

Exhibit L

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ORANGE

ORAL CLARKE, ROMANCE REED, GRACE
PEREZ, PETER RAMON, ERNEST TIRADO,
and DOROTHY FLOURNOY,

Plaintiffs,

Index No.: EF002460-2024

v.

TOWN OF NEWBURGH and TOWN BOARD
OF THE TOWN OF NEWBURGH,

Defendants.

**DEFENDANTS TOWN OF NEWBURGH AND TOWN BOARD OF THE TOWN
OF NEWBURGH'S RESPONSES AND OBJECTIONS TO
PLAINTIFFS' FIRST SET OF INTERROGATORIES**

Defendants Town of Newburgh ("Town") and Town Board of the Town of Newburgh ("Town Board") (with Town, the "Defendants"), by their attorneys, Troutman Pepper Hamilton Sanders LLP, as and for their responses to Plaintiffs' First Set of Interrogatories (the "Interrogatories," and each an "Interrogatory"), respond and object as follows:

GENERAL RESPONSES AND OBJECTIONS

The following General Objections are incorporated into the specific response to each Interrogatory listed below and are set forth here to avoid the duplication and repetition of restating them for each response.

1. Defendants object to the Interrogatories, including but not limited to the Definitions and Instructions contained therein, on the grounds and to the extent that they seek to impose any obligation upon Defendants that is greater than or different from those set forth in the CPLR and/or the Uniform Rules for the Supreme Court.

2. Defendants object to the Interrogatories on the grounds and to the extent that they seek disclosure of information that is not material and necessary in the prosecution or defense of this action.

3. Defendants object to the Interrogatories to the extent that they are overbroad and unduly burdensome.

4. Defendants object to the Interrogatories on the grounds and to the extent that they are vague, ambiguous, unintelligible, and/or fail to identify the material that they purport to request with reasonable particularity.

5. Defendants object to the Interrogatories to the extent that they seek disclosure of information that is protected by the legislative privilege, the attorney-client privilege, the joint defense and/or common interest privilege, the attorney work-product doctrine, is material prepared in anticipation of litigation, or is subject to any other privilege. The inadvertent production of any privileged information or document in response to any Interrogatory shall not be deemed a waiver of any applicable privilege.

6. Defendants object to the Interrogatories on the grounds and to the extent that they require the disclosure of information that is not in Defendants' possession, custody, and/or control.

7. No incidental or implied admissions are intended by the responses herein. The fact that Defendants have answered or objected to any Interrogatory should not be taken as an admission that Defendants accept or admit the existence of any fact set forth or assumed by such Interrogatory, or that such answer or objection constitutes admissible evidence. The fact that Defendants have answered part or all of any Interrogatory is not intended to and shall not be construed to be a waiver by Defendants of any part of any specific or general objection to any Interrogatory.

8. Defendants make these responses without waiving or intending to waive any objections to the competency, relevancy, materiality, privilege, or admissibility of any of the Interrogatories, or Defendants' responses thereto, at trial or otherwise.

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Defendants reserve the right to correct, supplement and amend any and all of their responses to the Interrogatories.

RESPONSES TO INTERROGATORIES

1. Please identify each person, stating their name, title, address, and phone number, whom you are aware may have discoverable information regarding the allegations in the Complaint and describe the subjects of that information.

RESPONSE:

Defendants object to this Interrogatory on the grounds that it is vague, overbroad, and premature. Defendants further object to this Interrogatory to the extent it seeks information that is not in the possession, custody, and/or control of Defendants. Subject to and without waiving the foregoing and the General Objections, Defendants state: Councilman Paul Ruggiero (c/o Troutman Pepper Hamilton Sanders LLP) may have knowledge concerning the subject matter of the allegations; Councilman Anthony LoBiondo (c/o Troutman Pepper Hamilton Sanders LLP) may have knowledge concerning the subject matter of the allegations; Deputy Supervisor Scott Manley (c/o Troutman Pepper Hamilton Sanders LLP) may have knowledge concerning the subject matter of the allegations; Town Supervisor Gil Piaquadio (c/o Troutman Pepper Hamilton Sanders LLP) may have knowledge concerning the subject matter of the allegations; Oral Clarke may have knowledge concerning the subject matter of the allegations; Romance Reed may have knowledge concerning the subject matter of the allegations; Grace Perez may have knowledge concerning the subject matter of the allegations; Peter Ramon may have knowledge concerning

