispute  
15 these figures?

16 MR. GORMAN: Caution the witness and  
17 direct the witness to limit your response  
18 to what is publicly available. Otherwise,  
19 the information is subject to the  
20 legislative privilege.

21 THE WITNESS: No response.

22 BY MR. DAVIS:

23 Q Are you aware of any public  
24 information that would refute these  
25 figures?

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2 A No.

3 Q Prior to this deposition, were  
4 you aware of the disparities in  
5 educational attainment between Hispanic  
6 and Black and White residents of the Town  
7 of Newburgh?

8 MR. GORMAN: I caution the witness if  
9 the answer to that question reveals non-  
10 public information, don't provide it,  
11 because it's protected by the legislative  
12 privilege.

13 THE WITNESS: No response.

14 BY MR. DAVIS:

15 Q Has the Town taken any steps to  
16 address these educational disparities?

17 MR. GORMAN: Same direction. Caution  
18 the witness that if the answer to the  
19 question reveals non-public information,  
20 don't provide it. It's protected by the  
21 legislative privilege and the first  
22 amendment associational privilege.

23 THE WITNESS: No response.

24 BY MR. DAVIS:

25 Q Are you aware of any public

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2 information regarding steps the Town has  
3 taken to address these disparities?

4 A No.

5 Q Okay. And then scrolling down  
6 to page 37, and the last paragraph  
7 beginning with, "In the area of  
8 environmental protection."

9 A Okay.

10 Q I'm going to give you a moment  
11 to read this paragraph. It's the bottom  
12 of this page and the first two lines of  
13 the next page. Can you read that and then  
14 let me know when you're done.

15 A Okay. I read it.

16 Q Thank you. The paragraph you  
17 just read is about a project at the  
18 Danskammer Plant. Is that correct?

19 A Yes.

20 Q What is your understanding of  
21 the controversy surrounding the Danskammer  
22 project?

23 MR. GORMAN: I direct the witness to  
24 the extent the answer to the question  
25 involves non-public information, you



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2 should not provide that information. It's  
3 protected by the First Amendment  
4 associational privilege and legislative  
5 privilege. You could answer to the extent  
6 you have public information.

7 THE WITNESS: Well, I do want to  
8 answer on behalf of the public information  
9 as I did have a press release. The power  
10 plants currently in the Town were built in  
11 the '50s or '60s, highly inefficient power  
12 plants. My statement was, and I still  
13 stand by it, if a new plant came to town,  
14 I would say no.

15 But this was a chance to increase and  
16 make the existing plant, Danskammer, more  
17 efficient and put out less fluorocarbons.  
18 So that was my position. And it was not a  
19 town board position, but just mine. It  
20 was never a resolution, just mind. And  
21 making an old plant more efficient, that  
22 was my statement, and that's where I  
23 stand. Thank you.

24 BY MR. DAVIS:

25 Q Thank you for clarifying. Did

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2 the Town consider the impact of  
3 redeveloping the plant on Black and  
4 Hispanic residents in Newburgh?

5 MR. GORMAN: Same objection. Caution  
6 the witness to the extent that the  
7 question involved non-public information  
8 in your answer, you should not provide  
9 that information.

10 THE WITNESS: No comment.

11 BY MR. DAVIS:

12 Q Did the Town discuss the project  
13 with any Black or Hispanic residents of  
14 the Town of Newburgh?

15 MR. GORMAN: Same direction not to  
16 answer based on the First Amendment  
17 associational privilege, legislative  
18 privilege. But if you have public  
19 information, you could share.

20 THE WITNESS: No comment.

21 BY MR. DAVIS:

22 Q Are you aware of any public  
23 information regarding efforts the Town  
24 made to engage Black or Hispanic residents  
25 on this project?

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2 A No.

3 MR. DAVIS: Okay. That's been  
4 another hour about. Do you want to take  
5 just a five-minute break?

6 MR. GORMAN: Sure.

7 THE REPORTER: Off the record, 11:02.  
8 (Off the record.)

9 THE REPORTER: We are back on the  
10 record, 11:12.

11 BY MR. DAVIS:

12 Q Okay. Do you understand you're  
13 still under oath?

14 A Yes, I do.

15 Q Okay. I'd like you to pull up  
16 the Town's responses to Plaintiffs'  
17 interrogatories. I believe that was  
18 marked Exhibit 3. Can you just let me  
19 know when you have that up on your screen?

