

Exhibit K

Page 1

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SUPREME COURT OF THE STATE OF NEW YORK

3

COUNTY OF ORANGE

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ORAL CLARKE, ROMANCE REED, GRACE

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PEREZ, PETER RAMON, ERNEST TIRADO and

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DOROTHY FLOURNOY,

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Plaintiffs,

9

-against-

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TOWN OF NEWBURGH and TOWN BOARD OF

11

THE TOWN OF NEWBURGH,

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Defendants.

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14

15

August 8, 2024

16

9:51 a.m.

17

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Deposition of GILBERT PIAQUADIO, held

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Remotely by all Parties, pursuant to Subpoena,

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before Lynne D. Metz, a Shorthand Reporter and

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Notary Public of the State of New York.

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24

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Page 2

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2 A P P E A R A N C E S:

3

4 ABRAMS FENSTERMAN, LLP

5 Attorneys for Plaintiffs

6 81 Main Street

7 Suite 400

8 White Plains, New York 10601

9 BY: DAVID IMAMURA, ESQ.

10 STEVEN STILL, ESQ.

11

12

13 TROUTMAN PEPPER HAMILTON SANDERS LP

14 Attorneys for Defendants

15 875 Third Avenue

16 New York, New York 10022

17 BY: BENNET MOSKOWITZ, ESQ.

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STIPULATIONS

IT IS HEREBY STIPULATED, by and between the attorneys for the respective parties hereto, that:

All rights provided by the C.P.L.R., and Part 221 of the Uniform Rules for the Conduct of Depositions, including the right to object to any question, except as to form, or to move to strike any testimony at this examination is reserved; and in addition, the failure to object to any question or to move to strike any testimony at this examination shall not be a bar or waiver to make such motion at, and is reserved to, the trial of this action.

This deposition may be sworn to by the witness being examined before a Notary Public other than the Notary Public before whom this examination was begun, but the failure to do so or to return the original of this deposition to counsel, shall not be deemed a waiver of the rights provided by Rule 3116 of the C.P.L.R. and shall be controlled thereby.

The filing of the original of this deposition is waived.

IT IS FURTHER STIPULATED, a copy of this

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examination shall be furnished to the attorney for
the witness being examined without charge.

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G I L B E R T P I A Q U A D I O,

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called as a witness, having been first duly sworn

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by the Notary Public (Lynne D. Metz), was examined

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and testified as follows:

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EXAMINATION BY

8

MR. IMAMURA:

9

Q. Supervisor, good morning. For the

10

record, my name is David Imamura and an attorney

11

at Abrams and Fensterman. I am joined by my

12

colleague Steve Still.

13

Have you ever been deposed before,

14

Supervisor?

15

A. Yes.

16

Q. Can you tell me if so, what cases you

17

have been deposed in?

18

A. The latest one was my wife had surgery

19

and ended up in litigation.

20

Q. I'm sorry.

21

Was that recent or when was that?

22

A. Within a year.

23

Q. And then can you tell me what other

24

times you have been deposed?

25

A. In civil court?

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2 Q. In any case.

3 A. I've had two or three others.

4 Q. In the last ten years?

5 A. Yeah, in the last ten years.

6 Q. So you are an expert on this

7 Supervisor, but I am going to go over some ground
8 rules, okay. So I'll be asking you questions and
9 the court reporter will be transcribing everything
10 we say. To make sure the transcript is clear
11 please wait for me to finish asking questions
12 before you give an answer. I'll try to do the
13 same so we are not talking over one another.

14 Do you understand?

15 A. Yes.

16 Q. The court reporter can only record
17 verbal responses so it is important that you
18 answer out loud with words rather than nodding
19 your head.

20 Do you understand?

21 A. Yes.

22 Q. And if you don't understand my
23 question for any reason, please tell me and I'll
24 try to clarify it. If you answer the question
25 I'll assume you've understood it.

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2 Do you understand?

3 A. Yes.

4 Q. The town's attorney may and will
5 object at some point today. Even if they object
6 you should still answer the question unless the
7 attorney instructs you not to answer the question.

8 Can you agree to that?

9 A. Yes.

10 Q. We will plan to take breaks
11 periodically. I am hoping that we'll finish
12 before lunch. If you need to take a break at any
13 point, please let me know and we can pause the
14 deposition. I would just ask that if a question
15 is pending that you answer the question before we
16 take the break.

17 Do you understand?

18 A. Yes.

19 Q. Do you understand you are under oath
20 today?

21 A. Yes.

22 Q. Is there any reason why you cannot
23 give truthful answers to my questions today?

24 A. No.

25 Q. Are you under the influence of any

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2 drugs or medications that would prevent you from
3 giving answers today?

4 A. No.

5 Q. Have you drank alcohol or used
6 marijuana today?

7 A. No.

8 Q. Is there any reason why you can't give
9 full, complete and accurate testimony?

10 A. No.

11 Q. I want to use some definitions and
12 shorthands in this deposition today, so I'll go
13 over that now.

14 If I say the town or Newburgh today,
15 will you understand I am referring to the Town of
16 Newburgh?

17 A. Yes.

18 Q. If I say the town board or the town
19 council today or board or council, will you
20 understand I am referring to the Town Board of the
21 Town of Newburgh?

22 A. Yes.

23 Q. Given the nature of this lawsuit we
24 may talk about race and ethnicity in today's
25 deposition. I'm going to use the terms Hispanic

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2 and Latino interchangeably.

3 Do you understand that?

4 A. Yes.

5 Q. Similarly, I'll use the terms Black
6 and African American interchangeably.

7 Do you understand that?

8 A. Yes.

9 Q. And when I refer to White residents, I
10 am referring to White residents who do not
11 identify as either Hispanic or Latino or African
12 American.

13 Do you understand that?

14 A. Yes.

15 Q. I'm going to use the term race or
16 racial diversity to prefer to both racial and
17 ethnic diversities, and by that I mean that if I
18 ask about racial diversity I am including Hispanic
19 or Latino as well as African American within that
20 grouping.

21 Do you understand that?

22 A. Yes.

23 Q. If I refer to the NYVRA or the New
24 York Voting Rights Act today, will you understand
25 unless I specify otherwise I am referring to the

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2 State's John R. Lewis Voting Rights Act?

3 A. Yes.

4 Q. Can you please state your full name
5 for the record?

6 A. Gilbert Joseph Piaquadio.

7 Q. And how would you define your race?

8 A. A dark skinned Italian.

9 Q. My wife is Italian. I know what you
10 are saying.

11 How did you fill out your race on the
12 2020 census?

13 A. White.

14 Q. I want to ask you some questions about
15 your preparation process for this deposition,
16 Supervisor. I am not asking for the content of
17 any conversations you've had at this point with
18 counsel, just the facts of the conversations.

19 Did you meet with anyone in
20 preparation for today's deposition?

21 A. Yes.

22 Q. Who did you meet with?

23 A. Bennet Moskowitz.

24 Q. When was the meeting?

25 A. Yesterday. No, Tuesday.

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2 Q. How long was the meeting?

3 A. An hour and ten minutes.

4 Q. Was anyone besides your attorney at
5 the meeting?

6 A. No.

7 Q. Did you meet with any non-attorneys in
8 preparation for today's deposition?

9 A. No.

10 Q. Did you discuss this deposition with
11 anyone besides the people we've just mentioned?

12 A. Yes.

13 Q. Who did you discuss it with?

14 A. Mark Taylor, the town attorney.

15 Q. Anyone else, Supervisor?

16 A. No.

17 Q. Aside from those conversations, have
18 you had any other communications with anyone else
19 to prepare for this deposition?

20 A. No.

21 Q. Besides at any meetings with your
22 attorneys did you review any documents in
23 preparation for this deposition?

24 A. No.

25 Q. About how long do you think you spent

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1 G. Piaquadio
2 preparing for this deposition in total besides the
3 one hour and ten minutes you met with Mr.
4 Moskowitz?

5 A. None.

6 Q. I'm going to ask you some background
7 questions, Supervisor.

8 Where do you live?

9 A. Town of Newburgh.

10 Q. So where in the Town of Newburgh do
11 you live?

12 A. The south side in the Town of Newburgh
13 2 Mace Circle.

14 Q. How long have you lived at that
15 address?

16 A. 33 years.

17 Q. Have you ever lived anywhere else in
18 Newburgh?

19 A. Yes.

20 Q. Where else did you live?

21 A. Lakeside Road in the Town of Newburgh.

22 Q. How long did you live there?

23 A. Two years.

24 Q. Where did you live prior to that?

25 A. Middletown, New York.

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2 Q. How long did you live there?

3 A. About four years.

4 Q. Prior to that where did you live, do
5 you remember?

6 A. Village of Elmsford in Westchester.

7 Q. Is that where you grew up?

8 A. No.

9 Q. Where did you grow up?

10 A. In the Bronx.

11 Q. How did you end up in Elmsford?

12 A. My parents moved.

13 Q. So how old were you when you were in
14 Elmsford?

15 A. Eighth grade to 12th grade.

16 Q. I'm from Irvington. My son is in
17 daycare in Elmsford so I know the area well.

18 What is your current job?

19 A. Supervisor of the Town of Newburgh.

20 Q. Is that a full time position?

21 A. Yes.

22 Q. How long have you held this position?

23 A. Since 2014.

24 Q. Do you have any other employment
25 outside of your role as town supervisor?

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2 A. Yes.

3 Q. What is that?

4 A. 50 percent owner of American Alarm.

5 Q. Can you explain that for me? Is it an
6 alarm company?

7 A. An alarm company. 50-year old family
8 business.

9 Q. Did you work for the business your
10 whole life or no?

11 A. Since 1972.

12 Q. How many employees does the business
13 have?

14 A. 22.

15 Q. So aside from supervisor, have you
16 ever had any role in the town government?

17 A. Yes.

18 Q. What were they?

19 A. As town councilman.

20 Q. When were you elected as town council?

21 A. 2003.

22 Q. Did you have any other roles with the
23 town government besides serving as town supervisor
24 and town council?

25 A. Yes.

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2 Q. What were they?

