

Exhibit "11"

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER
INDEX NO. 54190/2016
-----X
CITY OF NEW ROCHELLE,
Plaintiff,
- against -
FLAVIO LA ROCCA, MARIA LA ROCCA, FLAVIO
LA ROCCA & SONS, INC., a.k.a. F. LAROCCA
& SONS, INC. and FMLR REALTY MANAGEMENT
LLC,
Defendants.

-----X
May 17, 2021
1:59 p.m.

DEPOSITION of a Non-Party
Witness, PATRICK BONGO, taken by the
Respective Parties, pursuant to Subpoena,
held via Veritext Virtual, before Barbara
Tortora, a Certified Shorthand Reporter
and Notary Public of the State of New
York.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

WILSON ELSER MOSKOWITZ EDELMAN
& DICKER, LLP

Attorneys for Plaintiff
1133 Westchester Avenue
White Plains, New York 10604

BY: PETER MEISELS, ESQ.

-AND-

ROLAND KOKE, ESQ.

SILVERBERG & ZALANTIS, LLC

Attorneys for Defendants
120 White Plains Road, Suite 305
Tarrytown, New York 10591

BY: KATHY ZALANTIS, ESQ.

ALSO PRESENT:

Flavio La Rocca
Maria La Rocca

* * *

1

2 IT IS HEREBY STIPULATED AND AGREED by
3 and between counsel for the respective
4 parties hereto that all rights provided by
5 the C.P.L.R., and Part 221 of the Uniform
6 Rules for the Conduct of Depositions,
7 including the right to object to any
8 question, except as to the form, or to
9 move to strike any testimony at this
10 examination, are reserved; and, in
11 addition, the failure to object to any
12 question or to move to strike any
13 testimony at this examination shall not be
14 a bar or waiver to make such motion at,
15 and is reserved for, the trial of this
16 action.

17 IT IS FURTHER STIPULATED AND AGREED
18 that this examination may be signed and
19 sworn to, by the witness being examined,
20 before a notary public other than the
21 notary public before whom the examination
22 was begun, but the failure to do so, or to
23 return the original of this examination to
24 counsel, shall not be deemed a waiver of
25 the rights provided by Rules 3116 and 3117

1
2 of the C.P.L.R. shall be controlled
3 thereby. IT IS FURTHER STIPULATED AND
4 AGREED that the filing of the original of
5 this examination shall be and the same
6 hereby is waived.

7 (Bongo Exhibit 1 was marked for
8 identification, as of this date.)

9 P A T R I C K B O N G O, having first
10 been duly sworn by Barbara Tortora, a
11 Notary Public of the State of New York,
12 was examined and testified as follows:

13 EXAMINATION BY

14 MR. MEISELS:

15 Q. What is your full name?

16 A. Patrick Bongo.

17 Q. What is your present home
18 address?

19 A. 76 Maple Avenue, Pelham, New
20 York 10803.

21 Q. Thank you for appearing, being
22 on time and so forth. Got a few questions
23 to ask. I'm going to try to make it
24 brief. In the event that you don't
25 understand the questions or I don't speak

1 BONGO

2 clearly enough, just please tell me and
3 I'll do my best, okay, to rephrase them.
4 I'm going to call your attention back to
5 May of 2015.

6 A. Okay.

7 Q. Back in May of 2015, did you own
8 premises located on East Street in New
9 Rochelle?

10 A. You clicked off, what was that?

11 Q. Back in May of 2015, did you own
12 premises located on East Street in New
13 Rochelle?

14 A. Yes, I did. Yes, I do.

15 Q. You still do; is that right?

16 A. Yes.

17 Q. How long have you owned those
18 premises?

19 A. Oh, God, I would have to say
20 maybe early '80s.

21 Q. From those premises you run a
22 business?

23 A. Yes, I do.

24 Q. Is that PAB Contracting?

25 A. Corp., correct.

1 BONGO

2 Q. Am I correct that PAB stands for
3 Pat A. Bongo?

4 A. Yeah, a couple of here and
5 there. Now it does.

6 Q. Am I correct that you're
7 located, your business is located across
8 from Flowers Park?

9 A. Flowers Park, yes, yes.

10 Q. Are you familiar with Mr. Flavio
11 La Rocca?

12 A. Yes.

13 Q. How long have you known him?

14 A. Oh, God, I don't know. Maybe
15 fifteen, twenty years. Fifteen years.

16 Q. As far as you know, does he
17 operate a business on East Street as well?

18 A. Yes, he does.

19 Q. Is that located across from
20 Flowers Park?

21 A. Correct.

22 Q. Going back to May of 2015, what
23 kind of work was PAB doing?

24 A. We do roadway restoration for
25 utility companies.

1 BONGO

2 Q. Are you still doing that same
3 kind of work today?

4 A. Yes.

5 Q. How long have you done that kind
6 of work?

7 A. I would say, the early '80s.

8 Q. Could you explain to those of us
9 who don't understand construction what
10 roadway reconstruction work means? You're
11 explaining it to a third grader, how would
12 you explain it?

13 A. In other words, whatever --
14 whatever damages are done by the utility
15 company, whether it be concrete, blacktop,
16 landscaping, when they're done doing what
17 they have to do to repair their lines, we
18 go back and bring it to its original
19 restoration.

20 Q. If they make a cut in a paved
21 road, you go and repair the cut?

22 A. Correct.

23 Q. Do you actually make the cut or
24 just do the repairs?

25 A. No, we have work orders. We

1 BONGO

2 receive work orders for what we have to do
3 at every given location.

4 Q. Your orders include actually
5 creating the excavation or do you merely
6 repair it?

7 A. Well, we repair it. We repair
8 what's there. We might -- like you said,
9 whatever -- whatever has to be repaired,
10 whether it be excavation of the blacktop
11 or excavation of the concrete or
12 excavation of the top soil, we take it out
13 and put it back, correct.

14 Q. Back in May of 2015, what kind
15 of equipment did you use?

16 A. I don't understand the question.

17 Q. What kind of equipment did PAB
18 paving own that you did repairs with?
19 What kind of equipment did you use to make
20 those repairs?

21 A. Mack trucks. CASE backhoes.
22 Regular construction, road construction
23 equipment.

24 Q. Could you explain to those
25 people who don't understand it what

1 BONGO

2 regular construction equipment includes?

3 A. Construction equipment is -- I
4 wouldn't even remember at that time what
5 kind of construction equipment I had at
6 that present time. But construction
7 equipment to do asphalt work or to do
8 concrete work is self-explanatory. It's
9 whatever at that time we needed to perform
10 that work. To answer your question, it's
11 trucks, backhoes, a steam roller or
12 whatever might be to do that restoration.

13 Q. Do you still have that kind of
14 equipment today?

15 A. Probably not the same stuff, but
16 on the order of that.

17 Q. Same kind of equipment?

18 A. Same kind, yes.

19 Q. Back in May of 2015, do you
20 recall how many employees you had?

21 A. Probably the same my entire
22 life, fifteen to twenty.

23 Q. Is your business a year-round
24 business or seasonal?

25 A. Seasonal.

1 BONGO

2 Q. What's your season?

3 A. Depending on the weather, I
4 would say December 15th to April 15th.
5 So, in other words, that's our working
6 time, April 15th to December 15th. And
7 then we're shut down from December 15th to
8 April 15th.

9 Q. I understand.

10 Back in May of 2015, where did
11 your employees park their cars every day?

12 A. I believe some parked over here.
13 I remember taking -- going to get permits
14 for the park down below. I paid for
15 parking permits for them to park down
16 below. And then I think at one point
17 after paying for the parking permits for a
18 few years they -- I went to go pay one
19 year and they removed the fee, so we
20 continued to park in the parking lot down
21 below.

22 Q. When you say the parking lot
23 down below, do you mean the parking lot
24 that's in the park?

25 A. Yes, yes, down below. Yes, down

1 BONGO

2 in Flowers Park, correct.

3 Q. Concerning those who parked
4 along East Street back in 2015, where on
5 East Street did they park?

6 A. I have no idea. I don't -- they
7 report in the gate when they come to work.

8 Q. Can you identify an address
9 called 2525 Palmer Avenue?

10 A. Yes, that's my office.

11 Q. Can you identify a person by the
12 name of Joe Guglielmo?

13 A. I think he owns the building.

14 Q. Does he own the building that
15 you operate your business in?

16 A. Yes.

17 Q. Do you know whether or not he
18 ever rented any of his space to Mr. La
19 Rocca to keep Mr. La Rocca's equipment?

20 A. No, not at all.

21 Q. You think he did not do that?

22 A. I don't know. I have no idea.
23 I don't know anything of his business.

24 Q. Do you recall back in May of
25 2015 that there was any construction work

1 BONGO

2 done across East Street to create parking
3 spaces?

4 A. I heard something about it.
5 That was the day of my daughter's
6 graduation from college, and I was at
7 Madison Square Garden that day, and I
8 wasn't even around that day.

9 Q. I'm going to show you a video
10 that's been previously marked as
11 Plaintiff's number 13 and see if this
12 refreshes your recollection of what
13 happened back in May of 2015?

14 A. I don't see it.

15 Q. It's coming, relax.

16 A. I'm new at this.

17 Q. None of us are old hands at this
18 procedure.

19 A. I'm waiting.

20 Q. We're having a problem loading
21 the video. Let's go on to the next
22 exhibit, that might be helpful. We're
23 going to show you what's previously been
24 marked as Exhibit 3A for identification.
25 Do you see it?

1 BONGO

2 A. Yeah, I see it.

3 Q. Mr. Bongo, can you identify
4 anybody who is shown in that photograph?

5 A. No.

6 Q. In reference to the truck, the
7 yellow truck --

8 A. Yes.

9 Q. -- have you ever seen that truck
10 before?

11 A. I have no way of telling. I
12 mean, I see the name on the truck, but
13 other than that I wouldn't know -- if the
14 truck passed me on the street I wouldn't
15 know I seen it before.