20 MR. GORMAN: Okay. We got it.

21 BY MR. DAVIS:

22 Q Thank you. And there aren't  
23 page numbers, but if you could scroll down  
24 to what is the 6th page of the PDF,  
25 interrogatory number 7. It's at the

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2 bottom of the page. Could you just let me  
3 know when you're there?

4 A Yup. I got it.

5 Q Thank you. And it reads, quote,  
6 "Please identify any efforts made or  
7 measures adopted by the town board from  
8 2010 to present to address national  
9 origin, racial, and/or ethnic disparities  
10 in income, educational attainment,  
11 employment opportunities, health, criminal  
12 justice, housing, land use, and  
13 environmental impacts between  
14 Hispanic/Black residents and White  
15 residents." Did I read that correctly?

16 A Yes.

17 Q Okay. And then there are some  
18 objections. And then scrolling down to  
19 the next page, you reference the April  
20 2009 tri-county affordable housing study.  
21 Is that correct?

22 A Yes.

23 Q And how is that housing study  
24 related to disparities between Black and  
25 Hispanic and White residents of the Town

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2 of Newburgh?

3 MR. GORMAN: I caution the witness to  
4 answer only to the extent that the answer  
5 is going to be in the public record.  
6 Don't reveal information based on  
7 legislative privilege.

8 THE WITNESS: No response.

9 BY MR. DAVIS:

10 Q So you have no testimony on the  
11 relation between this affordable housing  
12 study and disparities in the Town of  
13 Newburgh that is not covered by those  
14 privileges. Is that correct?

15 A Yes.

16 Q Okay. And then scrolling down a  
17 little bit, the seventh line from the  
18 bottom of the paragraph, it says, quote,  
19 "The Town has also proactively sought the  
20 participation of minority and women-owned  
21 business contractors in connection with  
22 certain town construction projects." Did  
23 I read that correctly?

24 A I can't find where you are. Are  
25 you on page --

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2 Q I apologize. It's on the same  
3 page. If you see where it says the tri-  
4 county affordable housing study, if you go  
5 down four lines. And then in the middle.  
6 It starts with -- and I'll read it again  
7 just so we have the same thing in front of  
8 us. It says, quote, "The Town has also  
9 proactively sought the participation of  
10 minority and women-owned business  
11 contractors in connection with certain  
12 town construction projects." Is that  
13 correct?

14 A Yes.

15 Q What has the Town done to  
16 proactively seek the participation of  
17 minority and women-owned business  
18 contractors?

19 MR. GORMAN: I caution the witness to  
20 the extent the answer to the question is  
21 not public, don't reveal that information  
22 based on both the legislative privilege  
23 and the First Amendment associational  
24 privilege.

25 THE WITNESS: No response.

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2 BY MR. DAVIS:

3 Q Are you aware of any public  
4 information regarding efforts the Town has  
5 made to proactively seek the participation  
6 of minority and women-owned business  
7 contractors?

8 A No.

9 Q Okay. And then it says, "In  
10 connection with certain town construction  
11 projects." Did I read that right?

12 A Yes.

13 Q What did you mean by certain  
14 town construction projects?

15 MR. GORMAN: Caution the witness not  
16 to answer to the extent the answer to the  
17 question is not public. Same direction.

18 THE WITNESS: No response.

19 BY MR. DAVIS:

20 Q Can you identify any town  
21 construction projects where the Town  
22 proactively sought the participation of  
23 minority-owned business contractors?

24 MR. GORMAN: Same direction. Caution  
25 the witness to answer only to the extent

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2 the answer to the question is public.

3 THE WITNESS: No response.

4 BY MR. DAVIS:

5 Q Are you aware of any public

6 information regarding which town

7 construction projects the Town proactively

8 sought the participation of minority-owned

9 business contractors on?

10 MR. GORMAN: Same direction. The

11 questions have modified a little bit as

12 the follow up as we've seen. And so it's

13 not just not public, but it's also that it

14 would not be subject to the legislative

15 and First Amendment associational

16 privilege.

17 As long as we have that same

18 assumption, then you can answer.

19 MR. DAVIS: Understood.

20 BY MR. DAVIS:

21 Q I'm just asking about public

22 information that you believe is not

23 covered by the privilege.

