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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
ADRIAN SCHOOLCRAFT,

PLAINTIFF,

-against-

Case No:
10CV6005 (WS)

THE CITY OF NEW YORK, DEPUTY CHIEF MICHAEL MARINO, Tax Id. 873220, Individually and in his Official Capacity, ASSISTANT CHIEF PATROL BOROUGH BROOKLYN NORTH GERALD NELSON, Tax ID. 912370, Individually and in his Official Capacity, DEPUTY INSPECTOR STEVEN MAURIELLO, Tax ID. 895117, Individually and in his Official Capacity, CAPTAIN THEODORE LAUTERBORN, Tax ID. 897840, Individually and in his Official Capacity, LIEUTENANT JOSEPH GOUGH, Tax ID. 919124, Individually and in his Official Capacity, SGT. FREDERICK SAWYER, Shield No. 2576, Individually and in his Official Capacity, SERGEANT KURT DUNCAN, Shield NO. 2483, Individually and in his Official Capacity, LIEUTENANT CHRISTOPHER BROSCART, Tax ID. 915354, Individually and in his Official Capacity, LT. TIMOTHY CAUGHEY, Tax ID. No. 885374, Individually and in his Official Capacity SERGEANT SHANTEL JAMES, Shield No. 3004, Individually and in her Official Capacity, SERGEANT RICHARD WALL, Shield No. 3099, Individually and in his Official Capacity, SERGEANT ROBERT W. O'HARE, Tax ID. 916960, Individually and in his Official Capacity, SERGEANT SONDR A WILSON, Shield No. 5172, Individually and in her Official Capacity, LIEUTENANT THOMAS HALEY, Tax ID. 879761, Individually and in his Official Capacity, CAPTAIN TIMOTHY TRAINOR, Tax ID. 899922. Individually and in her Official Capacity, and P.O.'s "JOHN DOE" #1-50. Individually and in their Official Capacity (the name John Doe being fictitious, as the true names are presently unknown) (collectively referred to as "City Defendants"), FDNY LIEUTENANT ELISE HANLON,

1

2 Individually and in her Official Capacity
3 as a Lieutenant with the New York City Fire
4 Department, JAMAICA HOSPITAL MEDICAL
5 CENTER, DR. ISAK ISAKOV, Individually and
6 in his Official Capacity, DR. LILIAN
7 ALDANA-BERNIER, Individually and in his
8 Official Capacity and JAMAICA HOSPITAL
9 MEDICAL CENTER EMPLOYEE'S "JOHN DOE" #1-50,
10 Individually and in their Official Capacity
11 (the name John Doe being fictitious, as the
12 true names are presently unknown)

8

DEFENDANT.

9

-----X

10

DATE: September 27, 2013

11

TIME: 10:12 a.m.

12

13

14

CONTINUED DEPOSITION of the

15

Plaintiff, ADRIAN SCHOOLCRAFT, taken by the

16

Respective Parties, pursuant to a Court

17

Order and to the Federal Rules of Civil

18

Procedure, held at the offices of Callan,

19

Koster, Brady & Brennan, LLP, One Whitehall

20

Street, New York, New York 10004, before

21

Pamela Ortalano, a Notary Public of the

22

State of New York.

23

24

25

1

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

3

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23 (Appearances continued on next page.)

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25

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2 A P P E A R A N C E: (Continued)

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18 -and-
MEREDITH BORG, ESQ.
19 File #: 090.155440

20

21

22 ALSO PRESENT:

23

MAGDALENA BAUZA

24

25

* * *

1 A. SCHOOLCRAFT

2 don't recall.

3 Q. Well, do you recall any reason
4 why you might have put them on a disk?

5 MR. SMITH: Objection to the
6 form.

7 Q. -- before October 31, 2009?

8 MR. SMITH: Same objection.

9 A. The only reason I could think
10 of is to preserve it.

11 Q. Well, did you preserve any of
12 them and make any disks before October 31,
13 2009?

14 A. It's possible.

15 Q. I'm not asking you if it's
16 possible. Did you or did you not do it?

17 A. If I have in my possession
18 disks containing audio recordings relevant
19 to this case, I would have given them to my
20 attorney.

