

# EXHIBIT D



THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
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August 21, 2014

**BY FIRST CLASS MAIL & E-MAIL**

Nathaniel Smith  
*Attorney for Plaintiff*  
111 Broadway, Suite 1305  
New York, New York 10006

Re: Schoolcraft v. The City of New York, et al.  
10 CV 6005 (RWS)

Counsel:

City Defendants write in regard to outstanding discovery matters, and with regard to certain deficiencies in plaintiff's expert disclosures pursuant to Fed. R. Civ. P. 26(a)(2)(B) in the above-referenced action.

**A. Gun Amnesty 30(b)(6) Witness**

Based on the Court's July 30th Order, the City will be producing a 30(b)(6) witness on the Gun Amnesty Program. That witness is available on September 3, 9-11, 15, 17, 23-24, and 26. Please confirm your availability.

**B. Overtime 30(b)(6) Witness**

Based on the Court's July 30th Order, the City will be producing a 30(b)(6) witness on Overtime. That witness will be Sgt. Purpi. If plaintiff agrees to withdraw in writing those portions of his motion to compel, City Defendants will also permit Sgt. Purpi to answer the following questions not that the witness was directed not to answer at his last deposition, which plaintiff opposed in a letter to the Court:

1. From Paragraph (1) of Plaintiff's July 23rd Letter: "a question about specific discussions that he had with his supervisors about preparing for the deposition."
2. From Paragraph (3) of Plaintiff's July 23rd Letter: "questions about his current duties, which he described as being the Training and Traffic Sergeant at the 81 st Precinct."
3. From Paragraph (4) of Plaintiff's July 23rd Letter: "questions about whether he believed that he was qualified to speak as a City witness on the subject of the amount of time Police Officers receive training during roll call."

If this is agreeable to you, Sgt. Purpi is available on September 9-11, 15, and 17. If you will not agree to withdraw those portions of the motion to compel, then we will produce a witness solely on the Overtime issue until after the Court has ruled on the questions listed above.

**C. Depositions of Drs. Lubit and Halpren-Ruder**

City Defendants will require half a day each for Drs. Lubit and Halpren-Ruder. City Defendants are available for their depositions on September 3-4, 9-11, 15, 17, 23-24, and 26. Please confirm the witnesses' availability.

**D. Depositions of Silverman and Eterno**

City Defendants will require a full day each for Silverman and Eterno. City Defendants are available for their depositions any day from September 16-26. Please confirm the witnesses' availability.

**E. Payment of Plaintiffs' Experts**

In order to pay plaintiff's experts in advance, City Defendants require the following documents and information, at least 2-3 weeks prior to the date of payment:

1. An itemized invoice from each expert
2. Each expert's tax identification number
3. The entity type (i.e. sole proprietor, joint venture, partnership, for-profit corporation)
4. Each expert's legal business name
5. Each expert's DBA Name (if any)
6. Each expert's address
7. Contact information, including a telephone numbers, fax numbers, and email addresses

**F. Prior Deposition Testimony of Plaintiffs' Experts**

In regards to your letter dated August 19th, you have indicated that you did provide the cases in which experts Lubit, Eterno, and Silverman have testified in the last four years. However, you have not provided the case or docket numbers, the courts, full captions, or even states in which this testimony took place. This is insufficient for Rule 26 purposes. Please provide the information by Tuesday, August 26th, or we will be moving the Court for the information.

**G. Materials Relied Upon by Silverman and Eterno**

In regards to your letter dated August 19th, you have indicated that you will not provide *any* of the materials requested by City Defendants that were relied on by experts Silverman and Eterno. This is insufficient for Rule 26 purposes and the materials are required for the depositions of the witnesses. Please provide the information by Tuesday, August 26th, or we will be moving the Court for the information.

**H. Additional Pages for City Defendants' Summary Judgment Motion**

In my letter dated July 30th, I asked that plaintiff indicate by August 15th any claims or defendants that he was willing to withdraw. Plaintiff has refused to withdraw any. Therefore, I will be asking the Court for an additional 15 pages for the summary judgment motion to be able to address all of plaintiff's claims and defendants. Please advise by no later than Tuesday, August 26th whether you will consent to such a request.

**I. Conclusion**

Please immediately forward the aforementioned information and documentation from plaintiff's experts to avoid unnecessary Court intervention.

Sincerely yours,



Suzanna Publicker Mettham  
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Special Federal Litigation Division

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