

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF RICHMOND

IRENE YANNI, SAMY ABDELMALEK, DAVID
ALVO, FERN ARCIERI, MICHAEL BOULIS, ALFIA
COGLITORE, EILEEN COHEN, FRANK ESPOSITO,
SAMER GIRGIS, CHENGXIN GONG, NABIEL
GURGES, MICHELLE HAGGIAG, SUSAN JUAN,
JOHN KIEVER, DAVID LEE, LESLIE LEGISTER,
LOUIS CAMPIONE, DORIT LEVI, LYNNE LIBERT,
LAURA MALLIN, WILLIAM MCGINNIS,
ANTHONY MILLER and RACHEL SHREM,

Index No. 150217/2012

**PLAINTIFFS' FOURTH
DEMAND FOR DISCOVERY
AND INSPECTION**

Plaintiffs,

v.

CITY OF NEW YORK,

Defendant.

PLEASE TAKE NOTICE that within 30 days following service of this demand the City of New York is requested pursuant to CPLR Article 31 to produce for discovery and inspection at the office of GARBARINI FITZGERALD P.C. located at 420 Lexington Avenue, Suite 2743, New York, New York 10170, the following items, except if at present it does not know the information requested, or if the requested documents are not within its possession or control, please state so, in which event it is requested to furnish same within 30 days after such information first becomes known to it, or such documents come into its possession or control: but, in any event, no less than forty-five days before trial.

INSTRUCTIONS AND DEFINITIONS

Time Frame: The time frame for each Request shall be August 27, 2007 through the time of trial, unless otherwise stated in the Request.

Specific Definitions as used herein:

- a) **You or Your** shall mean the New York City unless a specific department or agency is identified in the request.
- b) **Bullshead Community** shall mean the neighborhood in Staten Island encompassing and including Saybrook Street, Goller Place, Croft Place, and Eton Place.
- c) **Willowbrook Pond** shall mean the pond adjacent to the Bullshead Community in Staten Island, New York.
- d) **Hurricane Irene** shall mean the storm and related events that took place from August 27 – August 28, 2011.
- e) **Pumping Station** shall mean the water pumping station located at 2952 Victory Boulevard Pump Station.
- f) **Culvert** shall mean the drainage canal which is associated with Willowbrook Pond.
- g) **Drainage System** shall mean the catch basins, receiving drains, screening chambers, storm drains, sewers, grate, and gutters in the Bullshead Community.

General Definitions as used herein:

- h) **Communication** shall mean the transmittal of information including e-mail (in the form of facts, ideas, inquiries or otherwise).
- i) **Documents/ESI** shall mean any information stored in any electronic form, including e-mail, as well as any writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations medium form from which information can be obtained either directly, or if necessary, after translation by the responding party into a reasonably usable form.

- j) **Concerning** shall mean relating to, referring to, describing, evidencing or constituting.
- k) **And/Or** shall mean The connectives “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery requests all responses that might otherwise be construed to be outside of its scope.
- l) **All/Each** shall mean the terms “all” and “each” shall be construed as all and each.
- m) The use of the singular form of any word includes the plural and vice versa.

REQUESTS

Department of Environmental Protection

18. ***To the Department of Environmental Protection:*** All Communications with the Office of Emergency Management, Department of Parks & Recreation, FEMA, Office of the Mayor, Department of Sanitation, Office of Councilman James Oddo, and Office of Borough President James P. Molinaro, Concerning flooding in the Bullshead Community.

19. ***To the Department of Environmental Protection:*** All Documents/ESI Concerning emergency repairs to the Victory Boulevard Pumping Station from January 1, 1999 through September 15, 2003.

20. ***To the Department of Environmental Protection:*** All Documents/ESI Concerning repairs to the Victory Boulevard Pumping Station from August 27, 2007 through the date of these Requests.

21. ***To the Department of Environmental Protection:*** All reports, assessments or analyses Concerning the performance, function or maintenance of the Victory Boulevard Pumping station.

22. *To the Department of Environmental Protection:* All reports, assessments or analyses Concerning the performance, function or maintenance of the Culvert.

23. *To the Department of Environmental Protection:* All reports, assessments or analyses Concerning lowering the water level of Willowbrook Pond prior to Hurricane Irene.

24. *To the Department of Environmental Protection:* All reports, assessments or analyses Concerning lowering the water level of Willowbrook Pond prior to Hurricane Sandy.

25. *To the Department of Environmental Protection:* All reports, assessments or analyses Concerning the performance, function or maintenance of the Drainage System.

26. *To the Department of Environmental Protection:* All reports, assessments or analyses Concerning the flooding of the Bullshead Community related to Hurricane Irene from August 27, 2011 through January 1, 2012.

18. *To the Department of Environmental Protection:* All reports, assessments and analyses Concerning preparation for Hurricane Irene for the Bullshead Community.

19. *To the Department of Environmental Protection:* All reports, assessments and analyses Concerning preparation for Hurricane Sandy concerning the Bullshead Community.

Department of Parks and Recreation

20. *To the Department of Parks and Recreation:* All reports, assessments or analyses Concerning flood prevention for Willowbrook Park.

21. *To the Department of Parks and Recreation:* All flood mitigation plans for Willowbrook Park.

22. *To the Department of Parks and Recreation:* All Documents/ESI and Communications concerning preparations for flooding at Willowbrook Park.