21 Q. Other than your attorney, did
22 you also give copies of those recordings to
23 the reporter at the Village Voice?

24 A. I believe so, yes.

25 Q. When did you first have any

1

A. SCHOOLCRAFT

2

contact with the reporter from the Village

3

Voice, Mr. Rayman?

4

A. I would say early 2010.

5

Q. Did you reach out to him or did

6

he reach out to you?

7

A. I believe I contacted him.

8

Q. How did you contact him?

9

A. Either by phone or e-mail.

10

Q. Was he the first reporter that

11

you contacted in connection with this

12

matter?

13

A. He was the first reporter I

14

contacted, correct.

15

Q. Had you been contacted by any

16

other reporters prior to that?

17

A. Prior to --

18

Q. Your reaching out to

19

Mr. Rayman?

20

A. Did I contact them, or did I

21

have contact with the reporters?

22

Q. No. You said that he was the

23

first one you contacted.

24

A. Correct.

25

Q. My question was, did any other

1 A. SCHOOLCRAFT

2 reporter contact you before that?

3 A. Yes.

4 Q. Who was that?

5 A. It was the Daily News, Rocco
6 Parascandola.

7 Q. How did he contact you?

8 A. My father contacted the Daily
9 News, and The New York Times, I believe.
10 He contacted The New York Times, the Daily
11 News and possibly others after October 31,
12 that night probably, October 31, 2009.

13 Q. And at some point one or more
14 of them reached out to you?

15 A. The only one that I recall at
16 that time was the Daily News.

17 Q. How soon after the events at
18 Jamaica Hospital did the reporter from the
19 Daily News get in touch with you?

20 A. I believe I saw him within a
21 month.

22 Q. And how did it come about that
23 you saw or met with him?

24 A. He -- he came to Johnstown, New
25 York to my apartment.

1 A. SCHOOLCRAFT

2 Q. Did your father meet with him
3 at the same time?

4 A. Yes.

5 Q. How long was the meeting?

6 A. Approximately a half hour.

7 Q. Did you ever speak or meet with
8 the same reporter again?

9 A. I have -- I've seen him, like,
10 at the Court building.

11 Q. I mean directly interact with
12 him.

13 A. Regarding a report, or -- I
14 mean I've seen him. No. No. I mean he
15 may have shook my hand.

16 Q. Discussed this case with him?

17 A. To the best of my memory, once
18 with him.

19 MR. SMITH: And that was the
20 time up in Johnstown.

21 THE WITNESS: Right.

22 A. Meeting him one on one.

23 Q. Right. Did you correspond with
24 him through e-mail?

25 A. I believe so, or by phone.

1 A. SCHOOLCRAFT

2 It may have been a little
3 before. It may have been spring.

4 Q. Sure. Spring, summer, 2010,
5 whenever it was, it was operational, wasn't
6 it?

7 A. It was, with notable problems.
8 It was acting different.

9 Q. And when you got it up to
10 Johnstown, you made copies of the audio
11 recordings to disks up in Johnstown, right?

12 A. I believe that's when I made
13 the copies.

14 Q. When you made the copies to
15 disks up in Johnstown, you left the
16 recordings on the computer, as well, right?

17 A. Say that again.

18 Q. When you made the copies of the
19 recordings to disks up in Johnstown, you
20 also left the recordings on the computer?

21 A. I believe they were copies, if
22 they were copies.

23 Q. Now, you said that you gave
24 copies of the disks to your attorneys?

25 A. I believe that's how they --

1 A. SCHOOLCRAFT

2 I've seen the disks and they look like my
3 disks.

4 Q. Well, don't you remember giving
5 copies of the recordings to your attorneys?

6 A. No, but I can't imagine what
7 else it would have been. If it was
8 something else, I don't recall it being
9 anything other than like a CD disk.

