

MARTIN CLEARWATER & BELL LLP

COUNSELORS AT LAW

220 EAST 42ND STREET, NEW YORK, NY 10017-5842
TELEPHONE (212) 697-3122 FACSIMILE (212) 949-7054
www.mcblaw.comGREGORY J. RADOMISLI
PARTNERDIRECT DIAL: (212) 916-0923
E-MAIL: radomg@mcblaw.com

Schoolcraft v. The City Of New York et al

March 28, 2013

Doc. 148 Att. 1

BY FAX (212-805-0124)Hon. Robert W. Sweet
United States District Judge
Daniel Patrick Moynihan
United States Court House
500 Pearl Street
New York, New York 10007-1312Re: **Schoolcraft v. Jamaica Hospital Medical Center**
Civil Action No. 10 CV 6005 (RWS)
MCB File No. 667-82153

Dear Judge Sweet:

We represent the defendant Jamaica Hospital Medical Center ("JHMC") in the above-referenced matter. This letter is written on behalf of our client, as well as on behalf of codefendants Lilian Aldana-Bernier, M.D. and Isak Isakov, M.D., whose attorneys have had input into the content of this letter.

This letter is to respectfully request that at the motion conference scheduled for April 10, 2013, the Court order plaintiff's counsel to curtail the media blitz that has started since plaintiff's former counsel, Jon Norinsberg, was replaced by his current attorneys.

On November 12, 2012, an article was published on the *Huffington Post New York* website. The reporter noted that Norinsberg "has handled the case in the traditional legal manner—through the courts, a process that can take years, even decades to resolve." Apparently, the "traditional manner" was not sufficient. According to the article, the plaintiff's father, Larry Schoolcraft, said that he and his son replaced Norinsberg because they "want [ed] a more media-driven, public airing" than what was occurring (Exhibit "A").¹

¹ http://www.huffingtonpost.com/len-levitt/the-schoolcraft-dilemma_b_2117004.html

GTR/ls
2013795_1.DOCWESTCHESTER COUNTY OFFICE
235 MAIN STREET
WHITE PLAINS, NY 10601
TELEPHONE (914) 328-2999
FACSIMILE (914) 328-4056NASSAU COUNTY OFFICE
90 MERRICK AVENUE
EAST MEADOW, NY 11554-1876
TELEPHONE (516) 222-8500
FACSIMILE (516) 222-8510NEW JERSEY OFFICE
744 BROAD STREET
NEWARK, NJ 07102
TELEPHONE (973) 735-0970
FACSIMILE (973) 735-0584

March 28, 2013

Page 2

Since then, an abundance of press releases have inundated local media outlets. The *Village Voice* published an article on March 1, 2013 entitled “Lawyers for Whistleblower Cop Slap Queens District Attorney Richard Brown With a Subpoena” (Codefendant’s counsel previously provided the Court with a copy of this article). As counsel for the City has previously pointed out, defense counsel learned for the first time that plaintiff’s counsel had served the subpoena on the Queens DA as a result of having read the article.

On March 13, 2013, the *New York Daily News* published an article entitled “Cop Details His Psych Unit Hell” in which the plaintiff and his current attorneys were quoted at length regarding their version of events in this matter (Exhibit “B”). In addition, it appears that the plaintiff and/or his attorneys have created or used a Twitter account and an on-line Blog to increase the case’s on-line presence and amass “support” (excerpts attached as Exhibits “C” and “D”).² Significantly, as indicated in the “Blog archive” on the right side of the printout, there was only 1 post in all of 2012, whereas there have already been 5 posts in the past three months. The Blog also contains links to audio recordings that constitute evidence in this action.

These articles and internet mechanisms demonstrate that the plaintiff and his attorneys are affirmatively seeking out the press in an effort to prosecute their case— just as Mr. Schoolcraft said he would. This media blitz is highly prejudicial and patently improper. This matter is to be tried in the courtroom, not in the court of public opinion while discovery is ongoing. Simply put, the plaintiff is tainting the jury pool.