16 Q. Right. You can't identify
17 anybody in the photograph?

18 A. No.

19 Q. The scene that's depicted in
20 that photograph, can you identify what
21 that photograph shows?

22 A. Not really, no. I mean, I see
23 four people standing in an area.

24 Q. Do you know where that area is?

25 A. I mean, it looks like that, but

1 BONGO

2 I can't be 100 percent sure.

3 Q. What does it look like?

4 A. It kind of looks like out front
5 here, but I can't be positive.

6 Q. Let's move on. This is still
7 the same exhibit. Can you identify what's
8 shown in that photograph?

9 A. Anybody? Can I tell whose
10 there?

11 Q. Firstly, can you tell whose
12 there?

13 A. No.

14 Q. Can you identify what the
15 photograph depicts?

16 A. No.

17 Q. Have you ever seen what's
18 depicted in that photograph before?

19 A. No.

20 Q. Did you ever see across from
21 your business those piles of wood chips?

22 A. I can't remember that, no. I
23 would have to say no. But I can't -- no.

24 Q. This is a third photograph of
25 the same exhibit, okay. Can you identify

1 BONGO

2 the cars that are shown?

3 A. No.

4 Q. Do you know who those cars
5 belong to?

6 A. No.

7 Q. Do you know whether any of them
8 belong to your employees?

9 A. No.

10 Q. You see where the cars are
11 parked?

12 A. Kind of, yeah.

13 Q. Do you know your employees used
14 to park at that location?

15 A. I have no idea.

16 Q. The machinery that's there, what
17 kind of machinery is that?

18 A. Looks like a little loader.

19 Q. Does that belong to you?

20 A. No.

21 Q. Do you know who it belonged to?

22 A. No.

23 Q. The scene that's depicted in the
24 photograph, have you ever seen that
25 before?

1 BONGO

2 A. The what?

3 Q. That photograph depicts a
4 certain scene and my question to you is,
5 have you ever seen that scene before?

6 A. I have no idea. It just looks
7 like a green area to me.

8 Q. You don't recognize it; is that
9 correct?

10 A. Yes, I do not.

11 Q. I'm showing you the next
12 photograph in that exhibit, a yellow
13 truck.

14 A. Yes.

15 Q. Do you know who that belongs to?

16 A. Just by looking at the door, I
17 recognize the logo on the door.

18 Q. What is that logo?

19 A. I guess Flavio La Rocca & Sons.

20 Q. Do you recognize the scene
21 that's depicted in the photograph?

22 A. Not 100 percent, no, I don't.

23 Q. Any percent?

24 A. I mean, I'm looking at an area
25 that it could be possibly, but I can't be

1 BONGO

2 sure. It's not clear enough. It's a long
3 time. I can't say 100 percent that's --
4 that I recognize, because I don't.

5 Q. The automobiles that are in the
6 photograph, can you identify any of them?

7 A. No. The automobiles, no.

8 Q. And the people?

9 A. No.

10 Q. Do you know whether or not the
11 scene depicted in this photograph is an
12 area that's across East Street from your
13 place of business?

14 A. I cannot be positive on that,
15 no.

16 Q. We're going to try to get the
17 video to work. If not, we'll move on.
18 Take a three minute break, and we'll try
19 to get the video to work. If not, we'll
20 move on.

21 A. Okay.

22 (At this time, a recess was
23 taken.)

24 Q. We're going to show you what's
25 previously been marked as Exhibit 13. Mr.

1 BONGO

2 Bongo, I'm going to ask you if you can
3 identify any of the people that are shown
4 in this frame of the video?

5 A. No.

6 Q. Somebody noted here, that says
7 Flavio La Rocca in white shirt. Can you
8 tell if that is Mr. La Rocca in the white
9 shirt?

10 A. No, I cannot.

11 Q. Can you identify the scene
12 that's depicted in that video?

13 A. Not 100 percent, no.

14 Q. Any percent?

15 A. I'm looking at something
16 similarity (sic), but I can't be sure. It
17 has -- it looks -- I can't be sure. I
18 would say ten percent.

19 Q. Ten percent what do you think it
20 is?

21 A. It looks like a roadway that
22 goes -- that is possibly out front here.
23 But I can't be 100 percent sure because I
24 can't say that.

25 Q. I'll ask you again, can you

1 BONGO

2 identify any of the people shown in that
3 frame of the video?

4 A. No, I cannot.

5 Q. The angle has changed somewhat,
6 can you now identify what's depicted in
7 the photograph?

8 A. Not the area, no. I see a name
9 on the truck, but that's about it. As far
10 as the area itself, I can't say where that
11 area is 100 percent.

12 Q. We changed the angle a bit. Can
13 you identify the people shown in the
14 photograph?

15 A. No, I cannot.

16 Q. Are you able to identify the
17 area, the scene that's depicted in the
18 photograph?

19 A. No, I cannot.

20 Q. Did you ever notice across from
21 your business there was a point in time
22 where there were piles of wood chips?

23 A. No, I do not.

24 Q. That gentleman depicted in the
25 photograph, can you identify who that is?

1 BONGO

2 A. No, I cannot.

3 Q. Can you identify the scene as
4 depicted in the photograph?

5 A. No, I cannot.

6 Q. Can you identify the people that
7 are depicted in this frame of the
8 photograph?

9 A. No, I cannot.

10 Q. Can you identify the scene as
11 depicted in that photograph?

12 A. No, I cannot.

13 Q. Can you identify anyone depicted
14 in this photograph?

15 A. No, I cannot.

16 Q. The person shown has a shirt
17 that says New York Energy Conservation
18 Company. Did you ever know anyone
19 employed by that company?

20 A. No, I do not.

21 Q. In this particular scene, do you
22 notice that on the left side there is a
23 chain link fence?

24 A. Yes, I do.

25 Q. Have you ever seen that chain

1 BONGO

2 link fence before?

3 A. I believe I have.

4 Q. Where did you see it?

5 A. I believe that's the skate park
6 that I'm looking at, which is up here. It
7 is a skate park. If it's the exact one,
8 I'm not 100 percent. But it's getting
9 close to fifty to sixty percent that I
10 recognize that picture.

11 Q. Would that be the skate park in
12 Flowers Park?

13 A. Correct. On top of Flowers
14 Park, correct.

15 Q. With this angle, on the right
16 side now, do you see the chain link fence?

17 A. Yes. I see guard booth.

18 Q. The guard booth for Flowers
19 Park?

20 A. Yes. I shouldn't say guard
21 booth. I guess a booth where they admit
22 the people to the skate park, if that's
23 the one in question. I'm not 100 percent
24 sure, but it looks like the skate park up
25 the road here.

1 BONGO

2 Q. When you the say up the road
3 here, you mean on East Street?

4 A. East Street, correct. Yes, East
5 Street.

6 Q. In reference to the piles of
7 wood chips that are shown to the left of
8 the car, do you recognize those?

9 A. No, not at all.

10 Q. In reference to the frame being
11 depicted now, can you identify any of the
12 motor vehicles that are shown in that
13 photograph?

14 A. Just only by whatever lettering
15 I can see on them. The truck itself I
16 wouldn't -- I can't be sure. What
17 lettering I can see would be the only
18 thing that would make me believe that I
19 noticed the truck.

20 Q. From the lettering, would it
21 appear that those trucks belong to Mr. La
22 Rocca?

23 A. Correct.

24 Q. Can you identify the black chain
25 link fence?

1 BONGO

2 A. Not 100 percent, but it's
3 looking like that's the skate park here on
4 East Street.

5 Q. During the frame of the exhibit
6 that's being shown now, on the right side
7 there's a gray chain link fence. Can you
8 identify that fence?

9 A. It looks like it's Flavio's yard
10 exiting towards 5th Avenue.

11 MR. MEISELS: For the record,
12 this happens to be frame 1:29, if
13 that's helpful.

14 Q. Mr. Bongo, looking at the frame
15 of the video that's shown at the moment,
16 on the right-hand side, can you identify
17 what's depicted in the right-hand side of
18 the video?

19 A. The right-hand side of the
20 video? Well, it looks like the exit to
21 5th Avenue.

22 Q. On the right-hand side, for
23 example, do you see something that's
24 colored green?

25 A. Yes.

1 BONGO

2 Q. Can you identify what that is?

3 A. It looks like a -- some type of
4 screener, maybe a top soil screener.

5 Q. To the best of your knowledge,
6 was that top soil screener located inside
7 Mr. La Rocca's yard?

8 A. I mean, it looks like it's
9 Flavio's yard, yes. I mean, yes, it
10 looked like Flavio's yard.

11 Q. Looking at the frame of the
12 video that's depicted now, do you see on
13 the right-hand side there's a black chain
14 link fence?

15 A. Yes, I do.

16 Q. Can you identify that fence?

17 A. I believe that is the fence of
18 the skate park on East Street.

19 Q. Can you identify any of the
20 other vehicles shown in the picture?

21 A. No, not really. Just -- no.

22 Q. Mr. Bongo, do you see in the
23 frame of the photograph on the right-hand
24 side there's a black truck with a white
25 cab?

1 BONGO

2 A. Yes.

3 Q. Can you identify, does that
4 truck belong to you?

5 A. No, it does not.

6 Q. Did it belong to you?

7 A. No, it does not.

8 Q. Did it back in May 2015 belong
9 to you?

10 A. No, it did not.

11 Q. Do you know who it belonged to?

12 A. I believe it's one of the
13 gentleman on the road here.

14 Q. From the lettering, who would
15 you judge it to be?

16 A. Pete Carino, because I only
17 recognize the truck from the writing on
18 the truck who owns the truck. And how
19 it's written in law, I have no idea. But
20 I do recognize the P. Carino truck being
21 in this premises, on this road.

22 Q. Was Pete Carino one of the
23 businesses located on East Street back in
24 May of 2015?

25 A. Not that I'm aware of.

1 BONGO

2 Q. Are you familiar with a Pete
3 Carino Enterprise?

4 A. No, I am not.

5 Q. Other than in this photograph,
6 have you seen the Pete Carino trucks on
7 East Street in the past?

8 A. Yes, I have.

9 Q. When you noticed those trucks
10 there, did you notice what they were
11 doing?

12 A. No, I do not.

13 Q. Do you still notice Pete Carino
14 trucks on East Street from time-to-time?

15 A. Possibility, yeah, I see him
16 once in a while. I don't -- your know, I
17 don't look. But there's a possibility I
18 seen him before, yes.