10 Q. Other than CD's, did you make
11 copies of the recordings to any other
12 media?

13 A. To the best of my memory, no.

14 Q. Did you give copies of the
15 recordings to the reporter at the Village
16 Voice, Mr. Rayman?

17 A. I believe so, yes.

18 Q. And you're aware that he wrote
19 a series of articles called the NYPD Tapes?

20 A. Yes.

21 Q. Did you give him copies of all
22 of the recordings that you had?

23 A. I don't know if I gave him all
24 of the recordings.

25 Q. Going back to the period of

1 A. SCHOOLCRAFT

2 Q. When did you start using the
3 computer at the library up in Johnstown for
4 e-mails?

5 A.

6 MR. SMITH: Objection to the
7 form of the question.

8 A. I would say it was around early
9 2010.

10 Q. Was it before or after you had
11 moved your computer from Queens up to
12 Johnstown?

13 A. Before.

14 Q. When you started --

15 A. I'm sorry. And after. There
16 was -- I didn't have internet.

17 Q. Yes. My question was just when
18 you first started using it.

19 A. Okay.

20 Q. So, you first started using it
21 before you brought your computer from
22 Queens up, right?

23 A. I believe so because of the
24 contact with the reporters. I believe
25 there was contact and communication and

1 A. SCHOOLCRAFT

2 trying to find attorneys, reaching out to
3 attorneys.

4 MR. SMITH: Mr. Schoolcraft,
5 you're here to provide your best
6 recollection. We can all draw
7 inferences about what you may or may
8 have not done based on the
9 circumstances, but the questions are
10 asking for your recollection. If he
11 wants to know what might have
12 happened, he'll ask you that.

13 THE WITNESS: Thanks.

14 Q. When you got your computer from
15 Queens up to Johnstown, you didn't have
16 internet for that computer, is that what
17 you're saying?

18 MR. SMITH: I don't understand
19 that question.

20 A. To the best of my memory, no, I
21 didn't have internet.

22 Q. And that's one of the principal
23 reasons you were using the one at the
24 library?

25 A. I believe so, yes.

1 A. SCHOOLCRAFT

2 Q. At some point you established
3 another e-mail account other than the one
4 at Time Warner?

5 A. I believe so, yes.

6 Q. What was that e-mail address?

7 A. To the best of my memory, I
8 think it would have been similar to my -- I
9 always used my name in there somewhere but
10 I think it was Hot Mail -- it may have been
11 Google, but I don't recall the exact
12 address.

13 Q. How long did you use that
14 e-mail address?

15 A. I think a couple years.

16 Q. And you don't remember the
17 e-mail address?

18 A. It was sporadic. I didn't
19 check my e-mail every day.

20 Q. Well, you were corresponding
21 with reporters through that e-mail address;
22 correct?

23 A. Over a period of a couple
24 years.

25 Q. And you provided your e-mail

1 A. SCHOOLCRAFT

2 an Amazon account but you don't need to
3 sign to that. I don't recall purchasing
4 anything.

5 Q. So, are you telling us that the
6 reason you changed your e-mail address or
7 opened your current e-mail address is
8 because you didn't remember your password
9 to your old e-mail address?

10 A. Correct.

11 Q. I got to touch on something
12 that was covered a little bit yesterday but
13 I just want to fill in some blanks, and
14 that is the ten-page typewritten account of
15 what happened at Jamaica Hospital.

16 MR. SMITH: Can we take a short
17 break before we jump to the new
18 subject matter.

19 MR. BRADY: Absolutely.
20 Absolutely.

21 (Recess taken from 11:08 a.m.
22 to 11:24 a.m.)

23 Q. Yesterday, Mr. Schoolcraft,
24 there was an allusion to a ten-page account
25 of what happened at Jamaica Hospital while

1 A. SCHOOLCRAFT
2 you were there. Did you yourself, prepare
3 that account?

4 MR. SMITH: Objection to the
5 form.

6 You can answer.

7 A. I don't recall if it was
8 specifically ten pages but I recall
9 preparing an account of what happened.

10 Q. Okay?

11 A. (Continuing) From I believe it
12 starts at Halloween, the night of October
13 31, 2009 on through to the hospital and
14 being released.

15 Q. Just on page 141 of
16 Mr. Rayman's book, I'll just read one
17 sentence and ask you some questions about
18 it. "Other than a few hospital documents,
19 there is no independent record of the next
20 six days except for a ten-page,
21 single-spaced account Schoolcraft himself
22 wrote."