24 A No response and no information.

25 Q Okay. And then it states, going



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1 G. PIAQUADIO  
2 back to the paragraph, quote, "The Town  
3 provides essential water and sewer  
4 services primarily to higher density  
5 population areas in which minority  
6 populations reside." Did I read that  
7 correctly?

8 A Yes.

9 Q What did you mean by that?

10 MR. GORMAN: I caution you not to  
11 answer to the extent that the answer to  
12 the question is not public. Don't reveal  
13 that information based on both privileges.

14 THE WITNESS: No response.

15 BY MR. DAVIS:

16 Q Where are the higher density  
17 population areas in which minority  
18 populations reside in the Town of  
19 Newburgh?

20 MR. GORMAN: Direct the witness not  
21 to answer to the extent that it's subject  
22 to the legislative privilege.

23 THE WITNESS: No response.

24 BY MR. DAVIS:

25 Q Are you aware of any non-public

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1 G. PIAQUADIO  
2 or non-privileged information -- excuse  
3 me. Strike that. Are you aware of any  
4 public or non-privileged information  
5 regarding which areas of the Town are  
6 higher density where minority populations  
7 reside?

8 A No.

9 Q Does the Town provide water and  
10 sewer services to all residents?

11 A No.

12 Q What residents does the Town  
13 provide sewer and water services to?

14 A Provide service to 11,000  
15 customers.

16 Q How does the Town determine  
17 which customers it provides water and  
18 sewer services to?

19 MR. GORMAN: I caution the witness to  
20 answer only to the extent that the answer  
21 to that question is available to the  
22 public. To the extent that it's subject  
23 to the legislative privilege, I direct you  
24 not to answer.

25 THE WITNESS: No response.

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2 BY MR. DAVIS:

3 Q Do you know the racial breakdown  
4 of the 11,000 customers who receive water  
5 and sewer services from the Town?

6 MR. GORMAN: Caution the witness to  
7 the extent the answer to that question is  
8 not public, don't reveal that information.

9 THE WITNESS: No comment.

10 BY MR. DAVIS:

11 Q So you have no public  
12 information or non-privileged information  
13 regarding the racial breakdown of the  
14 customers who receive water and sewer  
15 services from the Town. Is that correct?

16 A Yes.

17 Q Okay. I'm going to give you a  
18 moment to read the entire response to  
19 interrogatory number; that starts with the  
20 last paragraph on the proceeding page and  
21 then runs up until the next page where it  
22 gets into interrogatory number 8. Can you  
23 just give me a heads up when you finished  
24 reading those paragraphs?

25 A Okay.

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2 Q Thank you. Do you have anything  
3 to add to that response?

4 MR. GORMAN: Caution the witness only  
5 to answer to the extent that any  
6 additional information you'd be adding  
7 would be not subject to the legislative  
8 privilege or the First Amendment  
9 associational privilege.

10 THE WITNESS: No response.

11 BY MR. DAVIS:

12 Q So you have no public or non-  
13 privileged information to add to the  
14 response to interrogatory number 7. Is  
15 that correct?

16 A Yes.

17 Q Okay. Let's scroll down to page  
18 8, interrogatory number 9. You let me  
19 know when you get there.

20 A Okay. I'm there.

21 Q It says, quote, "Please identify  
22 every source by which Newburgh  
23 communicates information to residents,  
24 i.e. newspaper, newsletter, mailings,  
25 telephone, website, social media sites, et

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1 G. PIAQUADIO

2 cetera, and state the language in which  
3 those communications are made." Did I  
4 read that correctly?

5 A Yes.

6 Q And then after noting some  
7 objections, at the bottom of the  
8 paragraph, it says, quote, "These  
9 communications are in English." Is that  
10 correct?

11 A Yes.

12 Q Does the Town provide any  
13 information to its residents in Spanish?

14 MR. GORMAN: Objection to form.  
15 You can answer.

16 THE WITNESS: No comment.

17 BY MR. DAVIS:

18 Q Are you aware of whether the  
19 Town provides any information to its  
20 residents in any language other than  
21 English?

22 A Yes.

23 Q And does the Town provide  
24 information to its residents in any  
25 language other than English?

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2 A Yes.

3 Q What information does it provide  
4 in a language other than English?

5 A Spanish.

6 Q What information is provided in  
7 Spanish?

8 A We had a mosquito infestation  
9 that's being put out in Spanish as well as  
10 English for the equine virus.

11 Q Anything else?

12 A Not that I can remember.

13 Q Why is the Town publishing that  
14 information in Spanish?

15 MR. GORMAN: Objection.

16 I'd caution the witness not to answer  
17 to the extent that the information and  
18 that answer would be not available to the  
19 public subject to the legislative  
20 privilege.