3 A. The planning board for six years.

4 Q. What years were those?

5 A. That would be six years before 2003.

6 Q. So 1997 to 2003?

7 A. Yes.

8 Q. Did you have any other roles prior to
9 1997?

10 A. No.

11 Q. So as town supervisor, who are you
12 responsible to?

13 A. The town residents, number one.

14 Q. Is there a number two?

15 A. Town employees.

16 Q. Is there a number three?

17 A. No.

18 Q. So as you know Supervisor, this
19 lawsuit centers on the Black and Latino
20 communities in Newburgh.

21 Do you know whether there has been an
22 increase in the town's Latino community in the
23 last 20 years?

24 A. No.

25 Q. Do you know the percentage of the town

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2 that's Hispanic?

3 A. No.

4 Q. Do you know if the Latino community is
5 concentrated anywhere geographically within
6 Newburgh?

7 A. No.

8 Q. Do you know whether there are any
9 leaders of the Latino community in Newburgh?

10 A. Yes.

11 Q. So who would those be?

12 A. I'm trying to think of his name.
13 Rubin Estrada, E-S-T-R-A-D-A.

14 Q. Who is Mr. Estrada?

15 A. The Hispanic Coalition for Orange
16 County.

17 Q. Does he live in the Town of Newburgh?

18 A. No.

19 Q. Who else is a leader of the Latino
20 community in Newburgh?

21 A. I do not know.

22 Q. So it is your testimony here
23 Supervisor, that you don't know a single person
24 you can identify as a leader in the Newburgh
25 Latino community?

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2 MR. MOSKOWITZ: Objection to form.

3 Foundation.

4 If I object to the form you can then
5 go ahead and answer.

6 Q. He will direct you not to answer.

7 A. So you said Hispanic?

8 Q. Yes.

9 A. And I'm thinking Black.

10 Is the answer to Black?

11 Q. I want Hispanic first, then we'll talk
12 about the Black community.

13 A. Hispanic, Rubin Estrada.

14 Q. Besides Mr. Estrada, can you identify
15 any Hispanic leaders in the Town of Newburgh?

16 A. Are we talking solely in the Town of
17 Newburgh?

18 Q. Yes.

19 A. No.

20 Q. Do you know whether there has been an
21 increase in the town's Black community in the last
22 20 years?

23 A. No.

24 Q. Do you know the percentage of the town
25 that's Black?

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2 A. No.

3 Q. Do you know if the Black community has
4 been concentrated anywhere geographically within
5 Newburgh?

6 A. No.

7 Q. Do you know whether there are any
8 leaders of the Black community in Newburgh?

9 A. Yes.

10 Q. Who would they be? Who are the Black
11 leaders in the Town of Newburgh?

12 A. Mrs. Tirado.

13 Q. What is her first name?

14 A. I don't know.

15 Q. Who else is a Black leader in the Town
16 of Newburgh?

17 A. I do not know.

18 Q. What is Mrs. Tirado's role?

19 A. She's Chairman of the Town of Newburgh
20 Democratic Committee.

21 Q. Can you identify any additional Black
22 leaders in the Town of Newburgh?

23 A. No.

24 Q. So I would like to go over your
25 background in the Town of Newburgh. So we

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2 actually covered some of these questions.

3 Besides the alarm company, have you
4 ever had any jobs in the last 20 years?

5 A. Yes.

6 Q. What other jobs?

7 A. Privity investigator.

8 Q. Who were you a private investigator
9 for?

10 A. Myself, my own company.

11 Q. How long were you a private
12 investigator?

13 A. 30 years.

14 Q. Did you have any paid jobs with the
15 Town of Newburgh besides the town supervisor and
16 town councilman?

17 A. We had contracts for security with the
18 town, electronic security.

19 Q. When were these contracts?

20 A. Probably started about 1980.

21 Q. When you say electronic security, what
22 do you mean?

23 A. Monitoring of security systems.

24 Q. So when you say monitoring, what
25 exactly does that mean?

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2 A. If the security system were activated
3 it would come to our central station and they in
4 turn will call the police.

5 Q. So these were security systems for
6 town buildings?

7 A. Yes.

8 Q. And do you recall how many contracts
9 you had with the town?

10 A. Probably about ten locations.

11 Q. And this was all in the 1980s?

12 A. Yeah, and moving forward.

13 Q. Moving forward to when?

14 A. When I became councilman all this work
15 was done on a charitable basis and I did not
16 charge for anything which you cannot do business
17 with yourself.

18 Q. So you continued the contract post
19 2003?

20 A. Yes.

21 Q. But you were not paid?

22 A. Correct.

23 Q. Are you a member of any civic
24 organizations, Supervisor?

25 A. A few.

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2 Q. Could you name them for he me?

3 MR. MOSKOWITZ: And I'm going to
4 object on the basis of the First Amendment
5 Associational Privilege and direct you not
6 to volunteer that information based on that
7 privilege.

8 A. Okay.

9 Q. What political party are you a member
10 of?

11 MR. MOSKOWITZ: I'm going to object
12 and note based on the First Amendment
13 Associational Privilege that information is
14 protected. However, if that information is
15 already public, you may go ahead and say so.

16 A. Republican.

17 Q. How long were you -- how long have you
18 been a registered Republican?

19 MR. MOSKOWITZ: I'm also going to
20 object and same direction, if the answer to
21 that question is not public you can't
22 volunteer it because that's protected by the
23 First Amendment Associational Privilege.

24 To the extent the answer is public,
25 you may answer it.

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2 A. It was 18.

3 Q. When did you first become involved in
4 local politics?

5 A. I'm going to say 1997.

6 Q. And what happened in 1997?

7 MR. MOSKOWITZ: And I caution the
8 witness to the extent the information
9 responsive to that question is not public,
10 you shouldn't divulge it because the
11 information that is protected by the First
12 Amendment Associational Privilege.

13 Subject to that direction, you may
14 answer.

15 A. I'm protected.

16 Q. This is why this deposition will end
17 before lunch.

18 DI MR. MOSKOWITZ: Again, I direct the
19 witness do not to answer that question.
20 That's information that's protected by the
21 First Amendment Associational Privilege.

22 A. I'm protected.

23 Q. Why did you get involved in local
24 politics?

25 DI MR. MOSKOWITZ: Same direction. That

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2 information is protected by the First

3 Amendment Associational Privilege.

4 Do not answer.

5 Q. Do you enjoy being involved in local
6 politics?

7 A. Yes.

8 Q. So what do you like about it,
9 Supervisor?

10 MR. MOSKOWITZ: Let me caution the
11 witness. To the extent information
12 responsive to that question implicates your
13 personal political beliefs or expression,
14 you should not provide that information
15 because that information is protected by the
16 First Amendment Associational Privilege.

17 Subject to that, you may answer.

18 A. So I'll be protected, so no response.

19 Q. How did you first join the town board,
20 Supervisor?

21 A. By petition.

22 Q. And when was this?

23 A. 2002.

24 Q. Was there a process by which you
25 decided to run?

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2 DI MR. MOSKOWITZ: And I direct the
3 witness don't answer that question based on
4 the First Amendment Associational Privilege.

5 MR. IMAMURA: Even if it's not public
6 basing on that?

7 MR. MOSKOWITZ: I will take counsel's,
8 I guess call that a, request under
9 advisement.

10 Let me modify my direction to you. To
11 the extent information responsive to that
12 question is public, you may discuss that
13 information only.

14 A. What was the original question?

15 MR. IMAMURA: Can you read the
16 question back Lynne?

17 (Record read.)

18 MR. MOSKOWITZ: Again, same direction.

19 To the extent information is public,
20 you can get into that.

21 A. I really had a desire to like help
22 people.

23 MR. MOSKOWITZ: Let me stop the
24 witness again and I'm directing you not to
25 provide non-public information responsive to

Page 25

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2 that question including things that your
3 personal political beliefs are expressed.

4 A. So I guess I'm protected.

5 Q. Were you the chosen candidate of the
6 Republican committee? Again, only if that was
7 publicly announced or publicly disclosed.

8 DI MR. MOSKOWITZ: Let me note the
9 objection to the question.

10 That you should not answer that
11 question because it is subject to the First
12 Amendment Associational Privilege.

13 A. Okay. No answer.

14 Q. Did the Republican committee carry
15 petitions on your behalf?

16 MR. MOSKOWITZ: Again, on that one I
17 will caution that unless the answer to that
18 question is public, don't answer because it
19 is protected by the First Amendment
20 Associational Privilege.

21 A. I'm not going to answer.

22 Q. Was there any competition to be the
23 candidate of the Republican committee during the
24 year that you first ran?

25 MR. MOSKOWITZ: Objection.

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2 Direct the witness to the extent the
3 answer to that question involves non-public
4 information you should not provide that
5 information. It is protected by the First
6 Amendment Associational Privilege.

7 A. Okay, no response.

8 Q. Was it a contested general election
9 that year?

10 A. Same response.

11 MR. MOSKOWITZ: My understanding is
12 that counsel is asking -- well, why don't
13 you repeat the question.

14 Q. Was it a contested general election in
15 2003 when you first ran?

16 A. Yes.

17 Q. Who ran against you?

18 A. I can't remember.

19 Q. When was your most recent contested
20 election?

21 A. 2012.

22 Q. In 2012 was there a special election
23 that year?

24 A. 2012, can I answer it that I've never
25 been challenged as supervisor but have been

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2 challenged as councilman.