23 As far as you know, is that
24 referring to this statement you drew up or
25 you wrote up?

1 A. SCHOOLCRAFT

2 A. I believe so, but again, the
3 one I'm thinking of it starts at
4 Halloween -- the night of October 31, 2009.

5 Q. Sure. And covers the period of
6 time that you were at the hospital?

7 A. Correct.

8 Q. And you gave a copy of that
9 document to Mr. Rayman?

10 MR. SMITH: Objection to the
11 form.

12 A. I don't recall giving him a
13 copy. If I specifically gave it to him
14 or -- I don't know if my attorney may have,
15 but that sounds like he's referring to that
16 document. I wouldn't know of another one
17 that he's referring to.

18 Q. Okay. Now, as I understand it,
19 this is a document you typed up on the
20 computer at the library in Johnstown?

21 A. To the best of my memory, it
22 would have been around that time, and that
23 would have been the computer that I used.

24 Q. Can you be a little more
25 precise about "around that time"?

1 A. SCHOOLCRAFT

2 A. Well, yeah, that time I don't
3 recall using another computer. The --
4 because that document was created years
5 ago. That was in the beginning. That was
6 what I --

7 Q. That's what I'm trying to focus
8 in on. When did you prepare the document?

9 A. I believe it was prepared early
10 2000 -- early 2010.

11 Q. And did you prepare that
12 document around the time that you spoke to
13 Mr. Rayman or started dealing with
14 Mr. Rayman?

15 A. No, I believe it was before
16 that.

17 Q. So, it wasn't specifically for
18 his edification?

19 A. No. I believe I gave the Daily
20 News a copy, also, and this was what I used
21 when I was interviewing attorneys or an
22 attorney at the time in order to not leave
23 anything out or forget anything of the
24 events.

25 Q. And did you prepare that

1 A. SCHOOLCRAFT

2 document before you brought your computer
3 from Queens up to Johnstown?

4 A. I believe so.

5 Q. When you say you used it in the
6 process of interviewing an attorney, who
7 are you referring to?

8 A. To the best of my memory, the
9 first attorney I talked to was -- I believe
10 he was running for comptroller at the time.
11 I can't remember his name. He was running
12 for elected position in the city at the
13 time, or it was just at that election that
14 week. I can't grab the name right now. I
15 believe he was running for either public
16 advocate or comp -- no, I think public
17 advocate was DiBlasio, or they were running
18 against each other. He may have been
19 running for publish advocate or
20 comptroller.

21 Q. When was it that you had an
22 interaction with that person?

23 A. I believe it was within the
24 week after I was released.

25 Q. So, at what point did you use

1 A. SCHOOLCRAFT

2 the ten-page document in connection with
3 interviewing him?

4 A. Well, I think it was after that
5 interview that I realized I needed to -- I
6 needed to have some kind of an order or a
7 way to deliver everything that happened
8 more efficiently.

9 Q. Was one of the purposes of
10 preparing that document to put down your
11 recollections when they were freshest?

12 A. Correct.

13 Q. So, you would have a complete
14 account according to your best memory,
15 right?

16 MR. SMITH: Objection to the
17 form.

18 A. I believe that's why I created
19 it.

20 Q. Did you try and make it as
21 complete as possible?

22 MR. SMITH: Objection to form.

23 A. I believe I attempted to make
24 it as complete as possible, with the
25 knowledge that I knew at that time.

1 A. SCHOOLCRAFT

2 Q. The attorney that you
3 contacted, the first attorney you
4 contacted, whatever his name is, this was
5 sometime in November of 2009?

6 A. I believe so. Correct.

7 Q. Are you saying that it was
8 during the course of that interaction that
9 led you to realize you should write
10 something down and fully document the
11 events?

12 A. In more -- yes.

13 Q. When did you sit down and do
14 that?

15 A. It would have been sometime
16 within approximately a couple months after
17 that, or a month.

18 Q. So, sometime in maybe December
19 or January?

20 A. That's possible.

21 Q. I'm not asking what's possible.
22 I'm asking for your best recollection.

23 A. To the best of my memory, it
24 was approximately around that time.

25 Q. So you typed this up on the

1 A. SCHOOLCRAFT

2 computer in the library, right?