19 Q. Do you do business with Pete
20 Carino?

21 A. No, I do not.

22 Q. Do you know if he does business
23 with anyone else on East Street?

24 A. That's his business, that's none
25 of mine.

1 BONGO

2 Q. Please look at the frame of the
3 video that's presently being shown. Can
4 you identify any of the cars shown in the
5 photograph?

6 A. No, I cannot.

7 Q. Can you identify the scene
8 that's shown in the photographs?

9 A. Less than the others. Much less
10 than the others, I can tell you that.

11 Q. When you say less than, that
12 means --

13 A. Yeah, I'm looking at a dirt area
14 with trees and I don't have anything in
15 the picture to show me it's -- you know,
16 that it's -- you know, that I recognize it
17 100 percent, because I don't.

18 Q. In the left third of the
19 photograph do you notice that there's a
20 structure that appears to be lights?

21 A. Yeah.

22 Q. Can you identify those lights?

23 A. No, I cannot.

24 Q. Mr. Bongo, can you identify the
25 scene that's depicted in the frame that's

1 BONGO

2 being shown now?

3 A. I can recognize the house in the
4 back a little more. It's looking like --
5 it's looking like it's on the East Street
6 order.

7 Q. Do you know who owns that house?

8 A. No, I do not.

9 Q. Can you identify any of the
10 vehicles that are shown in the photograph?

11 A. No. They -- no.

12 Q. Can you identify any of the
13 people shown in the photograph?

14 A. No, I cannot.

15 Q. Can you identify the scene
16 that's depicted in the frame of the
17 photograph that's being shown now?

18 A. No.

19 Q. Can you identify any of the
20 people?

21 A. No, I cannot.

22 Q. The equipment that's being used
23 that's colored yellow, in the construction
24 trade, what would you call that?

25 A. I guess it would be called a

1 BONGO

2 roller.

3 Q. A roller?

4 A. An asphalt roller.

5 Q. Back in May of 2015, did you own
6 that roller?

7 A. Did I own that roller?

8 Q. Yes.

9 A. I would -- no. I don't ever
10 think I owned something like that, no.

11 Q. Do you recognize what's depicted
12 in the photograph?

13 A. Excuse me?

14 Q. Do you recognize what's depicted
15 in the photograph?

16 A. The area, no.

17 Q. We're going to show you some
18 photographs. We're showing you a
19 photograph that's been premarked as
20 Exhibit 3A. Can you identify those
21 automobiles?

22 A. No.

23 Q. Back in May of 2015, did you own
24 any of the automobiles that are shown in
25 that photograph?

1 BONGO

2 A. I don't think so.

3 Q. When you say you don't think so,
4 are you certain that you did not?

5 A. No, yeah, I'm -- yes, I'm 100
6 percent positive me personally did not own
7 any of those cars, yes.

8 Q. Do you know whether or not PAB
9 Paving owned them?

10 A. No, 100 percent not.

11 Q. Do you know if any of them were
12 owned by some business entity that belongs
13 to you?

14 A. That I don't know. That I don't
15 know. Not owned by any business -- yeah,
16 no, no, none at all.

17 Q. Do you know if any of those
18 automobiles are owned by your employees?

19 A. That I don't know.

20 Q. Do you know whether or not your
21 employees parked in that location where
22 you see those automobiles?

23 A. I do not.

24 Q. Mr. Bongo, I show you a
25 photograph that's been premarked as

1 BONGO

2 Exhibit 3A, it's one of the 3A exhibits.

3 I apologize, it's Defendant's C, premarked
4 as Defendant's C. Can you identify what's
5 shown in that photograph?

6 A. The area?

7 Q. Yes.

8 A. The far, far left hand very end
9 of the picture looks like the end of East
10 Street. Otherwise, I couldn't be sure.

11 Q. Can you identify any of the
12 vehicles shown in the photograph?

13 A. No, I cannot.

14 Q. Moving on to the next photograph
15 that is in the same exhibit, one of the
16 photographs marked as Exhibit C, do you
17 recognize what's depicted in this
18 photograph?

19 A. I cannot, no.

20 Q. Do you recognize the car?

21 A. No, I do not.

22 Q. Again, this is another
23 photograph that was premarked as
24 Defendant's Exhibit C for identification.
25 Can you identify what's shown in that

1 BONGO

2 photograph?

3 A. The same thing, the left rear
4 looks like the end of East Street.

5 Q. Would it be correct to say that
6 the person who took the photograph was
7 facing the rear end of East Street?

8 A. I'm not a photographer, I
9 couldn't say on that.

10 Q. Looking at that photograph, on
11 the right side of the photograph do you
12 see a raised area, the area that was just
13 being rolled?

14 MS. ZALANTIS: Objection.

15 MR. MEISELS: I'll withdraw the
16 question. Good objection.

17 Q. On the right side of the
18 photograph, do you see a raised area?

19 A. Looks like there's a difference,
20 a raised area of top soil compared to the
21 rest of the grade.

22 Q. Did there ever come a time that
23 you saw people parking in that raised
24 area?

25 A. I have -- I have no idea.

1 BONGO

2 Q. Do you happen to know who has
3 title and owns that raised area?

4 A. No.

5 Q. Would it be fair to say that you
6 don't know whether that's East Street or
7 whether it's part of the Flowers Park?

8 A. That would be correct.

9 Q. I'm showing you what's been
10 premarked as Exhibit II for
11 identification. Are you able to identify
12 which tax lots on East Street actually
13 belong to you or a business that you
14 control?

15 A. I believe it's -- I know it's
16 forty-four and forty-three. I'm not sure
17 if it's forty-two or forty-one. It just
18 might -- it's forty-four and forty-three
19 for sure. But I can't see, I don't have
20 any glasses, I don't know how wide those
21 lots are, how wide. I know it's
22 forty-four and forty-three for sure.

23 Q. (Indicating.)

24 A. That's better.

25 Q. Does that help?

1 BONGO

2 A. It's fifty by 100. In front of
3 the 209, is that a sixty-six? I would
4 have to say it's just forty-four and
5 forty-three. I mean, the block and block
6 number, the depth is nice and clear, and
7 the width is still I can't read it.

8 Q. Fair enough.

9 Looking at the same tax map,
10 okay, is the skate park you identified
11 before located at the corner of East
12 Street and 5th Avenue?

13 A. It is located on the corner of
14 East Street and 5th Avenue, yes. If
15 that's the same pictures we were looking
16 at, yes.

17 Q. When you stand in front of the
18 property that you own that's lots
19 forty-three and forty-four and look
20 straight across East Street, do you see
21 the skate park?

22 A. Well, I mean, if I turn my head
23 to the right I do.

24 Q. What do you see if you turn to
25 the left?

1 BONGO

2 A. If I turn to the left, I see the
3 end of East Street.

4 Q. I'm going to show you what's
5 been marked as Exhibit X for
6 identification. Can you identify what's
7 shown in that photograph?

8 A. No. I mean, it looks like a
9 manhole cover, that's about it.

10 Q. I'm going to show you some
11 additional photographs that have all been
12 previously marked as part of Exhibit X.
13 Can you identify what's shown in the
14 photograph on top?

15 A. I think the right-hand corner --
16 there you go, yes. Actually, the
17 right-hand corner I believe is my gate,
18 and it looks possibly that that is my
19 cement mixer. It's a little blurry, but
20 it looks like we're looking up towards the
21 skate park and on the right-hand side that
22 is my gate and my cement mixer.

23 Q. We're showing you another
24 photograph as part of the same exhibit.
25 Can you identify that building?

1 BONGO

2 A. I think -- I mean, I believe
3 that's on the corner of Ashland and East
4 Place, yes.

5 Q. Do you know who supposedly owns
6 that building?

7 A. No, I do not.

8 Q. We're going to show you an
9 exhibit premarked as Exhibit GG. Can you
10 identify what's shown in that photograph?

11 A. Going by the -- I go for my walk
12 down there, that looks like the back of
13 Flowers Park. And right outside the gate
14 here with the black fence it looks like
15 East Street and Flowers Park down below.

16 Q. In this particular photograph
17 you see there's a white car?

18 A. Yes.

19 Q. Can you identify that car by any
20 chance?

21 A. No, I can't.

22 Q. You notice that next to the
23 white car as you look towards the left of
24 the photograph there's a black chain link
25 fence?

1 BONGO

2 A. Yes, I do.

3 Q. Do you recall having seen that
4 fence being erected?

5 A. No, not -- no, no.

6 Q. Do you recall roughly --

7 A. I don't know what -- I know that
8 it looks like that's the fence out front
9 here. But when it was put up or how it
10 was put up, I have no knowledge.

11 Q. Do you know who put it up?

12 A. No. I don't for sure, no.

13 Q. Looking at that black fence, do
14 you notice that on the side of that fence
15 opposite East Street there's an area that
16 appears to have wood chips on the ground?

17 A. No.

18 Q. Looking at that black fence, do
19 you notice that that black fence, to the
20 left of it, there's East Street, am I
21 correct?

22 A. Basing off of that street,
23 looking to the right is Flowers Park, yes.

24 Q. To the right of that black
25 fence, do you know whether that's part of

1 BONGO

2 Flowers Park?

3 A. That I don't know.

4 Q. Do you know if there was ever a
5 time that people parked there before the
6 fence was erected?

7 A. I can't say. I don't know.

8 Q. I'm going to show you another
9 photograph, part of the same exhibit, and
10 ask you if you can identify that picture?

11 A. Looks like the skate park and
12 check-in booth, whatever you want to call
13 it. The Joe Cassina (phonetic) building
14 down there. I guess that's part of the
15 Flowers Park down there.

16 Q. I show you another photograph,
17 part of the same exhibit, and ask you if
18 you can identify what's shown in that
19 photograph?

20 A. It looks pretty much like the
21 East Street skate park.

22 MR. MEISELS: We would like to
23 take a five-minute break and we'll
24 finish up with any questions we have
25 and then whatever Ms. Zalantis may

1 BONGO

2 have. It's 2:58. We'll try to keep
3 it five minutes.

4 (At this time a recess was
5 taken.)

6 Q. Mr. Bongo, I got a question for
7 you, in various photographs you identified
8 East Street and, as I understand it, the
9 business you own is on East Street. Back
10 in May of 2015, do you recall who
11 maintained East Street, by maintain, I
12 mean plowed the snow, made repairs, paved
13 the street, things of that sort?

