

# Exhibit A

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,

– against –

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

Defendants.

Index No. EF002460-2024

**PLAINTIFF ORAL CLARKE'S  
RESPONSES TO DEPOSITION  
ON WRITTEN QUESTIONS**

Plaintiff Oral Clarke ("Plaintiff") submits these Responses to the Deposition on Written Questions of Defendants Town of Newburgh (the "Town") and the Town Board of the Town of Newburgh (the "Town Board," and, collectively with the Town, "Defendants"), served upon counsel for the Plaintiffs on September 11, 2024.

**RESERVATION OF RIGHTS**

1. The Responses made herein are based on Plaintiff's knowledge as of the date of this response. Plaintiff reserves the right to amend or supplement these Responses with additional information that may become available or come to his attention, and to rely upon such information in any hearing, trial, or other proceeding in this litigation in accordance with the applicable New York Civil Practice Law and Rules ("CPLR"), the Local Civil Rules and Orders of this Court. By this reservation, Plaintiff does not, however, assume a continuing responsibility to update these Responses beyond the requirements of the applicable CPLR, the Local Civil Rules and Orders of this Court.

2. These Responses are made without in any way waiving or intending to waive: (i) any objections as to the competency, authenticity, relevancy, materiality, privilege, or admissibility as evidence, for any purpose, of information produced in response to these questions; (ii) the right

to object on any ground to the use of the information provided in response to the questions for any purposes, including at any hearings or at trial; (iii) the right to object on any ground at any time to a request for further responses to the questions; or (iv) the right at any time to revise, correct, add to, supplement, or clarify any of the objections contained herein, all of which objections and rights are expressly reserved.

3. These Responses are supplied for use in this lawsuit and for no other purpose and are supplied subject to that limitation. Any information provided by Plaintiff in response to these questions is provided without conceding the information's relevance, admissibility, authenticity, or probative value. Plaintiff reserves the right to object to the use, competency, relevancy, materiality, or admissibility of any of these Responses at trial or any other proceedings, as Plaintiff deems necessary and appropriate. Unless otherwise stated, Plaintiff responds to the following questions according to his interpretation and definition of the terms and phrases used in the questions.

4. A response to a question stating objections shall not be deemed or construed to mean that Plaintiff has responsive information; knew about or performed any of the acts described in the question or definitions or instructions applicable to the questions; or agrees with the characterization of the conduct or activities described in the question or definitions or instructions applicable to the question. Provision of the information contained herein is not intended to imply that such information is in the possession, custody, or control of Plaintiff.

#### **RESPONSES TO DEPOSITION QUESTIONS**

1. How long have you lived in the Town of Newburgh?

**Response:** Since July 2020.

2. How did you identify your race on the 2020 census?

**Response:** I believe indicated my race as Black.

3. How many local elections have you voted in?

**Response:** I believe I have voted in two local elections.

4. With which political groups are you associated?

**Response:** The Democratic Party.

5. For which candidates have you volunteered or assisted with local elections in the Town of Newburgh?

**Response:** I recall volunteering with Joe Biden's campaign for president. I have volunteered for other candidates, but I cannot recall who at this time.

6. Did you ever speak or testify at a Town Hall meeting?

**Response:** I have attended a Town Hall meeting, but I did not speak or testify at that meeting.

a. What was the content of your testimony?

**Response:** Not applicable.

b. How did the Town Board respond to your testimony?

**Response:** Not applicable.

7. Have you ever voiced concerns or expressed opinions to any members of Town government?

**Response:** Not that I can recall.

a. What were those concerns?

**Response:** Not applicable.

b. What was the response to those concerns?

**Response:** Not applicable.

8. Do you know of any individuals in the Town's Black community who have voiced concerns to the Town Board?

**Response:** No.

- a. What were their concerns?

**Response:** Not applicable.

- b. What was the Town Board's response?

**Response:** Not applicable.

9. Do you know of any individuals in the Town's Hispanic community who have voiced concerns to the Town Board?

**Response:** No.

- a. What were their concerns?

**Response:** Not applicable.

- b. What was the Town Board's response?

**Response:** Not applicable.

10. Paragraph 122 of the Complaint states: "The Town Board has shown little regard for the particularized concerns of the Black or Hispanic communities." What facts are you aware of that support, contradict or otherwise concern those allegations?

**Response:** In the time I have lived in Newburgh, the treatment of persons of color by the police has not changed and I have only ever seen or encountered one person of color working for a public department or governmental facility.

11. Paragraph 82 of the Complaint states: "There is a long history of discrimination against the Black and Hispanic communities in the Town." What facts are you aware of that support, contradict or otherwise concern those allegations?

**Response:** Since I have lived in Newburgh, I have heard of the discriminatory behaviors of the police department against Black males in particular and other people of color. When I first moved to Newburgh, a neighbor called the police claiming that I was trespassing on my own property. I showed the officer my identification and offered to show him the deed to my home to prove that I lived there. The officer insisted that he go into the house with

me to get the deed. When I said that he did not have a warrant, the officer claimed that he did not need one because of the allegation that someone was trespassing on the property and because I might have a gun.

On another occasion, another person who was staying in my home called the police to my residence at my request because another person was threatening me with a knife. When the police arrived, they arrested me even though I owned the home and the person who called explained to them that I had not done anything.

12. Paragraph 72 of the Complaint states: “Black and Hispanic voters in the Town of Newburgh are also politically cohesive with each other.” What facts are you aware of that support, contradict or otherwise concern those allegations?

**Response:** Plaintiff objects to this question to the extent that it requires expertise which he does not possess.

Subject to and without waiving that objection, Plaintiff responds: I do not have the requisite expertise to address this allegation but, based on my interactions with others voters in Newburgh, I believe many Hispanic voters have supported the same candidates that I have.

I affirm this 23rd day of September, 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.

/s/ Oral Clarke  
ORAL CLARKE