21 THE WITNESS: No comment.

22 BY MR. DAVIS:

23 Q So you have no public or non-  
24 privileged testimony regarding why the  
25 Town has chosen to publish information in

1 G. PIAQUADIO

2 Spanish regarding the mosquito  
3 infestation. Is that correct?

4 A Yes.

5 Q Why doesn't the Town provide  
6 communications in languages other than  
7 English?

8 MR. GORMAN: Caution the witness to  
9 the extent the answer to that question is  
10 not public, don't reveal that information  
11 based on both the legislative privilege  
12 and associational privilege.

13 THE WITNESS: No comment.

14 BY MR. DAVIS:

15 Q So you have no public  
16 information or non-privileged information  
17 regarding the Town's decision to not  
18 provide communications in languages other  
19 than English. Is that correct?

20 A Yes.

21 Q Do you know whether there are  
22 residents of the Town who do not speak  
23 English?

24 A Yes.

25 Q Okay. Has the Town ever

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1 G. PIAQUADIO  
2 considered creating materials to reach  
3 those residents who do not speak English?

4 MR. GORMAN: I caution the witness to  
5 the extent the answer to that question is  
6 not public, don't reveal the information,  
7 legislative privilege, First Amendment  
8 associational privilege.

9 THE WITNESS: No comment.

10 BY MR. DAVIS:

11 Q So you have no public  
12 information or non-privileged testimony  
13 regarding whether the Town has considered  
14 creating Spanish language materials or any  
15 other language materials. Is that  
16 correct?

17 A Yes.

18 Q Okay. I'd like to go back to  
19 the notice of deposition, which I believe  
20 was marked as Exhibit 1. Let know when  
21 you have that up on your screen.

22 MR. GORMAN: Yeah. Yup. I'm pulling  
23 mine up, and then I'll pull yours up for  
24 you. I'm a computer whiz.

25 THE WITNESS: I see that. You're an



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2 I.T. guy.

3 MR. DAVIS: As long as that's on the  
4 record, we're good. I won't even strike  
5 that. I'll let it lie.

6 BY MR. DAVIS:

7 Q Okay. Do you have the document  
8 marked Exhibit 1 up on the screen?

9 A Yes.

10 Q Okay. And I just want to go  
11 back to something we covered at the very  
12 beginning. And I apologize. This was my  
13 fault for where I marked the exhibit, but  
14 I think as you can see, the exhibit stamp  
15 actually covers part of the language in  
16 topic 1. Do you see that?

17 A I'm lost here. Hang on a  
18 second.

19 Q Just on that first page.

20 A Yup. Okay. Oh, number 1?  
21 Yeah.

22 Q Okay. So I'm going to read  
23 what's actually in topic 1 that is  
24 obscured. So it says, quote, "The history  
25 of discrimination in or affecting African

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1 G. PIAQUADIO

2 Americans and/or Hispanics in the Town of  
3 Newburgh." And I think I'll ask the same  
4 question I did at the beginning. Are you  
5 prepared to testify on that topic as I've  
6 read it?

7 MR. GORMAN: Subject to my objections  
8 on those topics, you can answer. The  
9 question was, were you prepared to talk  
10 about it subject to privileges?

11 THE WITNESS: No.

12 BY MR. DAVIS:

13 Q Okay. And did you do anything  
14 to prepare to testify on that topic?

15 A No.

16 Q Okay. Let's scroll down to  
17 topic 3. It's on the second page. And it  
18 says, quote, "The Town of Newburgh's  
19 efforts to increase the political  
20 participation of African Americans and/or  
21 Hispanics." Did I read that correctly?

22 A Yes.

23 Q What steps has the Town taken to  
24 increase -- strike that. Has the Town  
25 taken any steps to increase the political

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1 G. PIAQUADIO  
2 participation of Hispanics and/or African  
3 Americans?

4 MR. GORMAN: I caution the witness to  
5 the extent the answer to the questions not  
6 public, don't reveal that information  
7 based on both the legislative privilege  
8 and association privilege.

9 THE WITNESS: No comment.

10 BY MR. DAVIS:

11 Q So you have no public or non-  
12 privileged information regarding steps the  
13 Town has taken to increase the political  
14 participation of African Americans or  
15 Hispanics. Is that correct?