3 Q. When did you first run for the town
4 supervisor?

5 A. 2014. Again, looks like an even year.

6 Q. Why would the election have been in an
7 even year?

8 A. It was a special election.

9 Q. What happened to the previous
10 supervisor?

11 A. The supervisor resigned.

12 Q. What prompted the supervisor to
13 resign?

14 MR. MOSKOWITZ: I caution the witness
15 to the extent the answer to that question is
16 not public, don't answer it. It is
17 protected by the Legislative Privilege.

18 A. I'm protected.

19 Q. So were you appointed to be supervisor
20 prior to the election?

21 A. Yes.

22 Q. Can you describe the process of your
23 appointment?

24 MR. MOSKOWITZ: And I caution the
25 witness to the extent that information is

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1 G. Piaquadio

2 not public, you should not answer because it
3 is protected by the Legislative Privilege.

4 A. Okay, I won't answer it.

5 Q. Did the town board publicly appoint
6 you to serve as supervisor?

7 A. Yes.

8 Q. And was there a competitive process to
9 become supervisor?

10 MR. MOSKOWITZ: And again, I caution
11 the witness to the extent the answer to that
12 question reveals non-public information,
13 don't reveal it. That's protected by the
14 Legislative Privilege.

15 A. No response.

16 Q. Was there a public announcement that
17 the supervisor was resigning and an open call for
18 people to apply to be supervisor?

19 MR. MOSKOWITZ: Objection. Compound.
20 You can answer.

21 Q. Was there a public announcement that
22 the supervisor was going to resign?

23 A. Yes.

24 Q. Was there a public solicitation for
25 people to apply to the town board to be appointed

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1 G. Piaquadio

2 as town supervisor?

3 A. I don't recall.

4 Q. Was there a public process for people
5 to try to become supervisor?

6 A. I don't recall.

7 Q. Were there interviews by the town
8 counsel to become town supervisor?

9 MR. MOSKOWITZ: And I again, caution
10 the witness if the answer to that question
11 reveals non-public information, don't reveal
12 it because it is protected by the
13 Legislative Privilege and also it implicates
14 the First Amendment Associational Privilege.

15 A. No response.

16 Q. Was there anyone else in contention to
17 be appointed as town supervisor that year?

18 MR. MOSKOWITZ: And I caution the
19 witness, if the answer to that question
20 reveals non-public information don't provide
21 it because it's protected by the Legislative
22 Privilege and the First Amendment
23 Associational Privilege.

24 A. No response.

25 Q. Were there any Black or Hispanic

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1 G. Piaquadio
2 candidates for town supervisor considered by the
3 town board?

4 MR. MOSKOWITZ: And again, I caution
5 the witness, if the answer to that question
6 reveals non-public information, don't reveal
7 it. It is protected by the Legislative
8 Privilege and the First Amendment
9 Associational Privilege.

10 A. No response.

11 Q. Can we talk more broadly about town
12 council vacancies in your time as supervisor?

13 How many times have there been
14 vacancies in your time as supervisor on the town
15 board?

16 A. Two.

17 Q. What years were those?

18 A. 2015.

19 Q. And what was the second?

20 A. 2024.

21 Q. Can you describe the processes by
22 which the board considered appointing people to
23 fill the vacancies?

24 MR. MOSKOWITZ: And I caution the
25 witness to the extent the answer to that

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1 G. Piaquadio

2 question reveals non-public information,
3 don't disclose it. It is protected by the
4 Legislative Privilege.

5 A. No response.

6 Q. Was there any public solicitation of
7 candidates to be appointed to the town board?

8 A. Yes.

9 Q. Can you describe that public
10 solicitation?

11 A. Positions were advertised, interviews
12 were performed.

13 Q. Can you describe how many people
14 applied for the positions?

15 MR. MOSKOWITZ: And I caution the
16 witness, if that information is not public,
17 don't reveal it. It is protected by the
18 Legislative Privilege.

19 A. No response.

20 Q. How many people applied in each case?

21 MR. MOSKOWITZ: And same direction.
22 If that information is not public, don't
23 divulge it here. It is protected by the
24 Legislative Privilege.

25 A. No response.

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2 Q. How many people were interviewed as
3 part of this process?

4 MR. MOSKOWITZ: Same direction. If
5 that information is not public, don't
6 disclose it. It is protected by the
7 Legislative Privilege.

8 A. No response.

9 Q. Do you know if there was any effort to
10 appoint a Black candidate?

11 DI MR. MOSKOWITZ: I direct the witness
12 don't answer that question based on the
13 Legislative Privilege.

14 A. No response.

15 Q. Do you know if there was any effort to
16 appoint a Hispanic candidate?

17 DI MR. MOSKOWITZ: Same direction.
18 I direct the witness not to answer
19 based on the Legislative Privilege.

20 A. No response.

21 Q. Let's talk about so your last
22 competitive election was 2012; is that what you
23 said?

24 A. Yes.

25 Q. And you ran against the Democrat?

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2 A. I don't recall.

3 Q. Was there a Republican primary?

4 A. Yes.

5 Q. Who ran against you?

6 A. I don't recall.

7 Q. When was your last competitive general
8 election?

9 A. The one we just spoke of in 2012,
10 whatever.

11 Q. So when I say general election I mean
12 versus the Democrat in the November election.

13 A. Absolutely none for supervisor and I
14 can't remember for council.

15 Q. When was the last competitive town
16 board election outside of the races that you have
17 run?

18 MR. MOSKOWITZ: I will object.

19 Q. I'm sorry. Understood.
20 Last contested general election for
21 town board?

22 MR. MOSKOWITZ: Objection.

23 A. It would have been last election.

24 Q. So that's 2023?

25 A. Yes.

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2 Q. And who ran that year?

3 A. Two councilmen who were up for
4 reelection, two incumbents and two were
5 challenged, challenged by two.

6 Q. Who were the candidates for the
7 incumbents and the challengers?

8 A. It would have been Scott Manely and
9 Anthony Lobiondo.

10 Q. And who were the challengers?

11 A. One, as I recall, was named Steiger,
12 S-T-E-I-G-E-R is all I can remember.

13 Q. Did you -- were you involved in this
14 campaign?

15 MR. MOSKOWITZ: And I caution the
16 witness to the extent the answer to that
17 question is not public information, don't
18 provide that non-public information
19 protected by the First Amendment
20 Associational Privilege and possibly the
21 Legislative Privilege as well.

22 A. No response.

23 Q. Were you involved in planning the
24 campaign for the Republican candidates?

25 MR. MOSKOWITZ: Same direction.

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2 To the extent the answer to that
3 question reveals non-public information,
4 don't provide it. Legislative Privilege,
5 First Amendment Associational Privilege.

6 A. No response.

7 Q. So leaving the campaign trail, you
8 have been on the board now for 20 years; is that
9 right?

10 A. Yes.

11 Q. What has been your biggest success of
12 late on the board?

13 MR. MOSKOWITZ: And let me caution the
14 witness. To the extent the answer to that
15 question is non-public and otherwise
16 expresses your personal political beliefs or
17 at all involves your political expressions,
18 don't answer it.

19 Subject to that, you can answer it.

20 A. No response.

21 Q. Is there anything you are particularly
22 proud of having done as a town board member?

23 DI MR. MOSKOWITZ: And I direct the
24 witness not to answer based on the First
25 Amendment Associational Privilege which

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2 protects political expression and beliefs.

3 A. No response.

4 Q. Is there anything that you have
5 publicly said you are particularly proud of as
6 having done as a town board member?

7 A. Yes.

8 Q. What would that be?

9 A. Obtaining the Desmond Estate.

10 Q. So what is the Desmond Estate?

11 A. It's classes for seniors once owned by
12 Mount Saint Mary College and through a grant we
13 were gifted it and we now operate these classes
14 for seniors in the building.

15 Q. And when was this?

16 A. Three years ago.

17 Q. And where in the Town of Newburgh is
18 the Desmond Estate?

19 A. Albany Post Road.

20 Q. Where is that? Can you identify like
21 what --

22 A. The northern part of --

23 Q. I'm sorry. Let me -- wait for me to
24 finish the question.

25 What geographic quadrant of the town

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2 is that?

3 A. Northern section.

4 Q. So northeast, northwest?

5 A. Northeast.

6 Q. Anything else you said publicly that
7 you are proud of having done as a town board
8 member?

9 A. Street namings.

10 Q. Anything else?

11 A. Wiring a new code compliance building.

12 Q. Are there any aspects of the work you
13 have done for the town that have not been
14 successful?

15 MR. MOSKOWITZ: And I'm going to
16 caution the witness to the extent the answer
17 to that question reveals non-public
18 information, don't reveal it based on
19 Legislative Privilege.

20 A. No response.

21 Q. Is there anything you would do
22 differently if you could start over your role as a
23 town board member?

24 DI MR. MOSKOWITZ: And I direct the
25 witness not to answer based on the First

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2 Amendment Associational Privilege.

3 A. No response.

4 Q. Looking ahead, what are your goals for
5 the town?

6 MR. MOSKOWITZ: And I direct the
7 witness to the extent that information is
8 not public, don't reveal it based on
9 Legislative Privilege and potentially First
10 Amendment Associational Privilege.

11 A. No response.

12 Q. What are your goals as town supervisor
13 in the next coming years?

14 MR. MOSKOWITZ: Same direction.

15 To the extent that information is not
16 public, don't reveal it based on the
17 Legislative Privilege and potentially the
18 First Amendment Associational Privilege.

19 A. No response.

20 Q. How do your constituents normally
21 raise issues to you?

22 MR. MOSKOWITZ: And let me caution the
23 witness to the extent the answer to that
24 question is not public, don't reveal the
25 information based on both the Legislative

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2 Privilege and the First Amendment

3 Associational Privilege.

4 A. No response.

5 Q. What are the issues that constituents
6 usually raise to you?

7 MR. MOSKOWITZ: And I caution the
8 witness to the extent that information is
9 not public, don't reveal it based on the
10 First Amendment Associational Privilege and
11 the Legislative Privilege.

