

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 MALLEN, WILLIAM MCGINNIS,
ANTHONY MILLER and RACHEL SHREM,

Index No. 150217/2012

**PLAINTIFFS' FIRST SET OF
INTERROGATORIES TO
DEFENDANT (Nos. 1-15)**

Plaintiffs,

v.

CITY OF NEW YORK,

Defendant.

Pursuant to CPLR 3130, Plaintiffs direct the following interrogatories to Defendant City of New York.

INSTRUCTIONS

1. Answer the interrogatories in writing directed to Plaintiffs' counsel, GARBARINI FITZGERALD P.C., at their offices at 420 Lexington Avenue, Suite 2743, New York, New York 10128.
2. You are required to respond to these Interrogatories within 30 days of service.
3. For the sake of efficiently completing discovery in this matter, and to avoid unnecessary and unproductive disputes, if you find an interrogatory to be vague, overbroad, or unduly burdensome, contact Plaintiffs' counsel for clarification before formally responding to this set of interrogatories.

4. Each Interrogatory is directed to the City of New York, unless a specific individual or agency is identified in the request.

5. In answering these Interrogatories, You are requested to furnish not only such information as is available to You but also such information as is known to any of Your agents, representatives, employees, servants, consultants, contractors, subcontractors, investigators, attorneys, and any other person or entity acting or purporting to act on behalf of You.

6. In any matter responsive to any of the Interrogatories You shall set forth completely the grounds for the asserted privilege, along with copies of the Privacy Act provisions or other written materials upon which such assertion is made. You shall Identify as to each privileged communication or document:

- a. its date;
- b. its author(s);
- c. the business title or position of its author(s);
- d. its recipient(s);
- e. the business title or position of its recipient(s);
- f. its number of pages;
- g. its stated subject matter;
- h. the legal basis upon which You claim privilege;
- i. the specific portion of the Interrogatory or document to which the communication or document is responsive.

7. In each of Your answers to these Interrogatories, You are requested to provide not only such information as is in Your possession, but also information as is reasonably available. In the event You are able to provide only part of the information called for by any particular

Interrogatory, please provide all the information You are able to provide and state the reason for Your inability to provide the remainder.

8. When an exact answer to an Interrogatory is not known, state the best estimate available, state that it is an estimate, and state the basis for such estimate.

9. If documents responsive to any Interrogatory once in Your possession or under Your control are requested or are the subject of an Interrogatory, and such documents are no longer in Your possession or under Your control, state when such documents were most recently in Your possession or under Your control, and what disposition was made of them, including Identification of the person now in possession of or exercising control over such documents. If the documents were destroyed, state when and where they were destroyed, and Identify the person or persons who directed their destruction.

10. If You object to or otherwise decline to answer any portion of an Interrogatory, please provide all information called for by that portion of the Interrogatory to which You do not object or to which You do not decline to answer. For those portions of an Interrogatory to which You object or to which You do not decline to answer, state the reason for such objection or declination.

11. Every Interrogatory herein shall be deemed a continuing Interrogatory and information in addition to or in any way inconsistent with Your initial answer to such Interrogatory. The following Interrogatories shall be continuous until the date of the hearing, and You must supplement Your answers as additional information becomes known or available to You.

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

13. Any request that seeks information “prior to Hurricane Irene” should be read as a reasonable time prior to August 27, 2011 sufficient to respond.

Definitions

- a) **You or Your** shall mean the CITY OF NEW YORK unless a specific department or agency is identified in the specific request.
- b) **Complaint** shall mean the operative Complaint in this matter.
- c) **Bullshead Community** shall mean the neighborhood in Staten Island encompassing and including Saybrook Street, Goller Place, Croft Place, and Eton Place.
- d) **Willowbrook Pond** shall mean the pond adjacent to the Bullshead Community in Staten Island, New York.
- e) **Hurricane Irene** shall mean the storm and related events that took place from August 27 – August 28, 2011.
- f) **Pumping Station** shall mean the water pumping station located at 2952 Victory Boulevard Pump Station.
- g) **Culvert** shall mean the drainage canal which is associated with Willowbrook Pond.
- h) **Drainage System** shall mean the catch basins, receiving drains, screening chambers, storm drains, sewers, grate, and gutters in the Bullshead Community.
- i) **Communication** shall mean the transmittal of information including e-mail (in the form of facts, ideas, inquiries or otherwise).
- j) **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.