14 A. No. Wasn't me.

15 Q. Do you know who did do it?

16 A. No, I do not.

17 Q. Up until today, do you know who
18 maintains East Street?

19 A. Legally, no. Technically, no.

20 Q. Let me ask this question, you
21 have various businesses there, I realize
22 your business is seasonal and may not
23 necessarily be a major concern for you,
24 but do you know who plows the snow off
25 East Street if it gets plow?

1 BONGO

2 A. I do not. I don't know anything
3 about that.

4 Q. Do you know who paved East
5 Street?

6 A. No.

7 Q. Do you know who makes repairs to
8 East Street?

9 A. No, I do not.

10 Q. In the various photographs we
11 looked at you saw there were certain work
12 being done. Do you know what the
13 condition of that premises were before
14 that work was done?

15 A. No, no, I do not.

16 Q. Is it your understanding that
17 you or any of your business enterprises
18 own any part of East Street?

19 A. No, no, not at all.

20 Q. Has there ever been any
21 discussion amongst the people who have
22 businesses located on East Street
23 concerning maintenance of the street?

24 A. You know, I can't be sure. I
25 know there's things that we talked about

1 BONGO

2 over the years, but I can't -- I can't
3 recall.

4 Q. Do you recall ever having
5 attended any meetings either with other
6 business owners on East Street or with the
7 city or anyone concerning maintenance and
8 ownership of East Street?

9 A. Not -- not for those reasons,
10 no. Not that I can remember.

11 MR. MEISELS: My questioning is
12 complete. I think we'll leave it to
13 Ms. Zalantis.

14 EXAMINATION BY

15 MS. ZALANTIS:

16 Q. My name is Kathy Zalantis, I
17 represent the defendants in this action.
18 Thank you for agreeing to appear for this
19 deposition.

20 I just want to share my screen?
21 Can you see my screen?

22 A. Yes, I can.

23 Q. I think you've seen these
24 pictures before previously identified by
25 Mr. Meisels --

1 BONGO

2 A. Just went off.

3 Q. Hold on. Let me do that one
4 more time.

5 A. Yes.

6 Q. You see the white car in this
7 picture?

8 A. Yes, I do.

9 Q. That was previously, I believe,
10 identified as Defendant's GG. To the
11 right of the white car I think you
12 testified is the skate park.

13 A. I believe that is East Street
14 skate park, yes.

15 Q. And to the left of the white car
16 is an area enclosed by a black fence.

17 A. Correct.

18 Q. Going to the second page, again,
19 to the left of the white car is an area
20 enclosed by a black fence. Do you see the
21 area?

22 A. Yes, I do.

23 Q. Is that area enclosed by the
24 black fence across from your property?

25 A. I -- looking at this picture,

1 BONGO

2 yes.

3 Q. Now, that area, that black fence
4 wasn't always there; is that correct?

5 A. That's correct.

6 Q. The skate park to the right of
7 the white car was not always there; is
8 that correct?

9 A. Yeah, it's true, but I don't
10 remember how long ago it was. But, yes, I
11 do believe it wasn't there at my
12 beginning, yes.

13 Q. Have you ever heard of Persico
14 Construction?

15 A. Yes, I did.

16 Q. What's your knowledge of Persico
17 Construction?

18 A. I just know of Persico
19 Construction. They're a contractor. I'm
20 not sure if they're in business, but they
21 were a contractor at one time.

22 Q. Do you recall several years
23 prior when Persico Construction was
24 restoring the Potter Avenue Bridge over
25 Interstate 95?

1 BONGO

2 A. Yes.

3 Q. Do you remember during that time
4 frame whether Persico Construction was
5 using as a staging area the area that is
6 now the skate park and the area enclosed
7 by the black fence?

8 A. I believe so. And I say I
9 believe so because my memory is not as
10 good as it was. But I do recall that that
11 was a possibility. I can't remember 100
12 percent, but I do recall that there was a
13 time when he was using that area.

14 Q. That area being both the area
15 that is now currently the skate park and
16 the area enclosed by the black fence; is
17 that correct?

18 A. No, it's not. It's the -- I
19 believe it was just the skate park was.

20 Q. Were they using it for
21 construction purposes the staging area or
22 for parking of construction vehicles?

23 A. I can't recall. I can't recall.

24 Q. Is it possible they were parking
25 construction worker vehicles in the area

1 BONGO

2 now enclosed by the black fence?

3 A. Sure, anything is possible. It
4 could have been.

5 Q. Do you recall if you have a
6 recollection of that?

7 A. No, I do not.

8 Q. Prior to the erection of the
9 black fence in the area to the left of the
10 white car, what was the condition of that
11 area?

12 A. Basically the same as it looks
13 now.

14 Q. It's the same as it looks now,
15 was covered in seedling and hay or did it
16 have blacktop and gravel?

17 A. Looks the same to me. I
18 don't -- I don't recall what it looked
19 like anything in the previous. I think
20 the area basically is the same.

21 Q. I know you said that you
22 yourself didn't park or any entities or
23 vehicles that you owned didn't park in
24 this area enclosed by the black fence, but
25 it was possible that your employees may

1 BONGO

2 have parked in this area; is that correct?

3 A. It's possible, yes. I would
4 have no way of knowing that. I did
5 purchase parking permits for my men to
6 park in the area below. And I think the
7 city relieved the fee and then they
8 continued to park there.

9 Q. But it's possible they could
10 have parked right in front of your
11 business?

12 A. I don't know where they parked
13 or how they parked. They come to work,
14 they come in the gate.

15 Q. I'm going to show you what was
16 previously marked. Can you see my screen?

17 A. I see you.

18 Q. I'm sorry.

19 A. That's all right.

20 Q. Can you see my screen now?

21 A. No, I just see you.

22 Q. Sorry. One more time. Now can
23 you see my screen?

24 A. Yes, I can.

25 Q. You went through this series of

1 BONGO

2 pictures, I believe, with Mr. Meisels.

3 A. Um-hum.

4 Q. You weren't able to identify any
5 of these vehicles parked in this area?

6 A. Yes.

7 Q. Is this the same area now
8 enclosed by the black fence?

9 A. I can't be 100 percent sure
10 because you're just showing me an area.

11 Q. I'm going to stop sharing and
12 open up another exhibit. Did you notice
13 that red car in the picture I just showed
14 you, the red truck?

15 A. No.

16 Q. Do you see it now, a red truck?

17 A. I see a red truck.

18 Q. Do you see the next picture I'm
19 showing or still seeing the same picture?

20 A. No, I see the next one.

21 Q. You see a red truck here?

22 A. I see a red truck there, yes, I
23 do.

24 Q. This red truck, does that appear
25 to be parked in front of your business?

1 BONGO

2 A. It's a little blurry, but it
3 looks like it's my truck, yes. My
4 cameras, yes.

5 Q. You said your truck. Is that
6 your truck?

7 A. The truck inside the gate.

8 Q. Here. I could show you some
9 other pictures?

10 A. Yep, that's my yard.

11 Q. Do you see this red truck parked
12 outside your gate?

13 A. Yes, I do.

14 Q. Now, just going back to that
15 prior exhibit, does this appear to be the
16 same truck?

17 A. You're showing me the front and
18 back. It's a red truck. They're both red
19 trucks. I don't know if it's the same
20 truck or not.

21 Q. Do you know who owns this red
22 truck that I'm showing you now?

23 A. No.

24 Q. It's Defendant's 0409.

25 A. Unless you give me a plate, I

1 BONGO

2 can ask, but I don't know.

3 Q. Would your employees generally
4 park outside of your gate by your
5 business?

6 A. Yes, they would.

7 Q. It's possible that this same
8 truck that's in D0409 is potentially the
9 truck in the last page of Exhibit 3A; is
10 that correct?

11 A. Possible, yes, it is.

12 Q. What's the condition of East
13 Street?

14 A. You don't want to know. It's,
15 you know, a contractors' area. It's --
16 you know, it suits its purpose.

17 Q. Have you ever observed the city
18 repairing potholes on East Street?

19 A. Never.

20 Q. Have you ever observed the city
21 doing any maintenance whatsoever on East
22 Street?

23 A. Maybe picking up garbage once or
24 twice. Something that was dumped there,
25 they maybe picked it up. But as far as

1 BONGO

2 maintenance of the road, no.

3 Q. So you've never seen them
4 asphalt the road?

5 A. No.

6 Q. You've never seen them
7 completely repave the road?

8 A. No.

9 Q. Portions of the road or the road
10 in its entirety?

11 A. Not to my knowledge, no.

12 Q. Have you ever observed Mr. La
13 Rocca or his employees or members of his
14 company paving East Street?

15 A. No.

16 Q. Do you know who paves East
17 Street?

18 A. No, I do not.

19 Q. Are you familiar with the
20 property surrounding your property on East
21 Street?

22 A. Familiar by how?

23 Q. Are you aware of who owns the
24 property surrounding your property?

25 A. Yeah. Basically, yes, yes.

1 BONGO

2 Q. The Guglielmo Group LLC owns the
3 property if I'm looking at your property
4 standing on East Street to the right of
5 your property; is that correct?

6 A. Correct.

7 Q. At any point in time have you
8 ever seen a truck with the logo of F. La
9 Rocca & Sons parked in the Guglielmo
10 property?

11 A. I can't -- I can't remember
12 that, no. I have to say no, I can't
13 remember.

14 Q. Have you ever seen the City of
15 New Rochelle clean or sweep the streets,
16 clean or sweep East Street?

17 A. No. I believe not, no.

18 Q. So you said you set up your
19 business after April 15th.

20 A. Yeah. I mean, basically on
21 the -- on the weather. As the winters
22 grew warmer, we periodically would come in
23 during the winter. But years ago, yes,
24 you know, I would think maybe the last
25 four or five years depending if there was

1 BONGO
2 a warm streak we would come back for a few
3 days. But basically as soon as the
4 weather dropped below freezing we shut
5 down. But in previous years we would lock
6 the gate and didn't come back until the
7 spring.

8 Q. What was the condition of East
9 Road after the winter when you came back,
10 was there loose aggregate and asphalt on
11 the road that needed to be back in place?

12 A. Nothing that inconvenienced me.

13 Q. Do you remember Mr. Meisels
14 showed you the video earlier today?

15 A. Yes.

16 Q. Did you observe anyone in that
17 video cutting down trees?

18 A. No.

19 Q. In the area that's now enclosed
20 by the black fence, have you ever observed
21 my client, Mr. La Rocca, cutting down
22 trees in that area?

