

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ADRIAN SCHOOLCRAFT,

Plaintiff,

-against-

**DECLARATION OF  
SUZANNA PUBLICKER  
METTHAM**

10-CV-6005 (RWS)

THE CITY OF NEW YORK, DEPUTY CHIEF MICHAEL MARINO, Tax Id. 873220, Individually and in his Official Capacity, ASSISTANT CHIEF PATROL BOROUGH BROOKLYN NORTH GERALD NELSON, Tax Id. 912370, Individually and in his Official Capacity, DEPUTY INSPECTOR STEVEN MAURIELLO, Tax Id. 895117, Individually and in his Official Capacity, CAPTAIN THEODORE LAUTERBORN, Tax Id. 897840, Individually and in his Official Capacity, LIEUTENANT JOSEPH GOUGH, Tax Id. 919124, Individually and in his Official Capacity, SGT. FREDERICK SAWYER, Shield No. 2576, Individually and in his Official Capacity, SERGEANT KURT DUNCAN, Shield No. 2483, Individually and in his Official Capacity, LIEUTENANT CHRISTOPHER BROSCART, Tax Id. 915354, Individually and in his Official Capacity, LT. TIMOTHY CAUGHEY, Tax Id. No. 885374, Individually and in his Official Capacity, SERGEANT SHANTEL JAMES, Shield No. 3004, Individually and in her Official Capacity, SERGEANT RICHARD WALL, Shield No. 3099, Individually and in his Official Capacity, SERGEANT ROBERT W. O'HARE, Tax Id. 916960, Individually and in his Official Capacity, SERGEANT SONDRRA WILSON, Shield No. 5172, Individually and in her Official Capacity, LIEUTENANT THOMAS HANLEY, Tax Id. 879761, Individually and in his Official Capacity, CAPTAIN TIMOTHY TRAINOR Tax Id. 899922, Individually and in his Official Capacity, and P.O.'s "JOHN DOE" #1-50, Individually and in their Official Capacity (the name John Doe being fictitious, as the true names are presently unknown) (collectively referred to as "City Defendants"), FDNY LIEUTENANT ELISE HANLON, individually and in her official capacity as a lieutenant with the New York City Fire Department, JAMAICA HOSPITAL MEDICAL CENTER, DR. ISAK ISAKOV, Individually and in his Official Capacity, DR. LILIAN ALDANA-BERNIER, Individually and in his Official Capacity and JAMAICA HOSPITAL MEDICAL CENTER EMPLOYEE'S "JOHN DOE" # 1-50, Individually and in their Official Capacity (the name John Doe being fictitious, as the true names are presently unknown),

Defendants.

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**SUZANNA PUBLICKER METTHAM**, declares pursuant to 28 U.S.C. § 1746, under penalty of perjury, that the following is true and correct:

1. I am a Senior Counsel in the office of Zachary W. Carter, Corporation Counsel of the City of New York, attorney for defendants the City of New York, Deputy Chief Michael Marino, Assistant Chief Gerald Nelson, Captain Theodore Lauterborn, Lieutenant William Gough, Sergeant Frederick Sawyer, Sergeant Kurt Duncan, Lieutenant Christopher Broschart, Lieutenant Timothy Caughey, Lieutenant Shantel James, Sergeant Richard Wall, Sergeant Robert W. O'Hare, Sergeant Sondra Wilson, Lieutenant Thomas Hanley, Captain Timothy Trainor, and FDNY Lieutenant Elise Hanlon (collectively "City Defendants"). As such, I am familiar with the facts stated below and submit this declaration to place on the record the relevant documents in support of said City Defendants' Opposition to Plaintiff's Motion to Amend the Complaint a Third Time.

1. Attached as Exhibit "A" is a true and accurate copy of plaintiff Adrian Schoolcraft's Complaint in the instant action, dated August 10, 2010. (Docket Entry No. 1.) Plaintiff's Complaint references Rafael Mascol and Steven Weiss by name multiple times. Neither Mascol nor Weiss are listed in the caption as defendants.

2. Attached as Exhibit "B" is a true and accurate copy of plaintiff Adrian Schoolcraft's First Amended Complaint dated September 13, 2010. (Docket Entry No. 21.) Plaintiff's First Amended Complaint references Rafael Mascol and Steven Weiss by name multiple times. Neither Mascol nor Weiss are listed in the caption as defendants.


3. Attached as Exhibit "C" is a true and accurate copy of Plaintiff's four Notices of Claim dated January 27, 2010. The Notices of Claim do not mention Rafael Mascol or Steven Weiss by name.

4. Attached as Exhibit "D" is a true and accurate copy of the Civil Docket Sheet in this matter, as retrieved from the PACER system on December 17, 2014. Rafael Mascol and Steven Weiss are not listed as defendants in the Civil Docket Sheet. The Civil Docket Sheet does not indicate that any summonses were issued to or returned executed on Mascol or Weiss.

5. Attached as Exhibit "E" is a true and accurate copy of the Plaintiff's Letter to the Court dated December 9, 2014. In his letter, plaintiff indicates that Rafael Mascol and Steven Weiss "are not 'new defendants' -- they were expressly identified as defendants in the Second Amended Complaint."

Dated: New York, New York  
December 18, 2014

ZACHARY W. CARTER  
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City of New York  
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By:   
Suzanna Publicker Mettham  
Senior Counsel  
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SCOPPETTA SEIFF KRETZ & ABERCROMBIE  
*Attorney for Defendant Mauriello*

Docket No 10-CV-6005 (RWS)

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Plaintiff,  
  
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THE CITY OF NEW YORK, et al.,  
  
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**DECLARATION OF  
SUZANNA PUBLICKER METTHAM**

**ZACHARY W. CARTER**  
*Corporation Counsel of the City of New York  
Attorney for City Defendants  
100 Church Street, Room 3-200  
New York, New York 10007*  
  
*Of Counsel: Suzanna Publicker Mettham  
Tel: (212) 356-2372*

*Due and timely service is hereby admitted.*  
  
*New York, N.Y....., 2014*  
  
*..... Esq.*  
  
*Attorney for.....*