- k) **Concerning** shall mean relating to, referring to, describing, evidencing or constituting.
- l) **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.
- m) **All/Each** shall mean the terms “all” and “each” shall be construed as all and each.
- n) The use of the singular form of any word includes the plural and vice versa.

INTERROGATORY No. 1

State the name, title, agency and general duties of each and every individual responsible for risk assessment and flood planning for the Bullshead Community.

INTERROGATORY No. 2

State the name, title, agency and general duties of each and every individual responsible for oversight, functioning or maintenance of the Victory Boulevard Pumping Station prior to Hurricane Irene.

INTERROGATORY No. 3

State the name, title, agency and general duties of each and every individual responsible for the Drainage System in the Bullshead Community prior to Hurricane Irene.

INTERROGATORY No. 4

Describe in detail all steps taken by the New York Department of Environmental Protection to evaluate the risk of flooding in the Bullshead Community prior to Hurricane Irene.

INTERROGATORY No. 5

Describe in detail all steps taken by the New York City Department of Parks & Recreation to evaluate the risk of flooding in Willowbrook Park prior to Hurricane Irene.

INTERROGATORY No. 6

Describe in detail the methodology used for assessing the Bullshead Community as “low to no risk” of flooding as described in the Complaint.

INTERROGATORY No. 7

Describe in detail how complaints to the Office of Councilman Oddo are processed, addressed, and stored.

INTERROGATORY No. 8

Identify in detail all steps taken by the CITY OF NEW YORK to ensure the Victory Boulevard Pumping Station was functioning prior to Hurricane Irene.

INTERROGATORY No. 9

Identify the dates and times the Department of Environmental Protection inspected the sewers, storm drains, and catch basins on Saybrook Street, Goller Place, Croft Place, and Eton Place from June 27, 2011 through and including August 27, 2011.

INTERROGATORY No. 10

State the name, title, agency and general duties of each individual responsible for formulating any flood mitigation plan for the Bullshead Community from June 27, 2011 through and including August 27, 2011.

INTERROGATORY No. 11

Describe in detail the steps taken by the New York City Department of Environmental Protection to prepare for flooding in the Bullshead Community prior to Hurricane Irene.

INTERROGATORY No. 12

Identify any and all complaints of flooding in the Bullshead Community received by the CITY OF NEW YORK, including but not limited to, Office of the Mayor, Office of Borough President Peter Molinari, Office of Councilman James Oddo, Department of Information Technology, Department of Sanitation, Department of parks & Recreation and Department of Environmental Protection.

INTERROGATORY No. 13

Identify any and all complaints of blocked: sewers, catch basins, receiving drains or manholes in the Bullshead Community received by the CITY OF NEW YORK, including but not limited to the, Office of the Mayor, Office of Borough President Peter Molinari, Office of Councilman James Oddo, Department of Sanitation, Department of Information Technology, Department of Parks & Recreation and Department of Environmental Protection.

INTERROGATORY No. 14

Describe in detail all steps taken by the New York City Department of Environmental Protection to alleviate flooding in the Bullshead Community from August 27, 2012 through August 29, 2012.

INTERROGATORY No. 15

Describe in detail all steps taken by the New York City Office of Emergency Management to alleviate flooding in the Bullshead Community from August 27, 2012 through August 29, 2012.

Dated: November 2, 2012

GARBARINI FITZGERALD P.C.

By: 
Richard M. Garbarini

AFFIRMATION OF SERVICE

I certify that on November 2, 2012 a true and correct copy of the foregoing
PLAINTIFFS' FIRST SET OF INTERROGATORIES TO DEFENDANT (Nos. 1-15)
was served by first class mail on the Office of the Corporation Counsel, 100 Church Street, New
York, New York 10007.

By: *Latisha Desrosiers*
Latisha Desrosiers

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P 1
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