Moreover, plaintiff’s media campaign taints the jury pool in various other trials in which any of the defendants may be currently, or will be, involved. The potential pool of jurors tainted by the plaintiff’s public airing of this matter is immeasurable. Lastly, plaintiff’s counsel still owes defendants significant discovery, and this begs the question as to why plaintiff and his attorneys have had the time to engage in publicity stunts, but do not have time to respond to defendants’ discovery demands.

It should also be noted that Rule 3.6 of the New York Rules of Professional Conduct provides, in pertinent part, as follows:

- (a) A lawyer who is participating in or has participated in a criminal or civil matter shall not make an extrajudicial statement that the lawyer knows or reasonably should know will be disseminated by means of public communication and will have a substantial likelihood of materially prejudicing an adjudicative proceeding in the matter.
- (b) A statement ordinarily is likely to prejudice materially an adjudicative proceeding when it refers to a civil matter triable to a

² <http://www.adrianschoolcraftsupport.blogspot.com>. The first entry in the Blog was written after the plaintiff replaced his attorneys.

March 28, 2013
Page 3

jury, a criminal matter or any other proceeding that could result in incarceration, and the statement relates to:

(1) the character, credibility, reputation or criminal record of a party, suspect in a criminal investigation or witness, or the identity of a witness or the expected testimony of a party or witness;

(3) the performance or results of any examination or test, or the refusal or failure of a person to submit to an examination or test, or the identity or nature of physical evidence expected to be presented;

(5) information the lawyer knows or reasonably should know is likely to be inadmissible as evidence in a trial and would, if disclosed, create a substantial risk of prejudicing an impartial trial; or

It is respectfully requested that plaintiff, the plaintiff's father and his attorneys be prohibited from continuing their attempt to try this matter in the press. While recognizing the media is free to report on the matter as it sees fit, we respectfully seek judicial intervention to prevent the plaintiff and his counsel from speaking to the media regarding this matter until it is resolved. We further respectfully request the plaintiff be forbidden from utilizing the internet and social media to stigmatize the defendants in an effort to prejudice a potential jury.

If plaintiff's counsel cannot amass evidence to support his claims and/or does not have the time to honor his discovery obligations, he should discontinue this case— not divert his resources constructing a prism to distort the public's view of what transpired.

Thank you for your attention to this matter.

Respectfully submitted,

MARTIN CLEARWATER & BELL LLP



Gregory J. Radomisli

March 28, 2013

Page 4

cc: **BY FAX**

Law Office of Nathaniel B. Smith
111 Broadway
New York, New York 10006
Fax: (212) 346-4665

Levine & Gilbert
115 Christopher Street
New York, New York 10014
Attn: Peter Joseph Gleason
Attn: Richard A. Gilbert
Fax: (212) 633-~~1977~~

Callan Koster Brady & Brennan, LLP
One Whitehall Street, 10th Floor
New York, New York 10004
Attn: Meredith Borg, Esq.
Fax: (212) 248-6815

Ivone, Devine & Jensen, LLP
2001 Marcus Avenue, Suite N100
Lake Success, New York 11042
Attn: Brian Lee, Esq.
Fax: (516) 352-4952

Michael A. Cardozo
Corporation Counsel
Law Department of the City of New York
100 Church Street Room 2-124
New York, New York 10007
Attn: Suzanne Publicker, Esq.
Fax: (212) 788-0367

Seiff Kretz & Abercrombie
444 Madison Avenue, 30th Floor
New York, New York 10022
Attn.: Walter Kretz, Esq.
Fax: (212) 371-6883



March 26, 2013

The Schoolcraft Dilemma

Posted: 11/12/2012 11:21 am

Whistle-blower cop Adrian Schoolcraft and his father Larry want to bring the world down. In the process, their supporters fear they are losing focus and hurting themselves.

Last Saturday, Larry Schoolcraft called this reporter to say that Adrian -- who came to prominence after police forcibly took him from his apartment to Jamaica Hospital, where he was held in a psychiatric ward for six days against his will -- has fired the lawyer who has represented Adrian since the hospital incident.

