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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
Case 1:10-cv-06005-RWS

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ADRIAN SCHOOLCRAFT,

Plaintiff,

-against-

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 WILLIAM
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, LIEUTENANT TIMOTHY CAUGHEY,
Tax Id. 885374, Individually and in his
Official Capacity, SERGEANT SHANTEL

JAMES, Shield No. 3004, Individually
and in her Official Capacity,

LIEUTENANT THOMAS HANLEY, Tax Id.
879761, Individually and in his
Official Capacity, CAPTAIN TIMOTHY
TRAINER, Tax Id. 899922, Individually
and in his Official Capacity,

(Caption continued on following page.)

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APPEARANCES:

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BY: MEREDITH B. BORG, ESQ.

(Continued on following page.)

1 M. Marino

2 on-site as being those individuals --

3 A. Yes.

4 Q. What is the function of the
5 Brooklyn North Investigations Unit?

6 A. They worked directly for the
7 commanding officer of the borough.
8 They handled any internal investigation
9 that the commanding officer deems fit.
10 As well as being assigned the cases
11 from IAB that IAB deems can be handled
12 by them rather than IAB.

13 Q. And who was the commanding
14 officer of the borough at that time?

15 A. Assistant Chief Gerald
16 Nelson.

17 Q. So when you saw Gough,
18 Hawkins and Duncan there, you
19 understood that they were there at the
20 direction of either IAB or Nelson?

21 MS. PUBLICKER METHAM:

22 Objection.

23 You can answer.

24 A. No.

25 Q. What's your understanding of

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M. Marino

is and you didn't see him anywhere near Schoolcraft's residence that night, right?

A. He was not there.

Q. And we were talking about when you ordered them to take him.

I think that was your language, right?

A. My vernacular, yes.

Q. Your vernacular?

A. Yes.

Q. And at that point you believe that you had the authority to give that order because you thought that Officer Schoolcraft was an emotionally disturbed person; is that correct?

MS. PUBLICKER METTHAM:

Objection.

Asked and answered.

You can answer again.

A. Yes.

Q. All right.

At the moment that you gave that order, can you identify for me in

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M. Marino

what way you believe that Office Schoolcraft was acting as an EDP?

MS. PUBLICKER METTHAM:

Objection.

Asked and answered repeatedly.

One more time you, answer.

A. Based upon the diagnosis by trained medical professionals coupled with his actions, I believe that there was something wrong with him, at least temporary.

Q. What was the diagnosis that you are referring to?

A. The paramedic lieutenant, female paramedic lieutenant told me that he had to go to the hospital. It was dangerous if he didn't, and that if he refused to go he was making improper decisions and she would treat him as an emotionally disturbed person.

Q. Okay.

And the other thing that you indicated was the basis for your