16 A Yes.

17 Q Okay. And then topic 5 on the  
18 same page. It says, quote, "The Town of  
19 Newburgh's efforts to address disparities  
20 between non-Hispanic Whites and African  
21 Americans and/or Hispanics in criminal  
22 justice outcomes." Did I read that  
23 correctly?

24 A Yes.

25 Q Has the Town taken any steps to

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1 G. PIAQUADIO  
2 address the disparities between non-  
3 Hispanic Whites and Hispanics and African  
4 Americans in criminal justice outcomes?

5 MR. GORMAN: Caution the witness to  
6 the extent the answer to the question is  
7 not public, to not provide that,  
8 legislative privilege, First Amendment  
9 associational privilege.

10 THE WITNESS: No comment.

11 BY MR. DAVIS:

12 Q So just to confirm, you have no  
13 public or non-privileged information  
14 regarding steps the Town has taken to  
15 address criminal justice disparities. Is  
16 that correct?

17 A Yes.

18 Q Okay. And then topic 6 says,  
19 quote, "The Town of Newburgh's efforts to  
20 address disparities between non-Hispanic  
21 Whites and African Americans and/or  
22 Hispanics in housing and land use." Did I  
23 read that correctly?

24 A Yes.

25 Q Has the Town taken any steps to

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1 G. PIAQUADIO  
2 address disparities in housing and land  
3 use?

4 MR. GORMAN: Caution the witness to  
5 the extent the answer to the question is  
6 not public, don't reveal that information,  
7 legislative privilege, associational  
8 privilege.

9 THE WITNESS: No response.

10 BY MR. DAVIS:

11 Q And just to confirm, you have no  
12 public or non-privileged information  
13 regarding efforts the Town has made to  
14 address disparities in housing and land  
15 use. Is that correct?

16 A Yes. But, Counsel, didn't we go  
17 over all these originally? We went over  
18 all 22.

19 MR. GORMAN: He's reframing his  
20 questions.

21 THE WITNESS: Okay. I'm sorry.

22 MR. GORMAN: You can proceed. It's  
23 okay.

24 THE WITNESS: Go ahead.

25 MR. DAVIS: I apologize if it's

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2 repetitive, but we're getting towards the  
3 end.

4 MR. GORMAN: I'm not going to give  
5 you a hard time about it.

6 MR. DAVIS: Thank you. But I think  
7 we're all sounding like broken records a  
8 little bit today. But, okay, we're  
9 getting towards the end. Okay. If you  
10 look at topic 7 --

11 MR. GORMAN: You speak for yourself,  
12 Sam.

13 BY MR. DAVIS:

14 Q All right. If we look at topic  
15 7, it reads, quote, "The Town of  
16 Newburgh's efforts to address disparities  
17 between non-Hispanic Whites and African  
18 Americans and/or Hispanics in income and  
19 socioeconomic status." Did I read that  
20 correctly?

21 A Yes.

22 Q Has the Town taken any efforts  
23 to address disparities between non-  
24 Hispanic Whites and Black and Hispanic  
25 residents in income and socioeconomic

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2 status?

3 MR. GORMAN: Caution the witness not  
4 to answer to the extent the response is  
5 not public. Don't reveal that information  
6 based on legislative privilege.

7 THE WITNESS: No response.

8 BY MR. DAVIS:

9 Q And to confirm, do you have any  
10 public or non-privileged information  
11 regarding efforts the Town has taken to  
12 address these disparities?

13 A I have none.

14 Q Topic 8 reads, quote, "The Town  
15 of Newburgh's response to the use of overt  
16 or subtle racial appeals in political  
17 campaigns." Did I read that correctly?

18 A Yes.

19 Q Has the "Town taken any steps to  
20 respond to the use of overt or subtle  
21 racial appeals in political campaigns?

22 MR. GORMAN: I direct the witness not  
23 to answer to the extent the answer to the  
24 question is not public, legislative  
25 privilege, associational privilege.

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2 THE WITNESS: No response.

3 BY MR. DAVIS:

4 Q To confirm, you have no public  
5 or non-privileged information regarding  
6 efforts the Town has taken to address the  
7 use of subtle or overt racial appeals in  
8 political campaigns. Is that correct?

9 A Yes.

10 Q Okay. And then topic 9, quote,  
11 "Town of Newburgh's responsiveness to the  
12 particularized needs of African Americans  
13 and/or Hispanic residents." Did I read  
14 that correctly?