"He doesn't tell us anything. He makes deals behind our backs," Larry Schoolcraft, said of Manhattan attorney Jon Norinsberg, who has filed a \$50 million federal lawsuit for Adrian against the city. "We need a leader. We need an architect."

Norinsberg said: "The father wants us to go after Kelly [Police Commissioner Ray Kelly], Bloomberg [Mayor Michael Bloomberg] the FBI, everyone under the sun. We've had a complete communications breakdown."

"This comes completely out of the blue. Adrian has stayed in my house and we've never had a bad word. Until I hear otherwise from Adrian, I'm still representing him."

Norinsberg added that the Schoolcrafts' behavior has become increasingly bizarre. "They have disappeared three times in the last six months. We literally had to have [Frank] Serpico involved to track them down."

Norinsberg has handled the case in the traditional legal manner -- through the courts, a process that can take years, even decades to resolve.

His lawsuit charges that Adrian's forced hospitalization was NYPD retaliation for his allegations that supervisors at the 81st precinct in Brooklyn, where he worked, ordered cops to downgrade crime statistics from felonies to misdemeanors so that city would appear safer than it actually was.

Hospitalizing him, the suit alleges, was part of an NYPD plan to harass, intimidate him and make him appear unstable to undercut his allegations.

The NYPD subsequently confirmed Adrian's allegations: specifically that commanders in the 81st precinct did doctor crime statistics. The department has transferred and/or brought departmental charges against five 81st precinct supervisors, including the precinct's commanding officer, a deputy inspector.

Meanwhile criminologists John Eterno and Eli Silverman have alleged that downgrading of crimes is not confined to the 81st precinct but is city-wide, an allegation first made by the heads of the heads of the Patrolmen's and Sergeants' unions in 2004.

Amidst a growing furor, Kelly, in January, 2011, announced the appointment of three former federal prosecutors to serve as members of a Crime Reporting Review Committee.

"The integrity of our crime reporting system is of the utmost importance to the Department," Kelly said in a well-publicized news release. "It is essential not only for maintaining the confidence of the people we serve, but reliable crime statistics are necessary for the effective planning and evaluation of crime reduction strategies."

Kelly said the committee would complete its work over the next three to six months.

That was nearly two years ago. The department is yet to release any crime commission statement or report. Nor has Kelly responded to questions about the report or explained the reasons for the delay. Deputy Commissioner Paul Browne did not respond to an email on the matter from NYPD Confidential over the weekend.

Meanwhile, other Schoolcraft allies have expressed concerns that the Schoolcrafts may be alienating the very people they need to hold the police department accountable for their actions against Adrian and the issues his case has raised.

Nobody denies that whistleblowers can be difficult. Anyone who singlehandedly takes on a gigantic organization like the NYPD, as Adrian has, comes under tremendous psychological and emotional pressures.

Father and son have left the city and moved upstate. Larry Schoolcraft said they feared for their safety in New York. They now have no income. They live in a house with four dogs, a cat and an electric heater. People in contact with them say they are sometimes at odds with each other.

Serpico -- who in the early 1970s exposed the department's pervasive and systemic corruption and who since has become an iconic figure and inspiration for people like Adrian -- said in a telephone interview: "The department wants to undermine all that they stand for by painting them as malcontents, nuts, psychos. The danger for Adrian is that his message may be lost and the department let off the hook."

Len Levitt: The Schoolcraft Dilemma

Page 2 of 2

That is exactly the situation Serpico faced 42 years ago. Former *New York Times* city editor Arthur Gelb recently wrote in the *Times* that then Mayor John Lindsay had called the *Times*' publisher, urging the *Times* to ignore Serpico's allegations against the police department and calling him "bizarre." The *Times*' police bureau chief, David Burnham, knew better. The *Times*' reporting of Serpico's claims on its front page led Lindsay to appoint the Knapp Commission on police corruption. As a result, the NYPD's systemic and pervasive corruption was ended. Corruption, of course, still exists, though on a far reduced scale.