12 A. No response.

13 Q. Has anyone ever raised issues to you
14 in your role as either town supervisor or town
15 board regarding disparities between the Black and
16 Hispanic community and the white community?

17 MR. MOSKOWITZ: I caution the witness
18 to the extent the information responsive to
19 that question is not public, don't reveal it
20 based on the First Amendment Associational
21 Privilege and the Legislative Privilege.

22 A. No response.

23 Q. Do you have a role in making the
24 agenda for town board meetings, Supervisor?

25 A. Yes.

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2 Q. And what is that role?

3 MR. MOSKOWITZ: And let me caution the
4 witness.

5 If that information is not public,
6 don't reveal it based on the Legislative
7 Privilege.

8 A. No response.

9 Q. If you wanted to put something on the
10 agenda for the Newburgh town board meetings, could
11 you do that?

12 DI MR. MOSKOWITZ: Direct the witness not
13 to answer based on the Legislative
14 Privilege.

15 A. No response.

16 Q. How would you do that?

17 DI MR. MOSKOWITZ: Same direction.

18 Don't answer based on the Legislative
19 Privilege.

20 A. No response.

21 Q. If a Newburgh Town staff member wants
22 to put something on the agenda for a town board
23 meeting, how would they do?

24 DI MR. MOSKOWITZ: And I direct the
25 witness don't answer based on the

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2 Legislative Privilege.

3 A. No response.

4 Q. If a member of the public wants to put
5 something on the agenda for a town board meeting,
6 could they do that?

7 MR. MOSKOWITZ: Let me caution the
8 witness.

9 To the extent that information is
10 public, you can answer. Otherwise, based on
11 the Legislative Privilege and the First
12 Amendment Associational Privilege do not
13 provide that information.

14 A. No response.

15 Q. If you wanted to discuss encouraging
16 developers to build more affordable housing in the
17 town, is that something you could put on the
18 agenda?

19 DI MR. MOSKOWITZ: Let me caution the
20 witness -- direct the witness actually not
21 to answer that question based on Legislative
22 Privilege.

23 A. No response.

24 Q. I would like to introduce into the
25 record Exhibit 1 which I'll represent is a article

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2 from the New York Post. Which was not get chewed
3 up by the printer this time that we had one last
4 time that was eaten by the printer. At the last
5 deposition the New York Post article that we
6 printed got cut off by the printer and that's what
7 I'm referring to.

8 (Plaintiffs' Exhibit 1, a article
9 from the New York Post, marked for
10 identification, as of this date.)

11 Q. Have you ever read this article,
12 Supervisor?

13 A. No.

14 Q. Do you recall the incident that it
15 refers to?

16 A. Yes.

17 Q. What was that incident?

18 A. They were saying that the veterans
19 were booted to make room for migrants at the
20 Crossroad Hotel.

21 Q. And what happened after that?

22 MR. MOSKOWITZ: Let me caution the
23 witness.

24 To the extent that information is not
25 public, don't reveal it based on the

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2 Legislative Privilege.

3 A. No response.

4 Q. Did it turn out that veterans were
5 not, in your words, being booted from the hotel?

6 MR. MOSKOWITZ: To the extent that
7 information is not public, don't reveal it
8 based on Legislative Privilege and also, to
9 the extent you learned such information
10 because of any attorney/client
11 communications, don't reveal it based on the
12 attorney/client privilege either.

13 A. No response.

14 Q. So were veterans being displaced by
15 migrants at the Crossroad Hotel?

16 MR. MOSKOWITZ: Let me caution the
17 witness.

18 If you have information responsive to
19 that question by virtue of non-public
20 legislative activities and deliberations
21 and/or attorney-client communications, you
22 should not provide that information.

23 Subject to that, you can answer.

24 MR. IMAMURA: But if any such
25 information is public or was made public.

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2 MR. MOSKOWITZ: Correct.

3 So my direction is, if what you know,
4 if anything, about what you were just asked
5 is information you have solely because of
6 what you learned from attorney/client
7 communications or non-public legislative
8 activities, you shouldn't reveal it.

9 THE WITNESS: What about what I read
10 in the newspaper?

11 MR. MOSKOWITZ: Unless I misheard the
12 question, that's a different question.

13 So my direction stands as to the
14 question that is pending.

15 A. And was the question were veterans
16 removed from the hotel for the migrants?

17 Q. That's the question.

18 MR. MOSKOWITZ: My direction now, to
19 the extent you can talk about information
20 that you did learn through one of the ways I
21 mentioned, you can answer.

22 A. And my question was if I learned it
23 through the newspaper, can I --

24 Q. So I'll modify my question to say, did
25 you learn -- what did you learn in the newspaper

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2 about the veterans who were allegedly displaced?

3 A. That it was totally false.

4 Q. Did you learn through any other
5 mechanism that it was totally false?

6 A. No.

7 Q. So as town supervisor -- strike that.
8 What was the role of the town
9 government in this incident?

10 MR. MOSKOWITZ: And I direct the
11 witness, to the extent that information is
12 not public, don't reveal it based on the
13 Legislative Privilege.

14 A. No response.

15 Q. So the town took no action in response
16 to the allegations that veterans were being
17 displaced by migrants?

18 DI MR. MOSKOWITZ: Objection.
19 Foundation. Misstates testimony.

20 I also direct the witness don't
21 respond based on the Legislative Privilege.

22 A. No response.

23 Q. How did you first learn about migrants
24 arriving at the Crossroad Hotel?

25 MR. MOSKOWITZ: And I caution the

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2 witness if the answer to that question would
3 reveal non-public legislative discussions
4 and/or attorney/client communications, don't
5 answer it.

6 Subject to that you can answer.

7 A. No response.

8 Q. Do you recall when you learned about
9 the migrants' arrival?

10 MR. MOSKOWITZ: And again, same
11 direction to the extent the answer to that
12 question implicates non-public legislative
13 discussions and/or attorney/client
14 communications, do not answer it.

15 Subject to that you may answer.

16 A. No response.

17 Q. Did the town take any action as a
18 result?

19 MR. MOSKOWITZ: Again, to the extent
20 that information is not public, you should
21 not answer it based on the Legislative
22 Privilege and to the extent any
23 attorney/client communications or work
24 product was involved also protected by those
25 privileges, so don't provide that

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2 information.

3 Subject to that you may answer.

4 A. No response.

5 Q. Did you receive any correspondence
6 concerning this incident?

7 DI MR. MOSKOWITZ: And I direct the
8 witness not to answer it based on the
9 Legislative Privilege and/or attorney/client
10 privilege.

11 A. No response.

12 Q. Did the town take any actions after it
13 turns out the allegations were false?

14 MR. MOSKOWITZ: And I caution the
15 witness to the extent such information is
16 not public, don't reveal it based on the
17 Legislative Privilege and to the extent that
18 information implicates attorney/client
19 communications or work product, it is
20 privileged for those reasons as well and
21 don't give that information.

22 Subject to that you may answer.

23 A. No response.

24 Q. I'm going to introduce into the record
25 what we are going to label as Exhibit 2, a news

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2 article.

3 (Plaintiffs' Exhibit 2, a news
4 article, marked for identification, as of
5 this date.)

6 Q. Supervisor, what is Exhibit 2?

7 A. An article describing asylum seekers
8 coming to the Town of Newburgh.

9 Q. Can you read the first paragraph to
10 yourself Supervisor and let me know when you are
11 done?

12 MR. MOSKOWITZ: Could you restate the
13 question?

14 Q. Can you read the first paragraph to
15 yourself and let me know when you are done?

16 A. I'm done.

17 Q. So the first paragraph and I'm going
18 to do an excerpt says "Both the Town of Newburgh
19 and the County of Orange had declared a state of
20 emergency in an attempt to thwart their arrival
21 from New York City." They being the migrants.

22 Do you recall declaring a state of
23 emergency for the town?

24 A. No.

25 Q. Have you ever declared a state of

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2 emergency for the Town of Newburgh?

3 A. Yes.

4 Q. What was that context of the state of
5 emergency?

6 A. Snow storms.

7 Q. So your testimony is this article is
8 inaccurate and the Town of Newburgh did not
9 declare a state of emergency?

10 MR. MOSKOWITZ: Objection.

11 Foundation. Misstates prior testimony.

12 You can answer.

13 A. Repeat the question.

14 Q. So your testimony is that this article
15 is inaccurate and the town did not declare a state
16 of emergency?

17 A. Yes.

18 Q. Did the town bring a -- sorry.

19 I would like to introduce Exhibit 3
20 which is the complaint from a lawsuit.

21 (Plaintiffs' Exhibit 3, the
22 complaint from a lawsuit, marked for
23 identification, as of this date.)

24 Q. Supervisor, do you recognize this
25 document?

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2 A. Yes.

3 Q. What is it, Supervisor?

4 A. This is a complaint against the town.

5 Q. I'll submit Supervisor that the
6 plaintiff is actually the town against Crossroad
7 Hotel.

8 Do you see that?

9 A. Yes.

10 Q. And I'll submit this was a lawsuit
11 filed by the Town of Newburgh against the
12 Crossroad Hotel concerning the arrival of
13 migrants.

14 Would you agree with that?

15 A. Yes.

16 Q. Can you describe this lawsuit?

17 MR. MOSKOWITZ: Let me caution the
18 witness.

19 Don't reveal any attorney/client
20 communications.

21 Subject to that you can answer the
22 question.

23 A. Let me just answer and say this was a
24 code compliance issue this lawsuit.

25 Q. What does that mean?

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2 A. It had to deal with turning a hotel
3 into a shelter for a 430 day stay.