23 A. Me personally, no.

24 Q. Have you ever observed any
25 employees of Mr. La Rocca cutting down

1 BONGO

2 trees in that area?

3 A. No. Just what you guys showed
4 me supposedly. No. Myself personally,
5 no.

6 Q. You said in that video nobody
7 was cutting down trees, right?

8 A. Yeah, I didn't see anybody with
9 a chain saw, no, cutting down the trees,
10 no, no. You know, I've never seen that.

11 Q. Have you ever observed Mr. La
12 Rocca or any of his employees place wood
13 chips in the area now enclosed by the
14 black fence?

15 A. No.

16 Q. With respect to the area that's
17 now enclosed by the black fence that's
18 against the left of that white car we saw
19 in the picture, have you ever observed Mr.
20 La Rocca and/or any of his employees place
21 asphalt millings in that area?

22 A. No. Me personally, no. I can't
23 recall, no.

24 Q. Do you have any video
25 surveillance cameras on your property?

1 BONGO

2 A. Yes, I do.

3 Q. What direction do they point in?

4 A. I guess they point in all
5 directions. I don't know when they were
6 installed. But they -- yeah, they kind of
7 cover everything.

8 Q. Were they installed back in
9 2015, do you know?

10 A. I believe not. A long time ago.
11 Seven years ago. Yeah, I don't know. I
12 don't know. I don't recall.

13 Q. Do you rent any property on East
14 Street?

15 A. Yes, I do.

16 Q. Is that the lot that's directly
17 adjacent to my client's property?

18 A. Yes, it is.

19 MS. ZALANTIS: I'm going to mark
20 this as Bongo 2. I will forward these
21 exhibit to everybody.

22 (Bongo Exhibit 2 was marked for
23 identification, as of this date.)

24 Q. Do you recognize what's depicted
25 in Bongo 2?

1 BONGO

2 A. Do I?

3 Q. Yes.

4 A. Yes, that's my equipment and my
5 pile of stuff there.

6 Q. When you say your pile of stuff,
7 what is that pile of stuff?

8 A. That's the stuff we clean out
9 the end of the night, probably asphalt or
10 something in the truck. And the next
11 morning we load it back on the truck and
12 take it out.

13 Q. Who do you rent this property
14 from?

15 A. Jennifer Allen.

16 Q. How long have you rented this
17 property from Ms. Allen?

18 A. Maybe three years.

19 Q. As part of your restoration
20 projects that you do, do you ever use any
21 kind of landscaping materials?

22 A. Meaning?

23 Q. Well, you mentioned earlier that
24 you do landscaping as part of your
25 restoration work.

1 BONGO

2 A. Top soil.

3 Q. Would you ever use anything
4 other than top soil?

5 A. No, not that I'm aware of. No.

6 Q. Would you put sod in or --

7 A. Very, very rarely. Mostly top
8 soil and grass seed. Very rarely you get
9 a lawn that requires sod. They'd have to
10 find it and put it down.

11 Q. Mostly top soil and grass seed?

12 A. Correct.

13 Q. Would you ever have an occasion
14 to use wood chips?

15 A. Not really. I mean, if it's one
16 out of thirty years or two out of thirty
17 years, that would be the most of it.

18 MS. ZALANTIS: If you can give
19 me five minutes, please, maybe even
20 less. Thank you.

21 (At this time, a recess was
22 taken.)

23 MS. ZALANTIS: I have nothing
24 further. Please just mark Bongo 3.

25 (Bongo Exhibit 3 was marked for

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BONGO

identification, as of this date.)

THE WITNESS: Can I go?

MR. MEISELS: Yes, thank you.

THE COURT REPORTER: Ms.

Zalantis, are you ordering a copy?

MS. ZALANTIS: Yes.

(Time Noted: 3:30 p.m.)

PATRICK BONGO

Subscribed and sworn to before me

this ____ day of _____, 20____.

NOTARY PUBLIC

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T I O N

I, BARBARA TORTORA, a Shorthand Reporter and a Notary Public, do hereby certify that the foregoing witness, PATRICK BONGO, was duly sworn on the date indicated, and that the foregoing is a true and accurate transcription of my stenographic notes.

I further certify that I am not employed by nor related to any party to this action.

BARBARA TORTORA

1

2

I N D E X

3

WITNESS	EXAMINATION BY	PAGE
---------	----------------	------

4

P. Bongo	Mr. Meisels	4
----------	-------------	---

5

	Ms. Zalantis	41
--	--------------	----

6

7

E X H I B I T S

8

BONGO

9

EXHIBIT	DESCRIPTION	PAGE
---------	-------------	------

10

Exhibit 1	Subpoena	4
-----------	----------	---

11

Exhibit 2	Photo	54
-----------	-------	----

12

Exhibit 3	Photo	56
-----------	-------	----

13

14

15

16

17

18

19

20

21

22

23

24

25

[& - belongs]

Page 1

&	3	aggregate 52:10	automobiles 17:5
& 1:10,11 2:5,15 16:19 51:9	3 56:24,25 59:12	ago 43:10 51:23 54:10,11	17:7 29:21,24 30:18,22
0	305 2:17	agreed 3:2,17 4:4	avenue 2:7 4:19
0409 48:24	3116 3:25	agreeing 41:18	11:9 23:10,21 34:12,14 43:24
1	3117 3:25	al 60:2	aware 25:25 50:23 56:5
1 4:7 59:10	3908 58:21	allen 55:15,17	b
100 14:2 16:22	3:30 57:8	angle 19:5,12 21:15	b 4:9 59:7
17:3 18:13,23	3a 12:24 29:20 31:2,2 49:9	answer 9:10	back 5:4,7,11 6:22 7:18 8:13,14 9:19 10:10 11:4,24 12:13 25:8,23 28:4 29:5,23 36:12 39:9 48:14 48:18 52:2,6,9,11 54:8 55:11
19:11 21:8,23	4	anybody 13:4,17 14:9 53:8	backhoes 8:21 9:11
23:2 27:17 30:5	4 59:4,10	apologize 31:3	bar 3:14
30:10 34:2 44:11 47:9	41 59:5	appear 22:21 41:18 47:24 48:15	barbara 1:22 4:10 58:6,22
10591 2:18	5	appears 27:20 37:16	basically 45:12,20 50:25 51:20 52:3
10604 2:8	5/17/2021 60:2	appearing 4:21	basing 37:22
10803 4:20	54 59:11	appears 27:20 37:16	beginning 43:12
1133 2:7	54190/2016 1:4	april 10:4,6,8 51:19	begun 3:22
120 2:17	56 59:12	area 13:23,24 16:7 16:24 17:12 19:8 19:10,11,17 27:13 29:16 31:6 32:12 32:12,18,20,24 33:3 37:15 42:16 42:19,21,23 43:3 44:5,5,6,13,14,14 44:16,21,25 45:9 45:11,20,24 46:2,6 47:5,7,10 49:15 52:19,22 53:2,13 53:16,21	believe 10:12 21:3 21:5 22:18 24:17 25:12 33:15 35:17 36:2 42:9,13 43:11 44:8,9,19 47:2 51:17 54:10
120 2:17	5th 23:10,21 34:12 34:14	ashland 36:3	belong 15:5,8,19 22:21 25:4,6,8 33:13
13 12:11 17:25	7	asphalt 9:7 29:4 50:4 52:10 53:21 55:9	belonged 15:21 25:11
15th 10:4,4,6,6,7,8 51:19	76 4:19	attended 41:5	belongs 16:15 30:12
17 1:16	8	attention 5:4	
1:29 23:12	80s 5:20 7:7	attorneys 2:6,16	
1:59 1:17	9		
2	95 43:25		
2 54:20,22,25 59:11	a		
20 57:15 60:23	a.k.a. 1:10		
2015 5:5,7,11 6:22 8:14 9:19 10:10 11:4,25 12:13 25:8,24 29:5,23 39:10 54:9	able 19:16 33:11 47:4		
2021 1:16	accurate 58:11		
209 34:3	action 3:16 41:17 58:15		
221 3:5	addition 3:11		
2525 11:9	additional 35:11		
2:58 39:2	address 4:18 11:8		
	adjacent 54:17		
	admit 21:21		

[best - cutting]

Page 2

best 5:3 24:5 better 33:24 bit 19:12 black 22:24 24:13 24:24 36:14,24 37:13,18,19,24 42:16,20,24 43:3 44:7,16 45:2,9,24 47:8 52:20 53:14 53:17 blacktop 7:15 8:10 45:16 block 34:5,5 blurry 35:19 48:2 bongo 1:20 4:7,16 5:1 6:1,3 7:1 8:1 9:1 10:1 11:1 12:1 13:1,3 14:1 15:1 16:1 17:1 18:1,2 19:1 20:1 21:1 22:1 23:1,14 24:1 24:22 25:1 26:1 27:1,24 28:1 29:1 30:1,24 31:1 32:1 33:1 34:1 35:1 36:1 37:1 38:1 39:1,6 40:1 41:1 42:1 43:1 44:1 45:1 46:1 47:1 48:1 49:1 50:1 51:1 52:1 53:1 54:1,20,22,25 55:1 56:1,24,25 57:1,12 58:9 59:4,8 60:3 60:21 booth 21:17,18,21 21:21 38:12 break 17:18 38:23 bridge 43:24 brief 4:24	bring 7:18 building 11:13,14 35:25 36:6 38:13 business 5:22 6:7 6:17 9:23,24 11:15,23 14:21 17:13 19:21 26:19 26:22,24 30:12,15 33:13 39:9,22 40:17 41:6 43:20 46:11 47:25 49:5 51:19 businesses 25:23 39:21 40:22 <hr/> c c 2:2 4:9 31:3,4,16 31:24 58:2,2 c.p.l.r. 3:5 4:2 cab 24:25 call 5:4 28:24 38:12 called 11:9 28:25 cameras 48:4 53:25 car 22:8 31:20 36:17,19,23 42:6 42:11,15,19 43:7 45:10 47:13 53:18 carino 25:16,20,22 26:3,6,13,20 cars 10:11 15:2,4 15:10 27:4 30:7 case 8:21 60:2 cassina 38:13 cement 35:19,22 certain 16:4 30:4 40:11 certified 1:23 certify 58:8,13 chain 20:23,25 21:16 22:24 23:7	24:13 36:24 53:9 chance 36:20 change 60:4 changed 19:5,12 check 38:12 chips 14:21 19:22 22:7 37:16 53:13 56:14 city 1:6 41:7 46:7 49:17,20 51:14 60:2 clean 51:15,16 55:8 clear 17:2 34:6 clearly 5:2 clicked 5:10 client 52:21 client's 54:17 close 21:9 college 12:6 colored 23:24 28:23 come 11:7 32:22 46:13,14 51:22 52:2,6 coming 12:15 commission 60:25 companies 6:25 company 7:15 20:18,19 50:14 compared 32:20 complete 41:12 completely 50:7 concern 39:23 concerning 11:3 40:23 41:7 concrete 7:15 8:11 9:8 condition 40:13 45:10 49:12 52:8	conduct 3:6 conservation 20:17 construction 7:9 8:22,22 9:2,3,5,6 11:25 28:23 43:14 43:17,19,23 44:4 44:21,22,25 continued 10:20 46:8 contracting 5:24 contractor 43:19 43:21 contractors 49:15 control 33:14 controlled 4:2 copy 57:6 corner 34:11,13 35:15,17 36:3 corp 5:25 correct 5:25 6:2,6 6:21 7:22 8:13 11:2 16:9 21:13 21:14 22:4,23 32:5 33:8 37:21 42:17 43:4,5,8 44:17 46:2 49:10 51:5,6 56:12 counsel 3:3,24 county 1:3 couple 6:4 court 1:2 57:5 cover 35:9 54:7 covered 45:15 create 12:2 creating 8:5 currently 44:15 cut 7:20,21,23 cutting 52:17,21 52:25 53:7,9
---	--	--	--