Larry Schoolcraft says he and Adrian want a more media-driven, public airing than is now occurring.

Last week Larry called to say that Adrian was preparing to replace Norinsberg with attorneys from the New York Civil Liberties Union. Chris Dunn, the NYCLU's associate legal director declined comment.

Larry Schoolcraft added that he had arranged a meeting with NYCLU attorneys, a reporter from the *Village Voice*, another from the *Times* and the *Times*' general counsel.

A person familiar with that claim said, "Larry tried to set up a meeting like that a month or so ago. Nobody was interested."

EXPLOITING THE DEAD. Leave it to politicians and public officials to plug themselves and their causes, even at a funeral.

Speaking at the funeral of police officer Artur Kasprzak, who was electrocuted in his home while saving his family during Hurricane Sandy, Police Commissioner Kelly stated that Kasprzak had been "fighting terrorism" -- a cause nearest and dearest to Kelly.

For all Kasprzak's virtues, he was a beat cop in the First Precinct, who was fighting street crime, not terrorism.

Meanwhile Mayor Bloomberg, who like Kelly, invited himself to the funeral, said of Kasprzak: "Officers like him are the reason this is the safest big city in America."

That claim is nearest and dearest to Bloomberg. The fact that it is totally and irrevocably false hasn't stopped Mayor Mike from trumpeting it any chance he gets.

Poor Mayor Mike. Hurricane Sandy seems not only to have demoralized but to have unhinged him.

Besides telling President Obama to stay away from New York and making himself appear an insensitive clod over the New York City Marathon, he is now having trouble getting his lines right.

His press office put out, as Bloomberg's "as prepared" remarks, this closing line from his eulogy of Kasprzak: "May God bless Artur Kasprzak and everyone he loved. And may God bless and protect the NYPD."

Either someone switched the words of the speech in front of him or Mayor Mike misread them because what he actually said was: "And may God bless and protect the FDNY."

With editing from Donald Forst

Exhibit B

Cop details his psych unit hell

DAVE MOSE
5/3/13

EXCLUSIVE

VINCOCCO PARASOANDOLA
NEW YORK DAILY NEWS

THE BROOKLYN cop suing the NYPD for locking him in a mental ward when he questioned police procedure says a doctor wouldn't let him leave without police approval.

"I wanted to leave because they had no reason to keep me," Officer Adrian Schockcraft told the Daily News. "The doctor said to me and my father, 'He's not here against his will, but we are waiting to hear from the NYPD.'"

The exchange with Jamaica Hospital psychiatrist Dr. Isak Isakov is expected to be a focus when Schockcraft's \$30 million lawsuit goes to trial later this year.

"This was supposed to be an independent medical examination," said a lawyer for Schockcraft, Peter Gleason. "The doctor is not supposed to make his decisions based on what the Police Department says."

Schockcraft, assigned to the 81st Precinct in Bedford-Stuyvesant, was taken to Jamaica Hospital on Halloween night 2009 af-

ter police pulled him from his Queens apartment.

He was admitted to the psych ward and held there for six days, he said, because police wanted to silence him after he had blown the whistle on corruption by talking to NYPD internal investigators.

He said precinct supervisors made the crime rate appear lower by destroying or tampering with official documents, such as criminal complaints, and by ignoring many crime victims.

He also secretly taped supervisors talking about crime statistics and about making illegal arrests.

Several days later, while at the psych ward, Schockcraft and his father met with Isakov and other hospital officials.

The Schockcrafts tried to leave, at which point the officer said alarms were rung, doors were automatically closed and Isakov insisted he needed to talk to police.

The NYPD had no comment on what Isakov is accused of doing.

parasoandola
@nydailynews.com



SCI
Y to
OR
C

Exhibit
"CC"

More Next Blog»

Create Blog Sign In

Adrian Schoolcraft Tweet Your Support Blog

Suzannah B. Troy @suzannahbtroy #NYPD Adrian Schoolcraft Trial -- the closest thing we have to a Commission in to NYPD Corruption begins Sept. 2013
[http://adrianschoolcraftsupport.blogspot.com/2012/12/adrian-schoolcraft-nypd-whistleblower.html?spref=tw ...](http://adrianschoolcraftsupport.blogspot.com/2012/12/adrian-schoolcraft-nypd-whistleblower.html?spref=tw...)