the subject matter of the allegations; Ernest Tirado may have knowledge concerning the subject matter of the allegations; and Dorothy Flournoy may have knowledge concerning the subject matter of the allegations.

2. Please identify any complaints made by residents at Town Board meetings or otherwise communicated to the Town Board from 2010 to present that alleged or concerned discrimination on the basis of race, ethnicity, national origin or language.

RESPONSE:

Defendants object to this Interrogatory on the grounds that it is vague, ambiguous, overbroad, and unduly burdensome. Defendants also object to this Interrogatory on the grounds and to the extent that the information it seeks is already within the possession, custody, and/or control of Plaintiffs or is publicly available to Plaintiffs. Subject to and without waiving the foregoing and the General Objections, Defendants state that the Town of Newburgh's website, townofnewburgh.org, contains the minutes of Town Board meetings from 2005 to the present day in searchable word format, and may be accessed by any member of the public, including Plaintiffs. Plaintiffs are referred to the minutes to make their own determination of what information they contend is responsive to this vague, ambiguous Interrogatory.

3. Please identify any complaints made by residents at Town Board meetings or otherwise communicated to the Town Board from 2010 to present concerning the racial, ethnic, national origin or political party of any Newburgh government official, or concerning the racial, ethnic, national origin or political party composition of the Town Board or any Newburgh Board, Committee or Council (including any advisory Board, Committee or Council).

RESPONSE:

Defendants object to this Interrogatory on the grounds that it is vague, ambiguous, overbroad, and unduly burdensome. Defendants also object to this Interrogatory on the grounds and to the extent that the information it seeks is already within the possession, custody, and/or control of Plaintiffs or is publicly available to Plaintiffs. Subject to and without waiving the

foregoing and the General Objections, Defendants state that the Town of Newburgh's website, townofnewburgh.org, contains the minutes of Town Board meetings from 2005 to the present day in searchable word format, and may be accessed by any member of the public, including Plaintiffs. Plaintiffs are referred to the minutes to make their own determination of what information they contend is responsive to this vague, ambiguous Interrogatory.

4. Please identify any action, proceeding, lawsuit, EEOC claim, New York State Division of Human Rights complaint, or Orange County Human Rights Commission complaint, noticed or filed against Newburgh, its officers or employees, including members of the Town Board, in their official capacities from 2010 to the present that alleged or concerned discrimination based on race, ethnicity, national origin or language.

RESPONSE:

Defendants object to this Interrogatory on the grounds and to the extent that the information it seeks is already within the possession, custody, and/or control of Plaintiffs or is publicly available to Plaintiffs. Subject to and without waiving the foregoing and General Objections, Defendants identify *Gray v. Elliot et al.*, Case No. 7:12-cv-07880-CS (S.D.N.Y. 2012).

5. Please identify each person elected by the voters of Newburgh to any position in Newburgh's government or appointed to the Town Board or any Newburgh Board, Committee or Council (including any advisory Board, Committee or Council) including, without limitation, those listed at www.townofnewburgh.org/cn/departments/?tpid=4723 and those identified in the Newburgh Town Code, from 2003 to the present, and indicate the person's title, race, ethnicity, national origin, language, political party enrollment, if any, date of appointment, and date of termination.

RESPONSE:

Defendants object to this Interrogatory on the grounds that it is overbroad and unduly burdensome. Defendants also object to this Interrogatory on the grounds and to the extent that the information it seeks is already within the possession, custody, and/or control of Plaintiffs or is publicly available to Plaintiffs.