4 Q. Was this suit brought in response to
5 the arrival of migrants in the town?

6 DI MR. MOSKOWITZ: Objection.

7 Direct the witness not to answer based
8 on Legislative Privilege and attorney/client
9 privilege.

10 Q. Why did the town bring this lawsuit?

11 DI MR. MOSKOWITZ: Objection.

12 Attorney-client privilege, Legislative
13 Privilege.

14 Don't answer it.

15 A. No response to the last two questions.

16 Q. I will submit that this lawsuit was
17 brought on the same day as the New York Post
18 article we referred to.

19 Was the suit brought in response to
20 the allegations that migrants were displacing
21 veterans?

22 DI MR. MOSKOWITZ: I'll direct the
23 witness not to answer based on the
24 Legislative Privilege and the
25 attorney-client privilege.

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2 A. No response.

3 Q. Did the town ever consider withdrawing
4 this lawsuit after it turns out those veterans
5 were not being displaced by migrants?

6 DI MR. MOSKOWITZ: And I direct the
7 witness not to answer based on the
8 Legislative Privilege and the
9 attorney-client privilege.

10 A. No response.

11 Q. So I'm going to refer to paragraph 24
12 of the lawsuit, I'm sorry, of the complaint and it
13 says that "On May 8, 2023 the town board convened
14 to vote on filing a lawsuit and voted to approve
15 retaining special counsel to prevent the violation
16 of town code."

17 Is that correct?

18 A. Yes.

19 Q. Were you at this town board meeting?

20 A. Yes.

21 Q. Do you recall what was publicly said
22 about filing this lawsuit?

23 A. Do not recall.

24 Q. Do you recall why the town board
25 decided to bring this lawsuit?

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2 DI MR. MOSKOWITZ: And I direct the
3 witness not to answer based on the
4 Legislative Privilege and the
5 attorney-client privilege.

6 A. No response.

7 Q. Do you recall how you voted at this
8 meeting?

9 MR. MOSKOWITZ: And let me caution the
10 witness.

11 If the answer to that question is
12 publicly available information, you can
13 answer.

14 Otherwise, it is subject to the
15 Legislative Privilege and you should not
16 answer.

17 A. Yes. I voted yes. It was public.

18 Q. Do you recall saying why you voted yes
19 at this meeting?

20 A. No.

21 Q. I will submit that the minutes and the
22 agenda from the meeting do not appear on the town
23 website.

24 Do you know if the minutes and agenda
25 from this meeting are on the town website?

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2 A. Do not know.

3 Q. Do you know if the minutes or the
4 agenda from this meeting were ever on the town
5 website?

6 A. The agenda had to be.

7 Q. Do you think that -- strike that.

8 Do you know if the minutes were taken
9 down or the agenda was taken down?

10 DI MR. MOSKOWITZ: Objection.

11 Direct the witness not to answer based
12 on Legislative Privilege.

13 A. No response.

14 Q. In bringing this lawsuit did you
15 receive any public input?

16 MR. MOSKOWITZ: And I direct the
17 witness to the extent that information, if
18 any, is not public, don't reveal it based on
19 the First Amendment Associational Privilege
20 and the Legislative Privilege.

21 A. No response.

22 Q. Did you consider whether Black or
23 Hispanic residents might oppose the lawsuit?

24 DI MR. MOSKOWITZ: I direct the witness
25 not to answer based on the Legislative

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2 Privilege.

3 A. No response.

4 Q. Without revealing anything from your
5 attorney, do you know the current status of this
6 lawsuit?

7 MR. MOSKOWITZ: And I'll also further
8 caution the witness.

9 To the extent anything you know is not
10 only based on attorney/client communications
11 or work product, but non-public legislative
12 deliberations and discussions as well, you
13 shouldn't reveal that information.

14 Subject to that, he can answer.

15 A. No response.

16 Q. What is the current status of the
17 migrants housed at the Crossroad Hotel?

18 MR. MOSKOWITZ: And I caution the
19 witness to the extent that information is
20 not public and would reveal non-public
21 legislative information and/or
22 attorney/client communications, you
23 shouldn't reveal that information.

24 Subject to that you may answer.

25 A. No response.

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2 Q. Do you still support this lawsuit?

3 DI MR. MOSKOWITZ: Objection and direct
4 the witness not to answer based on the First
5 Amendment Associational Privilege and
6 Legislative Privilege.

7 A. No response.

8 Q. Do you know how much has been spent on
9 the litigation thus far?

10 DI MR. MOSKOWITZ: And I direct the
11 witness not to answer based on the
12 Legislative Privilege and attorney/client
13 privilege.

14 A. No response.

15 Q. Has the town taken any action to
16 support the migrants at the Crossroad Hotel?

17 MR. MOSKOWITZ: And I caution the
18 witness.

19 To the extent the information is not
20 public, don't reveal it based on the
21 Legislative Privilege.

22 Subject to that, you can answer.

23 A. No response.

24 Q. So as we have discussed it appears
25 there are multiple town board meetings that do not

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2 appear to be on the town website.

3 Whose responsibility is it to place
4 town board documents on the town website?

5 DI MR. MOSKOWITZ: I direct the witness
6 not to answer based on Legislative
7 Privilege.

8 A. No response.

9 Q. Are town board documents put up on the
10 website as a matter of course?

11 DI MR. MOSKOWITZ: I direct the witness
12 not to answer based on Legislative
13 Privilege.

14 A. No response.

15 Q. Have you ever been privy to
16 conversations to put certain documents on the
17 website over others?

18 DI MR. MOSKOWITZ: I direct the witness
19 not to answer based on Legislative
20 Privilege.

21 A. No response.

22 Q. Have you ever been privy to a
23 conversation to not put certain documents on the
24 website?

25 DI MR. MOSKOWITZ: I direct the witness

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2 not to answer based on the Legislative
3 Privilege.

4 A. No response.

5 Q. Are town board meetings live streamed?

6 A. No.

7 Q. Why?

8 DI MR. MOSKOWITZ: I direct the witness
9 not to answer, Legislative Privilege.

10 A. No response.

11 Q. Have you ever received any requests
12 from constituents to live stream the meetings?

13 DI MR. MOSKOWITZ: I direct the witness
14 not to answer based on the Legislative
15 Privilege and the First Amendment
16 Associational Privilege.

17 A. No response.

18 Q. So I would like to introduce what we
19 will label as Exhibit 4. I will submit that this
20 is an opinion piece.

21 (Plaintiffs' Exhibit 4, an opinion
22 piece, marked for identification, as of this
23 date.)

24 Q. Supervisor, what is this document?

25 A. Give me a minute.

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2 Q. Take your time.

3 A. Okay.

4 Q. Supervisor, what is this document?

5 A. One of my press releases.

6 Q. Concerning what?

7 A. The upgrade of Danskammer Power Plant.

8 Q. Can you describe the contents of this
9 opinion piece?

10 THE WITNESS: I can give my opinion on
11 this?

12 MR. MOSKOWITZ: The question was, can
13 you describe the contents of this opinion
14 piece? Can you answer that question?

15 A. We've had a very old power plant named
16 Danskammer built in the fifties. The plant wanted
17 to upgrade and be more efficient. I was agreeable
18 to that but not my town board, but myself and I
19 spoke in favor of it at a public hearing in
20 Goshen. I also mentioned that if it were a new
21 power plant I would say no, but the fact that it
22 is an existing plant becoming more efficient I was
23 in favor of it. That's it.

24 Q. And you touched on this, but why did
25 you support the expansion of the power plant?

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2 MR. MOSKOWITZ: And I direct the
3 witness to the extent he did not publicly
4 disclose that information previously, he
5 should not disclose it now based on the
6 First Amendment Associational Privilege and
7 possibly the Legislative Privilege as well.

8 A. But I think it was public. I know it
9 was public and I wanted a more efficient plant
10 plus fluorocarbons into the air is what we were
11 talking about.

12 Q. So nowhere in this piece Supervisor do
13 you mention the impact of emissions.

14 Is that something you considered
15 before supporting the project?

16 MR. MOSKOWITZ: And I direct the
17 witness to the extent to answer that
18 question reveals nonpublic information,
19 don't reveal it based on Legislative
20 Privilege and First Amendment Associational
21 Privilege.

22 A. No response.

23 Q. Nowhere in this piece Supervisor do
24 you mention the impact on racial minorities at
25 Danskammers.

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2 Nowhere do you mention the impact on
3 racial minorities of the expansion of Danskammer.

4 Is this something you considered?

5 MR. MOSKOWITZ: Again, I caution the
6 witness and direct the witness if the answer
7 to that question reveals non-publicly
8 available information privileged by the
9 First Amendment Associational Privilege and
10 Legislative Privilege you should not provide
11 that information.

12 A. No response.

13 Q. Did the town board take any action on
14 the application?

15 MR. MOSKOWITZ: And I caution the
16 witness to the extent the answer to that
17 question would reveal non-public information
18 it is subject to the Legislative Privilege
19 and you should not reveal it.

20 I object to that, but with caution you
21 may answer.

22 A. It was public information. The town
23 board took no action.

24 Q. Did the town have any public hearings
25 concerning the application?

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2 A. No.

3 Q. So I will submit to you that other
4 municipalities in the area took stands for and
5 against the expansion.

6 Did the town board consciously take no
7 position on the expansion?

8 DI MR. MOSKOWITZ: And I direct the
9 witness not to answer based on the
10 Legislative Privilege.

11 A. No response.

12 Q. Did the town receive any public
13 correspondence concerning the expansion?

14 MR. MOSKOWITZ: Let me caution the
15 witness -- well, let me object and say first
16 I find the question confusing, but to the
17 extent the information that would be
18 revealed in response to that question is
19 itself not public information, you shouldn't
20 reveal that information based on Legislative
21 Privilege, but other than that you can
22 answer.