15 A Yes.

16 Q Has the Town taken any steps to  
17 respond to the particularized needs of the  
18 African American and Hispanic communities  
19 in the Town of Newburgh?

20 MR. GORMAN: I direct the witness not  
21 to answer to the extent the answer to the  
22 question is not public. Don't reveal  
23 information, legislative privilege,

24 THE WITNESS: No response.

25 //



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1 G. PIAQUADIO

2 BY MR. DAVIS:

3 Q Okay. Then to confirm, you have  
4 no public or non-privileged information  
5 regarding what the Town has done to  
6 respond to the particularized needs of  
7 African American or Hispanic residents.  
8 Is that correct?

9 A Yes.

10 Q Okay. You referenced earlier  
11 the Town providing mosquito information in  
12 Spanish. Is that correct?

13 A Yes.

14 Q When approximately did the Town  
15 provide that information to the public?

16 MR. GORMAN: Yeah, you can answer.

17 THE WITNESS: About a month ago.

18 MR. DAVIS: Okay. Let's take our  
19 five-minute break and then we can come  
20 back and hopefully wrap up. Does that  
21 sound good?

22 MR. GORMAN: Yeah. I might have a  
23 handful of questions and redirect, but not  
24 more than five, ten minutes.

25 MR. DAVIS: That's fair. Okay.

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1 G. PIAQUADIO

2 THE REPORTER: Off the record, 11:34.

3 (Off the record.)

4 THE REPORTER: We are back on the  
5 record, 11:42.

6 BY MR. DAVIS:

7 Q Okay. I just have a couple more  
8 questions. So your counsel has invoked  
9 the First Amendment associational  
10 privilege a number of times today. Can  
11 you tell me the name of the person or  
12 group you're associating with over which  
13 you're claiming privilege?

14 MR. GORMAN: Objection. To the  
15 extent that that question in and of itself  
16 asks for him to define who he's associated  
17 with. I direct him not to answer unless  
18 there's anything you want to identify  
19 there.

20 THE WITNESS: No response.

21 BY MR. DAVIS:

22 Q So to confirm, you will not name  
23 who you're associating with over which  
24 you're claiming the privilege?

25 A Yes.

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1 G. PIAQUADIO

2 Q Is the group you're associating  
3 with a non-profit organization?

4 MR. GORMAN: Same objection.

5 Direct the witness not to answer.

6 THE WITNESS: No response.

7 BY MR. DAVIS:

8 Q Okay. Is there anything else we  
9 did not talk about today that you intend  
10 to testify about at trial?

11 MR. GORMAN: Objection.

12 THE WITNESS: No response.

13 MR. GORMAN: You can answer, I mean.

14 BY MR. DAVIS:

15 Q Is that a no?

16 MR. GORMAN: Well, the answer is,  
17 you're not asking him a complete question.  
18 I mean, he could answer however he wants.  
19 But, candidly, your question is, is there  
20 anything else you're going to testify  
21 about at trial?

22 It depends on who's going to ask him  
23 what questions and whether information's  
24 going to be elicited. A deposition is an  
25 opportunity for you to ask whatever

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1 G. PIAQUADIO

2 questions you want. You can ask him

3 whatever you want.

4 MR. DAVIS: I'm aware. Thank you.

5 Yup. I'm aware. Thank you.

6 MR. GORMAN: No problem. Feel free  
7 to ask him whatever you want. We're here  
8 the rest of the day.

9 MR. DAVIS: Okay.

10 MR. GORMAN: If you have other  
11 questions for him.

12 THE WITNESS: Yes. Okay.

13 BY MR. DAVIS:

14 Q Do you fear retaliation  
15 regarding your association with any person  
16 or group if you reveal information about  
17 any of the topics we discussed today?

18 MR. GORMAN: I caution the witness  
19 not to answer to the extent that the  
20 answer would reveal anything subject to  
21 the associational privilege.

22 THE WITNESS: No response.

23 MR. DAVIS: Okay. All right. I  
24 think that's all we have.

25 THE WITNESS: Excellent.

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1 G. PIAQUADIO

2 MR. GORMAN: Thanks, Sam. I just  
3 have a few follow-up questions.

4 MR. DAVIS: Yeah. I'll just ask. I  
5 know we said that we would stop, but if  
6 you're asking redirect, we might just want  
7 to take a minute to follow up after.