[d - flowers]

Page 3

<p>d</p> <p>d 59:2</p> <p>d0409 49:8</p> <p>damages 7:14</p> <p>date 4:8 54:23 57:2 58:9 60:2</p> <p>daughter's 12:5</p> <p>day 10:11 12:5,7,8 57:15 60:23</p> <p>days 52:3</p> <p>december 10:4,6,7</p> <p>deemed 3:24</p> <p>defendant's 31:3,4 31:24 42:10 48:24</p> <p>defendants 1:13 2:16 41:17</p> <p>depending 10:3 51:25</p> <p>depicted 13:19 14:18 15:23 16:21 17:11 18:12 19:6 19:17,24 20:4,7,11 20:13 22:11 23:17 24:12 27:25 28:16 29:11,14 31:17 54:24</p> <p>depicts 14:15 16:3</p> <p>deponent 60:3</p> <p>deposition 1:19 41:19 60:2</p> <p>depositions 3:6</p> <p>depth 34:6</p> <p>description 59:9</p> <p>dicker 2:5</p> <p>difference 32:19</p> <p>direction 54:3</p> <p>directions 54:5</p> <p>directly 54:16</p> <p>dirt 27:13</p> <p>discussion 40:21</p>	<p>doing 6:23 7:2,16 26:11 49:21</p> <p>door 16:16,17</p> <p>dropped 52:4</p> <p>duly 4:10 58:9</p> <p>dumped 49:24</p> <p style="text-align: center;">e</p> <p>e 2:2,2 58:2 59:2,7 55:23</p> <p>earlier 52:14</p> <p>early 5:20 7:7</p> <p>east 5:8,12 6:17 11:4,5 12:2 17:12 22:3,4,4 23:4 24:18 25:23 26:7 26:14,23 28:5 31:9 32:4,7 33:6 33:12 34:11,14,20 35:3 36:3,15 37:15,20 38:21 39:8,9,11,18,25 40:4,8,18,22 41:6 41:8 42:13 49:12 49:18,21 50:14,16 50:20 51:4,16 52:8 54:13</p> <p>edelman 2:4</p> <p>either 41:5</p> <p>elser 2:4</p> <p>employed 20:19 58:14</p> <p>employees 9:20 10:11 15:8,13 30:18,21 45:25 49:3 50:13 52:25 53:12,20</p> <p>enclosed 42:16,20 42:23 44:6,16 45:2,24 47:8 52:19 53:13,17</p>	<p>energy 20:17</p> <p>enterprise 26:3</p> <p>enterprises 40:17</p> <p>entire 9:21</p> <p>entirety 50:10</p> <p>entities 45:22</p> <p>entity 30:12</p> <p>equipment 8:15 8:17,19,23 9:2,3,5 9:7,14,17 11:19 28:22 55:4</p> <p>erected 37:4 38:6</p> <p>erection 45:8</p> <p>errata 60:1</p> <p>esq 2:9,11,19</p> <p>et 60:2</p> <p>event 4:24</p> <p>everybody 54:21</p> <p>exact 21:7</p> <p>examination 3:10 3:13,18,21,23 4:5 4:13 41:14 59:3</p> <p>examined 3:19 4:12</p> <p>example 23:23</p> <p>excavation 8:5,10 8:11,12</p> <p>excuse 29:13</p> <p>exhibit 4:7 12:22 12:24 14:7,25 16:12 17:25 23:5 29:20 31:2,15,16 31:24 33:10 35:5 35:12,24 36:9,9 38:9,17 47:12 48:15 49:9 54:21 54:22 56:25 59:9 59:10,11,12</p> <p>exhibits 31:2</p> <p>exit 23:20</p>	<p>exiting 23:10</p> <p>expires 60:25</p> <p>explain 7:8,12 8:24</p> <p>explaining 7:11</p> <p>explanatory 9:8</p> <p style="text-align: center;">f</p> <p>f 1:10 51:8 58:2</p> <p>facing 32:7</p> <p>failure 3:11,22</p> <p>fair 33:5 34:8</p> <p>familiar 6:10 26:2 50:19,22</p> <p>far 6:16 19:9 31:8 31:8 49:25</p> <p>fee 10:19 46:7</p> <p>fence 20:23 21:2 21:16 22:25 23:7 23:8 24:14,16,17 36:14,25 37:4,8,13 37:14,18,19,25 38:6 42:16,20,24 43:3 44:7,16 45:2 45:9,24 47:8 52:20 53:14,17</p> <p>fifteen 6:15,15 9:22</p> <p>fifty 21:9 34:2</p> <p>filing 4:4</p> <p>find 56:10</p> <p>finish 38:24</p> <p>first 4:9</p> <p>firstly 14:11</p> <p>five 38:23 39:3 51:25 56:19</p> <p>flavio 1:9,9 2:23 6:10 16:19 18:7</p> <p>flavio's 23:9 24:9 24:10</p> <p>flowers 6:8,9,20 11:2 21:12,13,18</p>
--	---	---	---

[flowers - koke]

Page 4

<p>33:7 36:13,15 37:23 38:2,15 fmlr 1:11 follows 4:12 foregoing 58:8,10 form 3:8 forth 4:22 forty 33:16,16,17 33:17,18,18,22,22 34:4,5,19,19 forward 54:20 four 13:23 33:16 33:18,22 34:4,19 51:25 frame 18:4 19:3 20:7 22:10 23:5 23:12,14 24:11,23 27:2,25 28:16 44:4 freezing 52:4 front 14:4 18:22 34:2,17 37:8 46:10 47:25 48:17 full 4:15 further 3:17 4:3 56:24 58:13</p>	<p>glasses 33:20 go 7:18,21 10:18 12:21 35:16 36:11 57:3 god 5:19 6:14 goes 18:22 going 4:23 5:4 6:22 10:13 12:9 12:23 17:16,24 18:2 29:17 35:4 35:10 36:8,11 38:8 42:18 46:15 47:11 48:14 54:19 good 32:16 44:10 grade 32:21 grader 7:11 graduation 12:6 grass 56:8,11 gravel 45:16 gray 23:7 green 16:7 23:24 grew 51:22 ground 37:16 group 51:2 guard 21:17,18,20 guess 16:19 21:21 28:25 38:14 54:4 guglielmo 11:12 51:2,9 guys 53:3</p>	<p>head 34:22 heard 12:4 43:13 held 1:22 help 33:25 helpful 12:22 23:13 hereto 3:4 hold 42:3 home 4:17 house 28:3,7 hum 47:3</p>	<p>indicating 33:23 inside 24:6 48:7 installed 54:6,8 interstate 43:25</p>
			j
			<p>jennifer 55:15 joe 11:12 38:13 judge 25:15</p>
			k
		i	<p>k 4:9 kathy 2:19 41:16 keep 11:19 39:2 kind 6:23 7:3,5 8:14,17,19 9:5,13 9:17,18 14:4 15:12,17 54:6 55:21 know 6:14,16 11:17,22,23 13:13 13:15,24 15:4,7,13 15:21 16:15 17:10 20:18 25:11 26:16 26:22 27:15,16 28:7 30:8,11,14,15 30:17,19,20 33:2,6 33:15,20,21 36:5 37:7,7,11,25 38:3 38:4,7 39:15,17,24 40:2,4,7,12,24,25 43:18 45:21 46:12 48:19,21 49:2,14 49:15,16 50:16 51:24 53:10 54:5 54:9,11,12 knowing 46:4 knowledge 24:5 37:10 43:16 50:11 known 6:13 koke 2:11</p>
g			
<p>g 4:9 garbage 49:23 garden 12:7 gate 11:7 35:17,22 36:13 46:14 48:7 48:12 49:4 52:6 generally 49:3 gentleman 19:24 25:13 getting 21:8 gg 36:9 42:10 give 48:25 56:18 given 8:3</p>	<p>h 59:7 hand 23:16,17,19 23:22 24:13,23 31:8 35:15,17,21 hands 12:17 happen 33:2 happened 12:13 happens 23:12 hay 45:15</p>	<p>idea 11:6,22 15:15 16:6 25:19 32:25 identification 4:8 12:24 31:24 33:11 35:6 54:23 57:2 identified 34:10 39:7 41:24 42:10 identify 11:8,11 13:3,16,20 14:7,14 14:25 17:6 18:3 18:11 19:2,6,13,16 19:25 20:3,6,10,13 22:11,24 23:8,16 24:2,16,19 25:3 27:4,7,22,24 28:9 28:12,15,19 29:20 31:4,11,25 33:11 35:6,13,25 36:10 36:19 38:10,18 47:4 ii 33:10 include 8:4 includes 9:2 including 3:7 inconvenienced 52:12 index 1:4 indicated 58:10</p>	