23 A. There was a thing called a siting
24 board and they were the ones who made all the
25 decisions on Danskammer not the Town of Newburgh

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2 in any way, but the Siting Board of the State of
3 New York.

4 Q. Do you recall there being any African
5 American or Hispanic residents that expressed an
6 opinion on the application?

7 MR. MOSKOWITZ: And I direct the
8 witness not to answer that question to the
9 extent the answer would reveal non-public
10 information because that's protected by the
11 Legislative Privilege and the First
12 Amendment Associational Privilege.

13 Subject to that you can answer.

14 A. No response.

15 Q. Do you know whether Black and Hispanic
16 populations on a national level suffer higher
17 rates of asthma and other respiratory diseases due
18 to higher levels of exposure to environmental
19 pollutants?

20 A. No.

21 Q. Do you know whether Newburgh city
22 residents currently visit the emergency room at
23 higher rooms for asthma than the statewide
24 average?

25 A. No.

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2 Q. In deciding whether to support the
3 Danskammer Power Plant expansion did you think
4 about the impact of the plant specifically on
5 African American and Hispanic populations?

6 DI MR. MOSKOWITZ: And I direct the
7 witness not to answer based on the First
8 Amendment Associational Privilege and the
9 Legislative Privilege.

10 A. No response.

11 Q. Do you know if the board considered
12 the impact on Black and Hispanic population?

13 DI MR. MOSKOWITZ: I direct the witness
14 not to answer based on the Legislative
15 Privilege.

16 A. No response.

17 Q. Do you know what happened to this
18 application ultimately?

19 MR. MOSKOWITZ: I caution the witness
20 to the extent that information is not
21 public, don't reveal it based on the
22 Legislative Privilege and/or the
23 attorney/client privilege to the extent the
24 answer is attorney/client communication.

25 Subject to that you can answer.

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2 A. No response.

3 Q. So I will submit to you Supervisor
4 that the application was ultimately denied.

5 Has the town taken any action since
6 concerning Danskammer since the denial?

7 MR. MOSKOWITZ: And I caution the
8 witness to the extent the information
9 responsive to that question is not public,
10 don't disclose it based on Legislative
11 Privilege.

12 Subject to that you may answer.

13 A. No response.

14 Q. So I'm going to introduce for the
15 record what we shall put in the record as Exhibit
16 5. These are the interrogatory responses.

17 (Plaintiffs' Exhibit 5, the
18 interrogatory responses, marked for
19 identification, as of this date.)

20 Q. I would like to go -- Supervisor, do
21 you recognize this document?

22 A. I do on the first page so far.

23 Q. What is it Supervisor?

24 A. This is in reference to complying with
25 the New York State law with the initials of what

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2 -- the new New York State law with minority
3 voting.

4 Q. So I will submit to you Supervisor
5 that these are responses from the town in response
6 to interrogatories from the plaintiffs.

7 Could you go to interrogatory 7 for
8 me. Look for number 7.

9 Do you see it, Supervisor?

10 A. Yes.

11 Q. Could you read the response and then
12 go to the next page to yourself and let me know
13 when you are done?

14 A. I have read it.

15 Q. Supervisor, I'm going to ask several
16 questions about the town's response. So in the
17 second sentence from the top it says "For example,
18 the town's courts provide interpretive services
19 and town's police officers receive annual implicit
20 bias and principled police trainings with lessons
21 specifically approved by the New York State
22 Division Of Criminal Justice."

23 Did I read that correctly?

24 A. Yes.

25 Q. Do you know if the town providing

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2 interpretive services is something that's mandated
3 by state law?

4 MR. MOSKOWITZ: Let me caution the
5 witness.

6 To the extent the answer to that
7 question would implicate attorney/client
8 communications you shouldn't reveal that
9 information. To the extent the answer to
10 that question implicates non-public
11 Legislative discussions you shouldn't reveal
12 that information either.

13 Subject to that, you may answer.

14 A. No response.

15 Q. Do you know whether the town's police
16 officers were receiving annual implicit bias
17 trainings is also required by state law?

18 MR. MOSKOWITZ: Same direction to the
19 witness.

20 To the extent the answer to that
21 question implicates attorney/client
22 communications, you should not reveal that
23 information and to the extent the answer
24 would reveal non-public legislative
25 information or activities, you should not

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2 reveal that information.

3 Subject to that, you may answer.

4 A. No response.

5 Q. So similar questions for each item.

6 Did the town board vote or in some
7 other affirmative fashion direct that the court
8 provide interpretive services?

9 MR. MOSKOWITZ: And I caution the
10 witness.

11 To the extent the answer to that
12 question reveals non-public information,
13 don't reveal it because that information is
14 protected by the Legislative Privilege.

15 Subject to that, you may answer.

16 A. No response.

17 Q. Similarly, did the town council
18 affirmatively direct the town's police officers to
19 receive bias trainings?

20 MR. MOSKOWITZ: I direct the witness
21 to the extent the answer to that question
22 would reveal non-public information, you
23 should not disclose that information because
24 it is protected by the Legislative
25 Privilege.

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2 Subject to that, you may answer.

3 A. No response.

4 Q. So in the next sentence the town says
5 that, I'm going to include an excerpt, "The
6 consistency of each amendment to a zoning code
7 with the needs and goals identified by the April
8 2009 Tri-County Affordable Housing Study" and I'm
9 just going to skip to the end "And the potential
10 effects of the action on the town's ability to
11 meet goals for providing rental and owner occupied
12 affordable housing."

13 Did I read that correctly?

14 A. Yes.

15 Q. So what has the town done in
16 conjunction with what it describes here?

17 MR. MOSKOWITZ: And I caution the
18 witness.

19 To the extent that information is not
20 public it is subject to the Legislative
21 Privilege and to the extent the answer to
22 that question implicates attorney/client
23 communications, that information is
24 protected by the attorney/client privilege
25 so you shouldn't provide any of that

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2 information either.

3 Subject to that, you may answer.

4 A. No response.

5 Q. Similarly, so in the next sentence the
6 town says "Relatedly, Section 18549 of the Town
7 Zoning Code contains an affordable housing bonus
8 incentive and alternatives have been discussed as
9 part of the town's comprehensive plan update."

10 Did I read that correctly?

11 A. Yes.

12 Q. Has the affordable housing bonus
13 incentive ever been utilized?

14 MR. MOSKOWITZ: And I caution the
15 witness if that information is not public,
16 don't disclose it based on the Legislative
17 Privilege.

18 Subject to that, you may answer.

19 A. No response.

20 Q. The next sentence reads "The town has
21 also proactively sought the participation of
22 minority and women owned business contractors in
23 connection with certain town construction
24 projects."

25 Did I read that correctly?

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2 A. Yes.

3 Q. Has the town actually ever hired any
4 minority and women owned business contractors in
5 connection with a town project?

6 MR. MOSKOWITZ: I caution the witness.

7 To the extent that information is not
8 public it is protected by the Legislative
9 Privilege and you should not provide that
10 information.

11 Subject to that, you may answer.

12 A. No response.

13 Q. Does the town maintain a list of MWBE
14 owned business contractors?

15 DI MR. MOSKOWITZ: I direct the witness
16 not to answer based on the Legislative
17 Privilege.

18 A. No response.

19 Q. Does the town put out communications
20 that are in Spanish?

21 THE WITNESS: Can I answer?

22 MR. MOSKOWITZ: Yes.

23 A. No.

24 Q. Do you know what percentage Hispanic
25 the town is?

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2 A. No.

3 Q. So I will submit to you that the Town
4 of Newburgh is now 25 percent Hispanic.

5 Given that one in four residents of
6 the town are Hispanic, do you think that the town
7 should provide communications in Spanish?

8 DI MR. MOSKOWITZ: Direct the witness not
9 to answer based on First Amendment
10 Associational Privilege and the Legislative
11 Privilege.

12 A. No response.

13 Q. I'm going to refer you in the
14 interrogatories to interrogatory number 12. It's
15 the last one. If you could read the response to
16 yourself.

17 Are you reading it, Supervisor?

18 A. Yes.

19 Q. The response states "That Nancy
20 Elgueta, E-L-G-U-E-T-A, is a town employee whose
21 primary work location is the town hall and she
22 speaks Spanish."

23 Did I represent that correctly?

24 A. Yes.

25 Q. How many employees work in town hall?

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2 MR. MOSKOWITZ: Let me caution the
3 witness. You can answer that if the
4 information is public.

5 Otherwise, it is protected by the
6 Legislative Privilege and you should not
7 answer it.

8 A. No response.

9 Q. Is there any effort to attempt to hire
10 town employees who speak Spanish?

11 DI MR. MOSKOWITZ: I direct the witness
12 not to answer based on the Legislative
13 Privilege.

14 A. No response.

15 Q. Is there any attempt to hire Hispanic
16 employees?

17 DI MR. MOSKOWITZ: I direct the witness
18 not to answer based on the Legislative
19 Privilege.

20 A. No response.

21 Q. Is there any effort to hire Black
22 employees?

23 DI MR. MOSKOWITZ: I direct the witness
24 not to answer based on the legislative
25 privilege.

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2 A. No response.

3 Q. How does the town advertise open job
4 positions?

5 MR. MOSKOWITZ: Let me direct the
6 witness, caution the witness.

7 If the answer to that question would
8 reveal non-public information, don't reveal
9 that information. It's protected by the
10 Legislative Privilege.

11 Subject to that, you may respond.

12 A. The town does advertise employment on
13 the web page, most through civil service and on a
14 list from Goshen Civil Service.

15 Q. Do you know if there is any effort to
16 try to hire Black and Hispanic residents or
17 employees through that process?

18 DI MR. MOSKOWITZ: I direct the witness
19 not to answer based on the Legislative
20 Privilege.

21 A. No response.

22 Q. Do you have any family members who
23 work for the town?

24 MR. MOSKOWITZ: I caution the witness
25 to the extent that information is not

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2 public, don't reveal it based on Legislative
3 Privilege.