8 MR. GORMAN: Yeah, that's totally  
9 fine. And I don't think it's actually  
10 going to be controversial, so if you have  
11 follow up actually, no problem at all.

12 MR. DAVIS: Appreciate it.

13 EXAMINATION

14 BY MR. GORMAN:

15 Q How long has the Town of  
16 Newburgh used an at-large election system?

17 A Since 1865.

18 Q How many seats are there on the  
19 Newburgh Town Board?

20 A Five: four council and one  
21 supervisor.

22 Q And how long is each board  
23 member's term?

24 A Councilman, four. Supervisor,  
25 two.

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1 G. PIAQUADIO

2 Q Who are the current board  
3 members?

4 A Anthony LoBiondo, Scott Manley,  
5 Paul Ruggiero, and myself as supervisor.

6 Q When did Councilman Ruggiero's  
7 term expire?

8 A Will expire December 31, 2025.

9 Q And when does Councilman  
10 Manley's term expire?

11 A December 31st, 2027.

12 Q And when does Councilman  
13 LoBiondo's term expire?

14 A December 31, 2027.

15 Q And when will the fourth board  
16 seat be filled?

17 A November '24 -- November 2024  
18 election.

19 Q And how long will the term be  
20 for the board member that's elected in  
21 November?

22 A It'll be to fill a -- fill a  
23 vacancy. It'll be one year. Just a full  
24 year of 2025.

25 MR. GORMAN: I don't have any further

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1 G. PIAQUADIO

2 questions.

3 MR. DAVIS: I don't think we have  
4 anything further.

5 MR. GORMAN: Okay. We can go off the  
6 record. Thank you very much.

7 THE WITNESS: Thank you.

8 THE REPORTER: Off the record, 11:46.

9 (Off the record.)

10 THE REPORTER: And then, Counselor  
11 Imamura, just quickly on the record, did  
12 you need a copy of today's transcript?

13 MR. IMAMURA: Yes, we do.

14 THE REPORTER: Okay. Thank you. Off  
15 the record, 11:48.

16 (Whereupon, at 11:48 a.m., the  
17 proceeding was concluded.)

18

19

-----  
GILBERT PIAQUADIO

20

21 Subscribed and sworn to before me

22

this \_\_\_\_ day of \_\_\_\_\_, 2024.

23

24

-----  
Notary public

25

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## 1 CERTIFICATE OF DEPOSITION OFFICER

2 I, JAZ R. RAMOS, the officer before whom the  
3 foregoing proceedings were taken, do hereby certify that  
4 any witness(es) in the foregoing proceedings, prior to  
5 testifying, were duly sworn; that the proceedings were  
6 recorded by me and thereafter reduced to typewriting by a  
7 qualified transcriptionist; that said digital audio  
8 recording of said proceedings are a true and accurate  
9 record to the best of my knowledge, skills, and ability;  
10 that I am neither counsel for, related to, nor employed by  
11 any of the parties to the action in which this was taken;  
12 and, further, that I am not a relative or employee of any  
13 counsel or attorney employed by the parties hereto, nor  
14 financially or otherwise interested in the outcome of this  
15 action.

16  
17  
18  
19 

20 JAZ R. RAMOS

Notary Public in and for the

21 State of New York  
22  
23  
24  
25



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## CERTIFICATE OF TRANSCRIBER

I, RONALD MOORE, do hereby certify that this transcript was prepared from the digital audio recording of the foregoing proceeding, that said transcript is a true and accurate record of the proceedings to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

A handwritten signature in dark ink, appearing to read 'RONALD MOORE', is written over a light blue rectangular background.

RONALD MOORE

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ERRATA SHEET  
VERITEXT/NEW YORK REPORTING, LLC  
  
CASE NAME: Clarke, Oral, Et Al. v. Town Of Newburgh, Et Al.  
DATE OF DEPOSITION: 9/23/2024  
WITNESSES' NAME: Gilbert Piaquadio

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\_\_\_\_\_  
Gilbert Piaquadio  
  
SUBSCRIBED AND SWORN TO BEFORE ME  
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\_\_\_\_\_  
(NOTARY PUBLIC)  
  
\_\_\_\_\_  
MY COMMISSION EXPIRES:

[02138 - 3rd]

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[add - answer]

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[answer - available]

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## New York Code

## Civil Practice Law and Rules

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