6. Please describe the current process by which the Town Board fills vacancies that arise in elected and appointed offices and positions during a term, and past such processes, if different, from 2014 to present.

RESPONSE:

Defendants object to this Interrogatory on the grounds that it is overbroad and unduly burdensome. Subject to and without waiving the foregoing and General Objections, Defendants state that vacancies on the Town Board are filled at the discretion of the Town Board on an ad hoc basis depending on the circumstances. During the last vacancy the Town Board advertised the position and conducted interviews of those applicants it determined should be interviewed. For vacancies in the office of elected Town Justices, if a vacancy occurs before September 20, then the election will be at the general election the following November. If the vacancy occurs on or after September 20, then the position will be filled by election at the general election in the following year. Until the election, the Town Board may fill the vacancy by temporary appointment, or Office of Court Administration can temporarily assign a justice from a neighboring community to preside in the town court during the vacancy. Vacancies in the office of elected Town Clerk have been filled by appointment of the Deputy Town Clerk.

7. Please identify any efforts made, or measures adopted, by the Town Board from 2010 to present to address national origin, racial and/or ethnic disparities in income, educational attainment, employment opportunities, health, criminal justice, housing, land use, and environmental impacts between Hispanic/Black residents and white residents.

RESPONSE:

Defendants object to this Interrogatory on the grounds that it is overbroad and unduly burdensome. Defendants also object to this Interrogatory on the grounds and to the extent that the information it seeks is already within the possession, custody, and/or control of Plaintiffs or is publicly available to Plaintiffs.

Subject to and without waiving the foregoing and General Objections, Defendants state that the Town has taken proactive steps to address disparities between Hispanic/Black residents and white residents where it was within the Town's power to do so. For example, the Town's courts provide interpretive services and the Town's police officers receive annual implicit bias and principled police trainings with lessons specifically approved by the New York State Division of Criminal Justice. Additionally, while not specifically directed at Hispanic/Black residents, the Town Board as part of its environmental reviews of legislative zoning actions considers the consistency of each amendment to its Zoning Code with the needs and goals identified by the April 2009 *Tri-County Affordable Housing Study*, conducted jointly by Orange, Dutchess, and Ulster Counties, and the potential effects of the action on the Town's ability to meet goals for providing rental and owner occupied affordable housing. Relatedly, Section 185-49 of the Town Zoning Code contains an affordable housing bonus incentive, and alternatives have been discussed as part of the Town's Comprehensive Plan Update. The Town has also proactively sought the participation of minority and women owned business contractors in connection with certain Town construction projects. The Town provides essential water and sewer services primarily to higher density population areas in which minority populations reside. The Town also took over responsibility for a poorly functioning private sewer system that serves, among others, lower income and minority residents, when the owner of that sewer system successfully sued the Town for a rate increase.

The Town's authority to address the disparate impact between Hispanic/Black and white residents in other areas identified in Interrogatory No.7 is more limited. Education, for example, is a function of the Town's four school districts, which are each separately governed by elected members of the School Boards, rather than the Town. Thus, the Town has an exceedingly limited

role in public education and any alleged disparity in education is properly addressed by the Schools Boards themselves. As for matters of public employment, the Town operates within the State civil service system and it is the Orange County Civil Service Department that administers exams and provides the Town and other municipalities in the County with lists of qualified candidates for positions and promotions from which to interview and hire. The Town's authority to act affirmatively outside the civil service system is extremely limited.

8. Please describe any policy justification for adopting and maintaining the current method of electing members of the Town Board.

RESPONSE:

Defendants object to this Interrogatory on the grounds that it is overbroad and unduly burdensome. Defendants further object to this Interrogatory on the grounds that it seeks privileged information. Defendants also object to this Interrogatory on the grounds that the current at-large method of electing members of the Town Board was not "adopt[ed]." Subject to and without waiving the foregoing and General Objections, Defendants state that no petition has ever been submitted to the Town Board to hold a referendum to change the current at-large method of electing members of the Town Board to a ward system.