4 Subject to that, you may answer.

5 A. No response.

6 MR. IMAMURA: We've been going for a
7 while. Let's take a quick break for ten
8 minutes.

9 (Recess taken.)

10 BY MR. IMAMURA:

11 Q. Supervisor, I wanted to talk about
12 town boards for a moment.

13 How are appointments made to town
14 boards?

15 MR. MOSKOWITZ: And I caution the
16 witness.

17 To the extent that information is not
18 public, don't disclose it based on the
19 Legislative Privilege.

20 Subject to that, you may answer.

21 A. No response.

22 Q. To your knowledge, are there any Black
23 or Hispanic members of any town board?

24 MR. MOSKOWITZ: And I caution the
25 witness.

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2 To the extent that information is not
3 public, don't answer it based on the
4 Legislative Privilege.

5 Subject to that, you may answer.

6 A. No response.

7 Q. So I would like to refer you to
8 Exhibit 6 and it is a town resolution.

9 (Plaintiffs' Exhibit 6, a town
10 resolution, marked for identification, as of
11 this date.)

12 Q. Let me know when you are done looking
13 at it, Supervisor.

14 A. I am finished.

15 Q. What is this document, Supervisor?

16 A. A town resolution.

17 Q. And what does the resolution concern?

18 A. To hire the law firm of Sokoloff and
19 Stern.

20 Q. Do you recall issuing any written
21 notice of this meeting?

22 A. Yes.

23 Q. So you issued notices of this to your
24 town board members?

25 A. Yes.

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2 MR. MOSKOWITZ: I'm sorry. I must
3 have misheard the question. I had thought,
4 for the record, that the question was did
5 you issue notice of this meeting meaning
6 publicly. So I misunderstood.

7 So therefore, I do want to say I
8 object to the line of questioning based on
9 Legislative Privilege, but you can move
10 forward.

11 MR. IMAMURA: And we can clawback the
12 answer if you want counsel.

13 MR. MOSKOWITZ: I appreciate that.

14 MR. IMAMURA: Let's just do this
15 again.

16 BY MR. IMAMURA:

17 Q. Did you issue written notice of this
18 town board meeting to your town council members?

19 DI MR. MOSKOWITZ: Direct the witness not
20 to answer based on Legislative Privilege.

21 A. No response.

22 Q. What else does this resolution do,
23 Supervisor?

24 MR. MOSKOWITZ: Let me caution the
25 witness that you can discuss the document,

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2 but to the extent such information is not
3 public covered by the Legislative Privilege
4 and to the extent it implicates
5 attorney/client communications or attorney
6 work product, that information is
7 privileged.

8 Subject to all of that, you can
9 answer.

10 A. I think the resolution speaks for
11 itself and is public.

12 Q. So I will refer you to Section 1 and
13 the first sentence reads "The town supervisor and
14 the attorney for the town are hereby directed to
15 work with Sokoloff Stern LLP and the authorized
16 experts it retains in the review and investigation
17 of the current at-large election system."

18 Did I read that correctly?

19 A. Yes.

20 Q. Do you know whether the town ever
21 retained the authorized experts mentioned in this
22 section?

23 DI MR. MOSKOWITZ: And I direct the
24 witness not to answer based on the
25 Legislative Privilege and the

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2 attorney/client privilege and work product.

3 A. No response.

4 Q. Do you know who those experts were?

5 DI MR. MOSKOWITZ: And I direct the
6 witness not to answer based on the
7 Legislative Privilege, the attorney/client
8 privilege and the attorney work product
9 privilege.

10 A. No response.

11 Q. Did the experts ultimately conduct
12 work for the town?

13 DI MR. MOSKOWITZ: And I object to the
14 question. Lacks foundation and I instruct
15 the witness not to answer based on the
16 Legislative Privilege, attorney/client
17 privilege and attorney work product
18 doctrine.

19 A. No response.

20 Q. Did the town ever pay the experts?

21 DI MR. MOSKOWITZ: Objection. Foundation
22 and I direct the witness not to answer based
23 on the Legislative Privilege,
24 attorney/client privilege and attorney work
25 product doctrine.

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2 A. No response.

3 Q. I will be introducing a new exhibit
4 which I believe is Exhibit 7. It is a court
5 order.

6 (Plaintiffs' Exhibit 7, a court
7 order, marked for identification, as of this
8 date.)

9 Q. Please take a look at this document,
10 Supervisor.

11 A. Okay.

12 Q. Before jumping into this document I do
13 have some additional questions.

14 Who is the town currently -- who has
15 the county retained to represent you in this
16 lawsuit?

17 MR. MOSKOWITZ: And I caution the
18 witness and direct the witness to limit your
19 response what is publicly available.
20 Otherwise, the information is subject to
21 Legislative Privilege and attorney/client
22 privilege as well.

23 A. No response.

24 Q. May I ask, I'm going to refer to
25 Exhibit 5 and I'm going to look at the signature

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2 page of Exhibit 5 and can I ask you to read the

3 signatory law firm on this page.

4 Can you read it?

5 A. Out loud?

6 Q. Yes.

7 A. Troutman Pepper Hamilton and Sanders,

8 LLP.

9 Q. Who is Troutman Pepper Hamilton
10 Sanders?

11 A. They are a law firm in Manhattan.

12 Q. It says Bennet Moskowitz.

13 Who is Bennet Moskowitz?

14 A. Attorney.

15 Q. And are they representing you in this
16 lawsuit?

17 A. Yes.

18 Q. Thank you.

19 So the town is -- so Troutman Pepper
20 is currently representing the town in this
21 lawsuit; correct?

22 A. Yes.

23 Q. Is the town paying Troutman Pepper?

24 DI MR. MOSKOWITZ: I direct the witness
25 not to answer based on the Legislative

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2 Privilege.

3 Q. And we are going to go through this.
4 I apologize. I'm sure there will be some more
5 objections.

6 Is the town planning to pay Troutman
7 Pepper for its services in defending this lawsuit?

8 DI MR. MOSKOWITZ: I direct the witness
9 not to answer. Legislative Privilege.

10 Q. Has Troutman Pepper submitted any
11 invoices to the town?

12 DI MR. MOSKOWITZ: I direct the witness
13 not to answer. Legislative Privilege,
14 attorney-client privilege.

15 Q. If Troutman Pepper submits an invoice
16 to the town, will the town pay that invoice?

17 DI MR. MOSKOWITZ: I direct the witness
18 not to answer. Legislative Privilege.

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

21 DI MR. MOSKOWITZ: I direct the witness
22 not to answer. Legislative Privilege.

23 Q. Is there a publicly successful way to
24 seek town payment to Troutman Pepper?

25 DI MR. MOSKOWITZ: Objection. Lacks

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2 foundation and direct the witness not to

3 answer based on Legislative privilege.

4 Q. Has the town received any money for
5 the costs it will outlay to pay Troutman Pepper
6 for its services?

7 DI MR. MOSKOWITZ: Objection.

8 Foundation.

9 Also, direct the witness not to
10 answer. Legislative Privilege.

11 Q. Is the town planning to receive any
12 moneys to cover the cost it will outlay to pay for
13 Troutman Pepper services?

14 DI MR. MOSKOWITZ: Objection.

15 Foundation.

16 And direct the witness not to answer
17 based on Legislative Privilege.

18 Q. Does the town have an insurance,
19 litigation insurance policy?

20 DI MR. MOSKOWITZ: I direct the witness
21 not to answer based on the Legislative
22 Privilege.

23 Q. Does the town have any intentions of
24 using that insurance policy to pay Troutman Pepper
25 for its services?

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2 DI MR. MOSKOWITZ: Objection. Lacks
3 foundation and I direct the witness not to
4 answer based upon the Legislative Privilege
5 and attorney/client privilege.

6 Q. Aside from any insurance claim, have
7 you taken any efforts to -- I'm sorry. Strike
8 that.

9 Have you taken any efforts to seek
10 outside funding to cover Troutman Pepper's fees
11 aside from potential insurance?

12 DI MR. MOSKOWITZ: Objection. Lacks
13 foundation and I direct the witness not to
14 answer based on Legislative Privilege.

15 Q. Are you aware of any efforts by anyone
16 associated with the town to seek outside funding
17 to cover Troutman Pepper's fee?

18 MR. MOSKOWITZ: I object. Lacks
19 foundation and direct the witness not to
20 answer based on Legislative Privilege.

21 Q. Aside from any insurance claim, have
22 you taken any efforts to seek outside funding to
23 cover any fees and costs awarded in favor of
24 plaintiffs in this case?

25 DI MR. MOSKOWITZ: And I object. Lacks

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2 foundation and also, direct the witness not
3 to answer based on Legislative Privilege.

4 Q. Has any third parties offered to pay
5 the fees in this case?

6 DI MR. MOSKOWITZ: Objection. Lacks
7 foundation and I direct the witness not to
8 answer. Legislative Privilege.

9 Q. Have any third parties offered to pay
10 the plaintiff's fees in this case?

11 DI MR. MOSKOWITZ: Objection. Lacks
12 foundation and I direct the witness not to
13 answer based on Legislative Privilege.

14 Q. Having gone through that, I refer back
15 to Exhibit 7.

16 So what is Exhibit 7, Supervisor?

17 A. I read this. It is a lawsuit against
18 East Ramapo School District.

19 Q. So I will submit to you Supervisor
20 that this is from a 2021 Federal Voting Rights Act
21 case. I refer you to paragraph 1 on page 2 and if
22 you could read that to yourself please.

23 A. I have.

24 Q. So it says "Judgment is hereby entered
25 in favor of plaintiffs for a fee award in the

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2 amount of \$5,446,139."