[la - occasion]

Page 5

<p>l</p> <p>la 1:9,9,10 2:23,24 6:11 11:18,19 16:19 18:7,8 22:21 24:7 50:12 51:8 52:21,25 53:11,20 60:2</p> <p>landscaping 7:16 55:21,24</p> <p>larocca 1:10</p> <p>law 25:19</p> <p>lawn 56:9</p> <p>leave 41:12</p> <p>left 20:22 22:7 27:18 31:8 32:3 34:25 35:2 36:23 37:20 42:15,19 45:9 53:18</p> <p>legally 39:19</p> <p>lettering 22:14,17 22:20 25:14</p> <p>life 9:22</p> <p>lights 27:20,22</p> <p>line 60:4</p> <p>lines 7:17</p> <p>link 20:23 21:2,16 22:25 23:7 24:14 36:24</p> <p>little 15:18 28:4 35:19 48:2</p> <p>llc 1:12 2:15 51:2</p> <p>llp 2:5</p> <p>load 55:11</p> <p>loader 15:18</p> <p>loading 12:20</p> <p>located 5:8,12 6:7 6:7,19 24:6 25:23 34:11,13 40:22</p> <p>location 8:3 15:14 30:21</p>	<p>lock 52:5</p> <p>logo 16:17,18 51:8</p> <p>long 5:17 6:13 7:5 17:2 43:10 54:10 55:16</p> <p>look 14:3 26:17 27:2 34:19 36:23</p> <p>looked 24:10 40:11 45:18</p> <p>looking 16:16,24 18:15 21:6 23:3 23:14 24:11 27:13 28:4,5 32:10 34:9 34:15 35:20 37:13 37:18,23 42:25 51:3</p> <p>looks 13:25 14:4 15:18 16:6 18:17 18:21 21:24 23:9 23:20 24:3,8 31:9 32:4,19 35:8,18,20 36:12,14 37:8 38:11,20 45:12,14 45:17 48:3</p> <p>loose 52:10</p> <p>lot 10:20,22,23 54:16</p> <p>lots 33:12,21 34:18</p> <p style="text-align: center;">m</p> <p>machinery 15:16 15:17</p> <p>mack 8:21</p> <p>madison 12:7</p> <p>maintain 39:11</p> <p>maintained 39:11</p> <p>maintains 39:18</p> <p>maintenance 40:23 41:7 49:21 50:2</p> <p>major 39:23</p>	<p>management 1:11</p> <p>manhole 35:9</p> <p>map 34:9</p> <p>maple 4:19</p> <p>maria 1:9 2:24</p> <p>mark 54:19 56:24</p> <p>marked 4:7 12:10 12:24 17:25 31:16 35:5,12 46:16 54:22 56:25</p> <p>materials 55:21</p> <p>mean 10:23 13:12 13:22,25 16:24 22:3 24:8,9 34:5 34:22 35:8 36:2 39:12 51:20 56:15</p> <p>meaning 55:22</p> <p>means 7:10 27:12</p> <p>meetings 41:5</p> <p>meisels 2:9 4:14 23:11 32:15 38:22 41:11,25 47:2 52:13 57:4 59:4</p> <p>members 50:13</p> <p>memory 44:9</p> <p>men 46:5</p> <p>mentioned 55:23</p> <p>merely 8:5</p> <p>millings 53:21</p> <p>mine 26:25</p> <p>minute 17:18 38:23</p> <p>minutes 39:3 56:19</p> <p>mixer 35:19,22</p> <p>moment 23:15</p> <p>morning 55:11</p> <p>moskowitz 2:4</p> <p>motion 3:14</p> <p>motor 22:12</p>	<p>move 3:9,12 14:6 17:17,20</p> <p>moving 31:14</p> <p style="text-align: center;">n</p> <p>n 2:2 4:9 58:2 59:2</p> <p>name 4:15 11:12 13:12 19:8 41:16</p> <p>necessarily 39:23</p> <p>needed 9:9 52:11</p> <p>never 49:19 50:3,6 53:10</p> <p>new 1:2,6,24 2:8 2:18 4:11,19 5:8 5:12 12:16 20:17 51:15 60:2</p> <p>nice 34:6</p> <p>night 55:9</p> <p>non 1:19</p> <p>notary 1:24 3:20 3:21 4:11 57:20 58:7 60:25</p> <p>noted 18:6 57:8</p> <p>notes 58:12</p> <p>notice 19:20 20:22 26:10,13 27:19 36:22 37:14,19 47:12</p> <p>noticed 22:19 26:9</p> <p>number 12:11 34:6</p> <p style="text-align: center;">o</p> <p>o 4:9,9 58:2</p> <p>object 3:7,11</p> <p>objection 32:14,16</p> <p>observe 52:16</p> <p>observed 49:17,20 50:12 52:20,24 53:11,19</p> <p>occasion 56:13</p>
--	---	--	--

[office - premises]

Page 6

office 11:10 oh 5:19 6:14 okay 5:3,6 14:25 17:21 34:10 old 12:17 once 26:16 49:23 open 47:12 operate 6:17 11:15 opposite 37:15 order 9:16 28:6 ordering 57:6 orders 7:25 8:2,4 original 3:23 4:4 7:18 outside 36:13 48:12 49:4 owned 5:17 29:10 30:9,12,15,18 45:23 owners 41:6 ownership 41:8 owns 11:13 25:18 28:7 33:3 36:5 48:21 50:23 51:2	36:15 37:23 38:2 38:11,15,21 42:12 42:14 43:6 44:6 44:15,19 45:22,23 46:6,8 49:4 parked 10:12 11:3 15:11 30:21 38:5 46:2,10,12,13 47:5 47:25 48:11 51:9 parking 10:15,17 10:20,22,23 12:2 32:23 44:22,24 46:5 part 3:5 33:7 35:12,24 37:25 38:9,14,17 40:18 55:19,24 particular 20:21 36:16 parties 1:21 3:4 party 1:19 58:14 passed 13:14 pat 6:3 patrick 1:20 4:16 57:12 58:9 60:3 60:21 paved 7:20 39:12 40:4 paves 50:16 paving 8:18 30:9 50:14 pay 10:18 paying 10:17 pelham 4:19 people 8:25 13:23 17:8 18:3 19:2,13 20:6 21:22 28:13 28:20 32:23 38:5 40:21 percent 14:2 16:22 16:23 17:3 18:13	18:14,18,19,23 19:11 21:8,9,23 23:2 27:17 30:6 30:10 44:12 47:9 perform 9:9 periodically 51:22 permits 10:13,15 10:17 46:5 persico 43:13,16 43:18,23 44:4 person 11:11 20:16 32:6 personally 30:6 52:23 53:4,22 pete 25:16,22 26:2 26:6,13,19 peter 2:9 phonetic 38:13 photo 59:11,12 photograph 13:4 13:17,20,21 14:8 14:15,18,24 15:24 16:3,12,21 17:6,11 19:7,14,18,25 20:4 20:8,11,14 22:13 24:23 26:5 27:5 27:19 28:10,13,17 29:12,15,19,25 30:25 31:5,12,14 31:18,23 32:2,6,10 32:11,18 35:7,14 35:24 36:10,16,24 38:9,16,19 photographer 32:8 photographs 27:8 29:18 31:16 35:11 39:7 40:10 picked 49:25 picking 49:23	picture 21:10 24:20 27:15 31:9 38:10 42:7,25 47:13,18,19 53:19 pictures 34:15 41:24 47:2 48:9 pile 55:5,6,7 piles 14:21 19:22 22:6 place 17:13 36:4 52:11 53:12,20 plains 2:8,17 plaintiff 1:7 2:6 plaintiff's 12:11 plate 48:25 please 5:2 27:2 56:19,24 plow 39:25 plowed 39:12 plows 39:24 point 10:16 19:21 51:7 54:3,4 portions 50:9 positive 14:5 17:14 30:6 possibility 26:15 26:17 44:11 possible 44:24 45:3,25 46:3,9 49:7,11 possibly 16:25 18:22 35:18 potentially 49:8 potholes 49:18 potter 43:24 premarked 29:19 30:25 31:3,23 33:10 36:9 premises 5:8,12,18 5:21 25:21 40:13
p			
p 2:2,2 4:9 25:20 59:4 p.m. 1:17 57:8 pab 5:24 6:2,23 8:17 30:8 page 42:18 49:9 59:3,9 60:4 paid 10:14 palmer 11:9 park 6:8,9,20 10:11,14,15,20,24 11:2,5 15:14 21:5 21:7,11,12,14,19 21:22,24 23:3 24:18 33:7 34:10 34:21 35:21 36:13			

[present - seasonal]

