

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ADRIAN SCHOOLCRAFT,

Plaintiff,

-against-

THE CITY OF NEW YORK, et al.,

Defendants.

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**DECLARATION OF
ALAN H. SCHEINER IN
SUPPORT OF CITY
DEFENDANTS' MOTION TO
EXCLUDE EXPERT
TESTIMONY**

10-CV-6005 (RWS)

I, **ALAN H. SCHEINER**, declare pursuant to 28 U.S.C. § 1746, under penalty of perjury, that the following is true and correct:

1. I am a Senior Counsel in the office of Zachary W. Carter, Corporation Counsel of the City of New York, attorney for defendants the City of New York, Michael Marino, Gerald Nelson, Theodore Lauterborn, William Gough, Frederick Sawyer, Kurt Duncan, Christopher Broschart, Shantel James, and FDNY Lieutenant Elise Hanlon (collectively "City Defendants"). As such, I am familiar with the facts stated below and submit this declaration to place on the record the relevant documents in support of City Defendants' *Daubert* motions.

2. Annexed hereto as Exhibit "A" is the Expert Report of Eli B. Silverman, Ph.D. & John A. Eterno, Ph.D. served in this case.

3. Annexed hereto as Exhibit "B" are excerpts from the deposition of Eli B. Silverman taken in this case on October 24, 2014.

4. Annexed hereto as Exhibit "C" are excerpts from the deposition of John A. Eterno taken in this case on October 17, 2014.

5. Annexed hereto as Exhibit "D" are Charges and Specifications against Adrian Schoolcraft.

6. Annexed hereto as Exhibit "E" is an Email Chain between Counsel, October 9, 2014 to July 20, 2015.

7. Annexed hereto as Exhibit "F" is the article "Police Manipulation of Crime Reporting: Insiders' Revelations" by John A. Eterno, Arvind Verma & Eli B. Silverman, published on the internet in *Justice Quarterly* in November 2014.

8. Annexed hereto as Exhibit "G" are the Eterno and Silverman 2008 Survey Questions,

9. Annexed hereto as Exhibit "H" are the Eterno and Silverman 2012 Survey Questions.

10. Annexed hereto as Exhibit "I" is the Expert Disclosure of Dr. Robert H. Levy, M.D.

11. Annexed hereto as Exhibit "J" are excerpts from a transcript of court proceedings on September 17, 2014.

12. Also referenced in the City Defendants' Memorandum of Law in Support of the Motion to Preclude Expert Testimony and annexed hereto are the plaintiff's trial exhibits: PTX 66 ("QAD Report"); PTX 81 ("IAB Police Corruption Report"); PTX 93 (Labor Arbitration Opinion and Award); PTX 159 (EDP Patrol Guide Procedure 216-05).

13. On or about October 9, 2014, Plaintiff produced two statistical databases relating to Eterno and Silverman's opinions, one for each survey, along with a sample survey questionnaire and a collection of the narrative responses. *See Ex. E* at 8.

14. The statistical database produced by plaintiff for the 2012 survey data did not contain the retirement year reported by the survey respondents, and included only a variable indicating to which of the three cohorts selected by the experts the respondent belonged.

Dated: New York, New York
September 21, 2015

ZACHARY W. CARTER
Corporation Counsel of the
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By: _____/s/_____
Alan H. Scheiner
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cc: Nathaniel Smith (By ECF)
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Attorneys for Lillian Aldana-Bernier

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SCOPPETTA SEIFF KRETZ & ABERCROMBIE
Attorney for Defendant Mauriello

Docket No 10-CV-6005 (RWS)

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DAUBERT MOTIONS**

ZACHARY W. CARTER
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*Of Counsel: Alan H. Scheiner
Tel: (212) 356-2344*

Due and timely service is hereby admitted.

New York, N.Y....., 2015

..... Esq.

Attorney for.....