3 Do you know what that means?

4 A. It's a court ordered fine.

5 Q. So I will submit to you that this was
6 the amount East Ramapo was ordered to pay the
7 lawyers of the (indecipherable) who sued them for
8 the violation of Federal Voting Rights Act.

9 Before you today, were you aware that
10 litigation over questions of voting rights can
11 result in a fee award for jurisdiction for a loss
12 of over five million dollars?

13 MR. MOSKOWITZ: And I caution the
14 witness.

15 To the extent information responsive
16 to that question would implicate
17 attorney/client communications or non-public
18 legislative activities, you should not
19 answer it.

20 Subject to that, you may answer it.

21 A. No response.

22 Q. What's the total operating budget of
23 the Town of Newburgh?

24 MR. MOSKOWITZ: And I caution the
25 witness if that information is not public,

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2 do not reveal it based on the Legislative
3 Privilege.

4 Subject to that, you may answer.

5 A. 42 million dollars is the budget for
6 the Town of Newburgh.

7 Q. So would the Town of Newburgh be able
8 to cover a fee award if it was awarded in this
9 case?

10 DI MR. MOSKOWITZ: Objection. Lacks
11 foundation and I also direct the witness not
12 to answer based on Legislative Privilege.

13 A. No response.

14 Q. What if the fee award was five million
15 dollars?

16 DI MR. MOSKOWITZ: Objection. Lacks
17 foundation and direct the witness not to
18 answer based on Legislative Privilege.

19 A. No response.

20 Q. So going forward, where do you live in
21 the town of Newburgh again?

22 A. South end 2 Mason Circle.

23 Q. So what quadrant of the town would
24 that be?

25 A. It's about the middle south.

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2 Q. So in your 30 years, how long have you
3 lived in the town?

4 A. 33 years.

5 Q. In your 30 years in the town, would
6 you say its changed demographically?

7 A. No.

8 Q. How would you characterize the
9 demographics of the town 30 years ago?

10 A. Are you asking for a percentage what
11 it was 30 years ago?

12 Q. Or just your impression.

13 A. I really have probably went to half
14 the houses in this town and knocked on every door
15 in the last 20 years. I don't really keep track
16 of who's minority and who's not when I knock on
17 the door, so I can't have an answer for that
18 honestly.

19 Q. But you testified earlier that you
20 don't think the demographics in the town has
21 changed in the last 30 years?

22 A. Where I was told that that high
23 percentage, I don't agree with that high
24 percentage currently existing.

25 Q. Can you explain that? What do you

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2 mean by that?

3 MR. MOSKOWITZ: Let me caution the
4 witness.

5 Don't reveal any non-public
6 legislative discussions or attorney/client
7 communication.

8 Subject to that, you can answer.

9 A. No response.

10 Q. Do you believe there is any racial
11 tension in Newburgh?

12 MR. MOSKOWITZ: Let me caution the
13 witness.

14 To the extent the answer of that
15 question would implicate things, would
16 implicate non-public legislative
17 discussions, attorney/client communications
18 or your political beliefs or expressions,
19 that's all privileged either pursuant to the
20 Legislative Privilege or the First Amendment
21 Associational Privilege.

22 Subject to that, you may answer.

23 A. No response.

24 Q. Do you think there are issues that
25 people of one race respond to differently than

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2 people of another race?

3 MR. MOSKOWITZ: And I want to object
4 on vague because of the reference to issues
5 and again, caution the witness.

6 To the extent your answer to that
7 question would reveal non-public information
8 subject to legislative discussions or
9 deliberations or inner workings subject to
10 the Legislative Privilege, to the extent
11 your answer would implicate attorney/client
12 communications, attorney/client privilege,
13 don't reveal any of that.

14 Subject to that, you may answer.

15 A. No response.

16 Q. Are you aware that the town has ever
17 been an accused of discriminatory employment
18 practices?

19 MR. MOSKOWITZ: Let me caution the
20 witness.

21 To the extent the response to that
22 answer would reveal, to that question would
23 reveal non-public information subject to
24 Legislative Privilege and/or the
25 attorney/client privilege, you should not

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2 provide that information.

3 Subject to that, you may answer.

4 A. No response.

5 Q. Do you think that when someone moves
6 to this country they should learn English?

7 DI MR. MOSKOWITZ: Objection. First
8 Amendment Associational Privilege.

9 Don't answer that.

10 A. No response.

11 Q. Do you think it is appropriate to have
12 dual language schooling in public schools?

13 DI MR. MOSKOWITZ: Objection.

14 And direct you not to respond based on
15 the First Amendment Associational Privilege.

16 A. No response.

17 Q. Do you think it is appropriate to have
18 translation available at town board meetings?

19 DI MR. MOSKOWITZ: I direct you not to
20 respond based on the Legislative Privilege
21 and First Amendment Associational Privilege.

22 A. No response.

23 Q. How long do you think immigrants
24 should live in the country before they can qualify
25 for public benefits?

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2 DI MR. MOSKOWITZ: Direct you not to
3 answer based on the First Amendment
4 Associational Privilege.

5 A. No response.

6 Q. Do you think it is appropriate to us
7 town resources for non-citizens?

8 DI MR. MOSKOWITZ: Direct you not to
9 answer based on the Legislative Privilege
10 and also the First Amendment Associational
11 Privilege.

12 A. No response.

13 Q. Do you have any views on the current
14 American immigration system?

15 DI MR. MOSKOWITZ: I direct you not to
16 answer based on the First Amendment
17 Associational Privilege.

18 A. No response.

19 Q. This is, I believe, the final exhibit.

20 So this will be marked as Exhibit 8
21 which is the responses of the town to the
22 discovery demands served as part of this lawsuit.

23 (Plaintiffs' Exhibit 8, the
24 responses of the town to the discovery
25 demands served as part of this lawsuit,

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2 marked for identification, as of this date.)

3 Q. Supervisor, do you recognize this
4 document?

5 A. I recognize the document.

6 Q. What is this document, Supervisor?

7 A. This is some responses.

8 Q. Have you ever seen this document --
9 I'm sorry.

10 A. Yes, I have.

11 Q. You have seen this document before?

12 A. Yes.

13 Q. Were you involved in preparing this
14 document?

15 DI MR. MOSKOWITZ: I'm going to direct
16 the witness not to answer based on
17 Legislative Privilege and the
18 attorney/client privilege.

19 Q. Were you involved in collecting
20 documents in response to plaintiffs' demands?

21 DI MR. MOSKOWITZ: And I direct the
22 witness not to answer based on the
23 Legislative Privilege and the
24 attorney/client privilege.

25 Q. Have you searched for any documents

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2 responsive to plaintiffs' requests?

3 DI MR. MOSKOWITZ: And I direct the
4 witness not to answer based on the
5 Legislative Privilege and the
6 attorney/client privilege.

7 Q. Did anyone ask you to search for
8 documents in response to the requests?

9 DI MR. MOSKOWITZ: And I direct the
10 witness not to answer based on Legislative
11 Privilege and the attorney/client privilege.

12 MR. IMAMURA: And I'm done.

13 MR. MOSKOWITZ: I have no questions.

14 (Time Noted: 12:00 p.m.)
15
16

17 GILBERT PIAQUADIO

18
19 Subscribed and sworn to before me
20 this day of , 2024.

21
22
23 (Notary Public) My Commission Expires:
24
25

Page 95

1

2

C E R T I F I C A T E

3

STATE OF NEW YORK)

: ss.

4

COUNTY OF NEW YORK)

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I, LYNNE D. METZ, a Shorthand Reporter
and a Notary Public within and for the State of
New York, do hereby certify that the foregoing
deposition of GILBERT PIAQUADIO was taken before
me on the 7th day of August, 2024;

10

11

12

13

That the said witness was duly sworn
before the commencement of his testimony; that the
said testimony was taken stenographically by me
and then transcribed.

14

15

16

17

18

19

I further certify that I am not
related by blood or marriage to any of the parties
to this action or interested directly or
indirectly in the matter in controversy; nor am I
in the employ of any of the counsel in this
action.

20

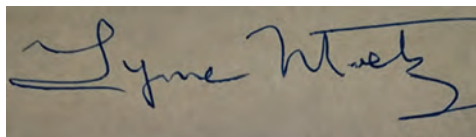
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A handwritten signature in blue ink, appearing to read "Lynne Metz", is written over a horizontal line.

LYNNE D. METZ

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2 August 8, 2024

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4

I N D E X

5

WITNESS

EXAMINATION BY

PAGE

6

GILBERT PIAQUADIO

MR. IMAMURA

5

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8

----- INFORMATION REQUESTS -----

9

DIRECTIONS (DI): 22, 24, 25, 32, 35, 37, 40,

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73, 74, 77, 78, 79, 81, 82,

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83, 84, 85, 87, 91, 92, 93,

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INSERT:

None

16

RULINGS (RL):

None

17

REQUESTS (RQ):

None

18

CERTIFIED (CE):

None

19

MOTIONS (MO):

None

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E X H I B I T S

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Plaintiffs' Exhibits

For ID

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VERITEXT COURT REPORTING

NAME OF CASE:

DATE OF DEPOSITION:

WITNESS:

If there are any corrections to your deposition, indicate them on this sheet of paper, give the change, page number, and line number.

PAGE LINE

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Subscribed and sworn to before me

this day of , 2024.

(Notary Public)

My Commission Expires:

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Civil Practice Law and Rules

Article 31 Disclosure, Section 3116

(a) Signing. The deposition shall be submitted to the witness for examination and shall be read to or by him or her, and any changes in form or substance which the witness desires to make shall be entered at the end of the deposition with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness before any officer authorized to administer an oath. If the witness fails to sign and return the deposition within sixty days, it may be used as fully as though signed. No changes to the transcript may be made by the witness more than sixty days after submission to the witness for examination.

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