3 A. To the best of my memory, yes.

4 Q. Were you able to save a copy of
5 it on the library computer?

6 A. I don't believe you are.

7 Q. Were you able to save a copy of
8 it on a removable media on the library
9 computer, like a flash drive?

10 A. I believe -- I believe you can
11 save it to a disk, and again, I don't
12 recall having a flash drive at that time.
13 I may have been using a disk.

14 Q. And you saved it to a disk?

15 A. I believe so.

16 Q. Did you provide a copy of that
17 statement to this attorney you had spoken
18 to in November?

19 MR. SMITH: Objection to the
20 form. I don't understand that
21 question. He just said that -- well,
22 go ahead. I don't understand the
23 question.

24 A. I don't recall if I eventually
25 did or not. We -- we -- I had contacted

1 A. SCHOOLCRAFT

2 him with a few questions. He appeared --
3 he sounded annoyed, frankly, and I became
4 aware that I was -- I felt like I was being
5 led on into believing that he was going
6 to --

7 MR. SMITH: Let's not get into
8 your discussions with this attorney
9 who you were reaching out for.

10 Q. Yes. It's just did you give
11 him a copy of the statement?

12 A. I don't believe so.

13 Q. Did you, or somebody on your
14 behalf, give a copy of the statement to
15 Mr. Rayman?

16 A. If it was, it would have been
17 my attorney.

18 Q. You did give a copy of that
19 statement to some attorney, right?

20 A. Yes.

21 Q. Who did you give it to?

22 A. I believe my attorneys at the
23 time, John Norinsberg, had a copy because
24 we used that to create the Complaint.

25 Q. Did you give a copy of the

1 A. SCHOOLCRAFT

2 statement to anyone else?

3 A. Right after the first attorney,
4 it was two partners. It will be simple
5 enough to find out their name but I don't
6 remember their names. I believe that that
7 was ready by then. I believe I had it then
8 and that was a better delivery that time, a
9 better interview with an attorney, because
10 of that document and what I was trying to
11 convey to those attorneys.

12 Q. Who are you referring?

13 A. Mosely & Jackson. It just came
14 to me. I believe their office is in the
15 Empire State Building, to the best of my
16 memory, or it could have been the Chrysler
17 Building.

18 Q. Was that before you encountered
19 Mr. Norinsberg?

20 A. Yes. Yes.

21 Q. Did you give a copy of the
22 statement to your father?

23 A. I don't believe he's ever --
24 he's ever read it or seen it, but under his
25 advice that document was created.

1 A. SCHOOLCRAFT

2 Q. What do you mean?

3 A. I don't know if I -- I believe
4 I knew I had to do it anyway, but he -- he
5 advised me to make sure that I document
6 what happened, and while I was in -- while
7 I was locked up and talked to him on the
8 phone, he advised me to take notes.

9 Q. Did you give a copy of the
10 statement to anyone else?

11 A. The next attorney was Jonathan
12 Moore, and I think he -- I think he
13 received a copy.

14 Q. And that was also before you
15 encountered Mr. Norinsberg?

16 A. Yes.

17 Q. Did you give a copy of the
18 statement to anyone else?

19 A. I don't believe so, no.

20 Q. And by "anyone," I mean to
21 include any reporters.

22 A. I believe I may have given a
23 copy -- I don't see any reason why I
24 wouldn't have given a copy to Mr. Rayman.

25 Q. Understood. Any other

1 A. SCHOOLCRAFT

2 reporters?

3 A. I'm not sure if before
4 Norinsberg, the time period that you're
5 talking about. Mr. Rayman's interest
6 seemed to be in --

7 Q. No, not his interest. Any
8 other reporters? Did you give a copy of
9 the statement to any other reporters other
10 than Mr. Rayman?

11 MR. SMITH: Wait a minute. He
12 said he wasn't sure. He said maybe
13 his attorney gave it to him.

14 MR. BRADY: Fair enough.

15 MR. SMITH: Subject to that
16 observation, you can answer.

17 A. I could have given it to Rayman
18 myself.

19 Q. My question is do you know
20 whether or not that statement was given to
21 any other reporters, either by you or
22 someone on your behalf?

23 A. To the best of my memory, no.
24 I don't believe so.

25 Q. Mr. Schoolcraft, where is the