Page 7

<p>present 2:22 4:17 9:6 presently 27:3 pretty 38:20 previous 45:19 52:5 previously 12:10 12:23 17:25 35:12 41:24 42:9 46:16 prior 43:23 45:8 48:15 probably 9:15,21 55:9 problem 12:20 procedure 12:18 projects 55:20 property 34:18 42:24 50:20,20,24 50:24 51:3,3,5,10 53:25 54:13,17 55:13,17 provided 3:4,25 public 1:24 3:20 3:21 4:11 57:20 58:7 60:25 purchase 46:5 purpose 49:16 purposes 44:21 pursuant 1:21 put 8:13 37:9,10 37:11 56:6,10</p>	<p style="text-align: center;">r</p> <p>r 2:2 4:9 58:2 raised 32:12,18,20 32:23 33:3 rarely 56:7,8 read 34:7 realize 39:21 really 13:22 24:21 56:15 realty 1:11 rear 32:3,7 reason 60:4 reasons 41:9 recall 9:20 11:24 37:3,6 39:10 41:3 41:4 43:22 44:10 44:12,23,23 45:5 45:18 53:23 54:12 receive 8:2 recess 17:22 39:4 56:21 recognize 16:8,17 16:20 17:4 21:10 22:8 25:17,20 27:16 28:3 29:11 29:14 31:17,20 54:24 recollection 12:12 45:6 reconstruction 7:10 record 23:11 red 47:13,14,16,17 47:21,22,24 48:11 48:18,18,21 reference 13:6 22:6,10 refreshes 12:12 regular 8:22 9:2 related 58:14</p>	<p>relax 12:15 relieved 46:7 remember 9:4 10:13 14:22 41:10 43:10 44:3,11 51:11,13 52:13 removed 10:19 rent 54:13 55:13 rented 11:18 55:16 repair 7:17,21 8:6 8:7,7 repaired 8:9 repairing 49:18 repairs 7:24 8:18 8:20 39:12 40:7 repave 50:7 rephrase 5:3 report 11:7 reporter 1:23 57:5 58:7 represent 41:17 requires 56:9 reserved 3:10,15 respect 53:16 respective 1:21 3:3 rest 32:21 restoration 6:24 7:19 9:12 55:19 55:25 restoring 43:24 return 3:23 right 3:7 5:15 13:16 21:15 23:6 23:16,17,19,22 24:13,23 32:11,17 34:23 35:15,17,21 36:13 37:23,24 42:11 43:6 46:10 46:19 51:4 53:7</p>	<p>rights 3:4,25 road 2:17 7:21 8:22 21:25 22:2 25:13,21 50:2,4,7 50:9,9 52:9,11 roadway 6:24 7:10 18:21 rocca 1:9,9,10 2:23,24 6:11 11:19 16:19 18:7 18:8 22:22 50:13 51:9 52:21,25 53:12,20 60:2 rocca's 11:19 24:7 rochelle 1:6 5:9,13 51:15 60:2 roland 2:11 rolled 32:13 roller 9:11 29:2,3 29:4,6,7 roughly 37:6 round 9:23 rules 3:6,25 run 5:21</p>
<p style="text-align: center;">q</p> <p>question 3:8,12 8:16 9:10 16:4 21:23 32:16 39:6 39:20 questioning 41:11 questions 4:22,25 38:24</p>	<p style="text-align: center;">s</p> <p>s 2:2 59:7 60:4 saw 32:23 40:11 53:9,18 says 18:6 20:17 scene 13:19 15:23 16:4,5,20 17:11 18:11 19:17 20:3 20:10,21 27:7,25 28:15 screen 41:20,21 46:16,20,23 screeener 24:4,4,6 season 10:2 seasonal 9:24,25 39:22</p>		

[second - think]

Page 8

second 42:18 see 12:11,14,25 13:2,12,22 14:20 15:10 19:8 21:4 21:16,17 22:15,17 23:23 24:12,22 26:15 30:22 32:12 32:18 33:19 34:20 34:24 35:2 36:17 41:21 42:6,20 46:16,17,20,21,23 47:16,17,18,20,21 47:22 48:11 53:8 seed 56:8,11 seedling 45:15 seeing 47:19 seen 13:9,15 14:17 15:24 16:5 20:25 26:6,18 37:3 41:23 50:3,6 51:8 51:14 53:10 self 9:8 series 46:25 set 51:18 seven 54:11 share 41:20 sharing 47:11 sheet 60:1 shirt 18:7,9 20:16 shorthand 1:23 58:6 show 12:9,23 17:24 27:15 29:17 30:24 35:4,10 36:8 38:8,16 46:15 48:8 showed 47:13 52:14 53:3 showing 16:11 29:18 33:9 35:23 47:10,19 48:17,22	shown 13:4 14:8 15:2 18:3 19:2,13 20:16 22:7,12 23:6,15 24:20 27:3,4,8 28:2,10 28:13,17 29:24 31:5,12,25 35:7,13 36:10 38:18 shows 13:21 shut 10:7 52:4 sic 18:16 side 20:22 21:16 23:6,16,17,19,22 24:13,24 32:11,17 35:21 37:14 signature 58:21 signed 3:18 silverberg 2:15 similarity 18:16 six 34:3 sixty 21:9 34:3 skate 21:5,7,11,22 21:24 23:3 24:18 34:10,21 35:21 38:11,21 42:12,14 43:6 44:6,15,19 snow 39:12,24 sod 56:6,9 soil 8:12 24:4,6 32:20 56:2,4,8,11 somebody 18:6 somewhat 19:5 sons 1:10,11 16:19 51:9 soon 52:3 sorry 46:18,22 sort 39:13 space 11:18 spaces 12:3 speak 4:25	spring 52:7 square 12:7 staging 44:5,21 stand 34:17 standing 13:23 51:4 stands 6:2 state 1:2,24 4:11 steam 9:11 stenographic 58:12 stipulated 3:2,17 4:3 stop 47:11 straight 34:20 streak 52:2 street 5:8,12 6:17 11:4,5 12:2 13:14 17:12 22:3,4,5 23:4 24:18 25:23 26:7,14,23 28:5 31:10 32:4,7 33:6 33:12 34:12,14,20 35:3 36:15 37:15 37:20,22 38:21 39:8,9,11,13,18,25 40:5,8,18,22,23 41:6,8 42:13 49:13,18,22 50:14 50:17,21 51:4,16 54:14 streets 51:15 strike 3:9,12 structure 27:20 stuff 9:15 55:5,6,7 55:8 subpoena 1:21 59:10 subscribed 57:14 60:22	suite 2:17 suits 49:16 supposedly 36:5 53:4 supreme 1:2 sure 14:2 17:2 18:16,17,23 21:24 22:16 31:10 33:16 33:19,22 37:12 40:24 43:20 45:3 47:9 surrounding 50:20,24 surveillance 53:25 sweep 51:15,16 sworn 3:19 4:10 57:14 58:9 60:22
			t
			t 4:9 58:2,2 59:7 take 8:12 17:18 38:23 55:12 taken 1:20 17:23 39:5 56:22 talked 40:25 tarrytown 2:18 tax 33:12 34:9 technically 39:19 tell 5:2 14:9,11 18:8 27:10 telling 13:11 ten 18:18,19 testified 4:12 42:12 testimony 3:9,13 thank 4:21 41:18 56:20 57:4 thing 22:18 32:3 things 39:13 40:25 think 10:16 11:13 11:21 18:19 29:10 30:2,3 35:15 36:2

[think - zalantis]

Page 9

41:12,23 42:11 45:19 46:6 51:24 third 7:11 14:24 27:18 thirty 56:16,16 three 17:18 33:16 33:18,22 34:5,19 55:18 time 4:22 9:4,6,9 10:6 17:3,22 19:21 26:14,14 32:22 38:5 39:4 42:4 43:21 44:3 44:13 46:22 51:7 54:10 56:21 57:8 title 33:3 today 7:3 9:14 39:17 52:14 top 8:12 21:13 24:4,6 32:20 35:14 56:2,4,7,11 tortora 1:23 4:10 58:6,22 trade 28:24 transcription 58:11 trees 27:14 52:17 52:22 53:2,7,9 trial 3:15 truck 13:6,7,9,12 13:14 16:13 19:9 22:15,19 24:24 25:4,17,18,18,20 47:14,16,17,21,22 47:24 48:3,5,6,7 48:11,16,18,20,22 49:8,9 51:8 55:10 55:11 trucks 8:21 9:11 22:21 26:6,9,14 48:19	true 43:9 58:11 try 4:23 17:16,18 39:2 turn 34:22,24 35:2 twenty 6:15 9:22 twice 49:24 two 33:17 56:16 type 24:3	want 38:12 41:20 49:14 warm 52:2 warmer 51:22 way 13:11 46:4 weather 10:3 51:21 52:4 went 10:18 42:2 46:25 westchester 1:3 2:7 whatsoever 49:21 white 2:8,17 18:7 18:8 24:24 36:17 36:23 42:6,11,15 42:19 43:7 45:10 53:18 wide 33:20,21 width 34:7 wilson 2:4 winter 51:23 52:9 winters 51:21 withdraw 32:15 witness 1:20 3:19 57:3 58:8 59:3 wood 14:21 19:22 22:7 37:16 53:12 56:14 words 7:13 10:5 work 6:23 7:3,6,10 7:25 8:2 9:7,8,10 11:7,25 17:17,19 40:11,14 46:13 55:25 worker 44:25 working 10:5 writing 25:17 written 25:19	x x 1:5,14 35:5,12 59:2,7
	u		y yard 23:9 24:7,9 24:10 48:10 yeah 6:4 13:2 15:12 26:15 27:13 27:21 30:5,15 43:9 50:25 51:20 53:8 54:6,11 year 9:23 10:19 years 6:15,15 10:18 41:2 43:22 51:23,25 52:5 54:11 55:18 56:16 56:17 yellow 13:7 16:12 28:23 yep 48:10 york 1:2,25 2:8,18 4:11,20 20:17
	um 47:3 understand 4:25 7:9 8:16,25 10:9 39:8 understanding 40:16 uniform 3:5 use 8:15,19 55:20 56:3,14 utility 6:25 7:14		
	v		
	various 39:7,21 40:10 vehicles 22:12 24:20 28:10 31:12 44:22,25 45:23 47:5 veritext 1:22 video 12:9,21 17:17,19 18:4,12 19:3 23:15,18,20 24:12 27:3 52:14 52:17 53:6,24 virtual 1:22 vs 60:2		
	w		
	waiting 12:19 waived 4:6 waiver 3:14,24 walk 36:11		z zalantis 2:15,19 32:14 38:25 41:13 41:15,16 54:19 56:18,23 57:6,7 59:5

New York Code

Civil Practice Law and Rules

Article 31 Disclosure, Section 3116

(a) Signing. The deposition shall be submitted to the witness for examination and shall be read to or by him or her, and any changes in form or substance which the witness desires to make shall be entered at the end of the deposition with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness before any officer authorized to administer an oath. If the witness fails to sign and return the deposition within sixty days, it may be used as fully as though signed. No changes to the transcript may be made by the witness more than sixty days after submission to the witness for examination.

DISCLAIMER: THE FOREGOING CIVIL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY. THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE STATE RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

Veritext Legal Solutions complies with all federal and State regulations with respect to the provision of court reporting services, and maintains its neutrality and independence regardless of relationship or the financial outcome of any litigation. Veritext requires adherence to the foregoing professional and ethical standards from all of its subcontractors in their independent contractor agreements.

Inquiries about Veritext Legal Solutions' confidentiality and security policies and practices should be directed to Veritext's Client Services Associates indicated on the cover of this document or at www.veritext.com.