23. *To the Department of Department of Parks and Recreation:* All reports, assessments or analyses Concerning the performance, function or maintenance of the Culvert.

24. *To the Department of Parks and Recreation:* All reports, assessments or analyses Concerning the performance, function or maintenance of the Drainage System in and around Willowbrook Park.

25. *To the Department of Parks and Recreation:* All Documents/ESI and/or Communications concerning the overflow of Willowbrook Pond.

26. *To the Department of Parks and Recreation* All Documents/ESI Concerning the performance, function or maintenance of the Drainage System for Willowbrook Park.

Department of Sanitation

27. *To the Department of Sanitation:* All Documents/ESI concerning the performance, function or maintenance of the Drainage System for Willowbrook Park.

City of New York

28. *To the City of New York:* All Documents/ESI concerning the assessment of the Bullshead Community as a “low to no risk” zone for flooding concerning Hurricane Irene.

29. *To the City of New York:* All Documents/ESI concerning the Willowbrook Pond drainage infrastructure.

Office of the Mayor

30. *To the Office of the Mayor:* All Documents/ESI and Communications concerning any flood mitigation plan for the Bullshead Community.

31. *To the Office of the Mayor:* All Communications with the Office of Emergency Management, Department of Environmental Protection, FEMA, Department of Parks and Recreation, Department of Sanitation, Office of Councilman James Oddo, and Office of Borough President James P. Molinaro, Concerning flooding in the Bullshead Community.

Office of Emergency Management

32. *To the Office of Emergency Management:* All Documents/ESI and Communications concerning any flood mitigation plan for the Bullshead Community.

33. *To the Office of Emergency Management:* All Communications with the Department of Parks & Recreation, Department of Environmental Protection, FEMA, Office of the Mayor, Department of Sanitation, Office of Councilman James Oddo, and Office of Borough President James P. Molinaro, Concerning flooding in the Bullshead Community.

34. *To the Office of Emergency Management:* All Documents/ESI and Communications concerning flooding in the Bullshead Community.

Office of Borough President James P. Molinaro

35. *To The Office of Borough President Molinaro:* All Communications with the Department of Parks & Recreation, Department of Environmental Protection, FEMA, Office of the Mayor, Department of Sanitation, Office of Councilman James Oddo, and Office of Emergency Management, Concerning flooding in the Bullshead Community.

36. *To The Office of Borough President Molinaro:* All Documents/ESI and Communications concerning any flood mitigation plan for the Bullshead Community.

37. *To The Office of Borough President Molinaro:* All Documents/ESI and Communications concerning the Drainage System in the Bullshead Community.

38. *To The Office of Borough President Molinaro:* All Documents/ESI concerning preparations made for flooding in the Bullshead Community related to Hurricane Irene flooding.

39. *To The Office of Borough President Molinaro:* All Documents/ESI concerning the performance, function or maintenance of the Victory Boulevard Pumping Station from August 15, 2001 through the date of this Request.

40. *To The Office of Borough President Molinaro:* All Documents/ESI and Communications concerning the Drainage System in the Bullshead Community.

Office of Councilman James Oddo

41. *To The Office of Councilman Oddo:* All Communications with the Department of Parks & Recreation, Department of Environmental Protection, FEMA, Office of the Mayor, Department of Sanitation, Office of Councilman James Oddo, and Office of Emergency Management, Concerning flooding in the Bullshead Community.

42. *To The Office of Borough Councilman Oddo:* All Documents/ESI and Communications concerning any flood mitigation plan for the Bullshead Community.

43. *To The Office of Borough Councilman Oddo:* All Documents/ESI and Communications concerning the Drainage System in the Bullshead Community.

44. *To The Office of Borough Councilman Oddo:* All Documents/ESI and Communications concerning flooding at Willowbrook Pond.

45. *To The Office of Borough Councilman Oddo:* All Documents/ESI and Communications concerning any and all flood mitigation plans for the Bullshead Community.

46. *To The Office of Borough Councilman Oddo:* All Documents/ESI and Communications concerning complaints about the Drainage System in the Bullshead Community.

47. *To The Office of Borough Councilman Oddo:* All Documents/ESI and Communications concerning David Alvo from August 27, 2001 through the date of this Request.

48. *To The Office of Borough Councilman Oddo:* All Documents/ESI concerning preparations made for flooding in the Bullshead Community related to Hurricane Irene flooding.

49. *To The Office of Borough Councilman Oddo:* All Documents/ESI concerning the performance, function or maintenance of the Victory Boulevard Pumping Station from August 15, 2001 through the date of this request.

Dated: November 1, 2012

GARBARINI FITZGERALD P.C.

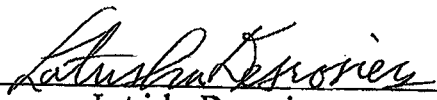
By: 
Richard M. Garbarini

420 Lexington Avenue
The Graybar Building
Suite 2743
New York, New York 10170
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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I certify that on November 1, 2012, a true and correct copy of the foregoing
PLAINTIFFS' FOURTH DEMAND FOR DISCOVERY AND INSPECTION NUMBERS 18-
49 was served by first class mail on the Office of the Corporation Counsel, 100 Church Street,
New York, New York 10007.

By: 
Latrisha Desrosiers