9. Please identify every source by which Newburgh communicates information to residents, *i.e.*, newspaper, newsletter, mailings, telephone, website, social media sites, etc., and state the language in which those communications are made.

RESPONSE:

Defendants object to this Interrogatory on the grounds that it is overbroad and unduly burdensome. Defendants also object to this Interrogatory on the grounds and to the extent that the information it seeks is already within the possession, custody, and/or control of Plaintiffs or is publicly available to Plaintiffs. Subject to and without waiving the foregoing and General Objections, Defendants state that Newburgh communicates information to residents through its

website and through email, newspaper, annual mailings, and the Town Hall lobby signboard and electronic sign. Notices of planning board and zoning proceedings, as well as permits, are posted at the property that is the subject of the proceeding or permit and are mailed to properties within a certain distance. These communications are in English.

10. Please identify every source from which Newburgh receives information from residents and state the language in which those communications are received.

RESPONSE:

Defendants object to this Interrogatory on the grounds that it is vague, ambiguous, overbroad and unduly burdensome. Defendants also object to this Interrogatory on the grounds and to the extent that the information it seeks is already within the possession, custody, and/or control of Plaintiffs or is publicly available to Plaintiffs. Defendants object to this Interrogatory to the extent it requests the disclosure of information that is neither material nor necessary in the prosecution or defense of this action.

11. Please identify any experts retained pursuant to Section 1 of the Resolution adopted by the Town Board, on or about March 15, 2024, titled “Resolution of the Town Board of the Town of Newburgh Pertaining to New York State Election Law 17-206.”

RESPONSE:

Defendants object to this Interrogatory on the grounds and to the extent it seeks information protected from disclosure by the attorney-client privilege and/or legislative privileges. Subject to and without waiving the foregoing or the General Objections, Defendants state that Sokoloff Stern, LLP retained several experts pursuant to Section 1 of the Resolution adopted by the Town Board titled “Resolution of the Town Board of the Town of Newburgh Pertaining to New York State Election Law 17-206.”

12. Please identify any town employees whose primary work location is Newburgh Town Hall who speaks Spanish. Include their names, titles, and what department they work in.

RESPONSE:

Defendants object to this Interrogatory on the grounds that it is overbroad and unduly burdensome. Defendants also object to this Interrogatory on the grounds and to the extent that the information it seeks is already within the possession, custody, and/or control of Plaintiffs or is publicly available to Plaintiffs. Subject to and without waiving the foregoing or the General Objections, Defendants state that Nancy Elgueta is a town employee whose primary work location is Newburgh Town Hall who speaks Spanish. Additionally, court officers who are assigned to the lobby of the Town Hall on a rotating basis one day a week to assist the public include at least two Spanish speakers, Jorge Santana and Kevin Espanol.

Dated: New York, New York
July 1, 2024

TROUTMAN PEPPER HAMILTON
SANDERS LLP

/s/ Bennet J. Moskowitz

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*Attorneys for Defendants Town of Newburgh
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VERIFICATION


STATE OF NEW YORK)
) ss.:
COUNTY OF ORANGE)

Gilbert J. Piaquadio affirms pursuant to New York Civil Practice Law and Rules 2106, that the following is true and correct under penalty of perjury:

1. I am over 18 years of age and am the Supervisor of the Defendant Town of Newburgh and chairman of the Defendant Town Board of the Town of Newburgh. I am authorized to make this verification on behalf of the Town of Newburgh and the Town Board of the Town of Newburgh.

2. I have read the foregoing Responses and Objections to Plaintiffs' First Set of Interrogatories and know the contents thereof, and the same are true to the best of my knowledge, information and belief.

3. I affirm this 1st day of July, 2024, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.



Name: Gilbert J. Piaquadio
Title: Town Supervisor and Chairman of the
Town Board