MONDAY, MARCH 25, 2013

Inspector for NYPD a Fraud like CCRB and Internal Affairs

<http://www.nydailynews.com/opinion/big-cop-out-article-1.1295593?comment=true>

We need a commission and the closest we will get to a Commission is The Adrian Schoolcraft Trial.

<http://nyodnewcommission.blogspot.com>

Every 20 years it seems it is time for a commission -- an inspector would be another political hack getting fixing and favors from the PBA and NYPD just like everyone running this city does!!!!

All the real estate folks, celebrities and moguls.... I witnessed Bill Rudin's NYPD retired commander try and get a ticket fixed by the 06 Precinct right in front of my face. Reported it and IA and 06 had nothing to say to me. The commander of 06 worked in IA as a capt. with Adrian Schoolcraft case and he must consider me a sub-human because he never contacted me.

<http://adrianschoolcraftsupport.blogspot.com/2012/12/adrian-schoolcraft-nypd-whistleblower.html>

Inspector for NYPD a Fraud like CCRB and Internal Affairs

Posted by Suzannah B. Troy artist at 5:00 AM No comments:

Recommend this on Goggin

Labels: Inspector for NYPD A Fraud like CCRB and Internal Affairs

FRIDAY, MARCH 22, 2013

NYPD Joe Sanchez Interview on Adrian Schoolcraft Whistleblowers

<http://adrianschoolcraftsupport.blogspot.com/2013/03/nypd-joe-sanchez-interview-on-adrian-schoolcraft-whistleblowers.html>

ADRIAN SCHOOLCRAFT



BLOG ARCHIVE

▼ 2013 (5)

▼ March (5)

Inspector for NYPD a Fraud like CCRB and Internal ...

NYPD Joe Sanchez Interview on Adrian Schoolcraft W...

NYPD Chief Marino Testifies in Floyd Stop & Frisk ...

Joe Sanchez comments on NYPD Whistle Blower Adrian...

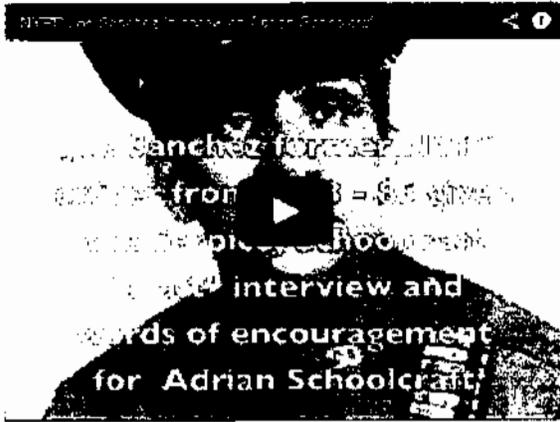
New YouTube: NYPD PBA Audio Yes Quota For Everythi...

► 2012 (1)

ABOUT ME



Exhibit "D"



<http://youtu.be/9fjrlqNt6F4>

What the NYPD and even his own lawyer did to him shocking. He was set up like Serpico and Schoolcraft -- NYPD creativity to shut up and shut down a whistleblower.

Joe encourages Adrian Schoolcraft to stay strong, preserve and he will win. Joe believes there are plenty of NYPD in Adrian's corner although they may not be vocal about it.

<http://www.nydailynews.com/new-york/bronx/fred-nypd-writes-gritty-book-set-record-straight-article-1.1533073>

<http://bluewallnypd.com>

Joe Sanchez former NYPD officer from 1973-85 Essay on Stop and Frisk written Nov. 2012.

<http://nypdnewcommission.blogspot.com/2013/03/joe-sanchez-on-stop-and-frisk-author-of.html>

<http://suzannahbtroy.blogspot.com/2013/03/former-nypd-officer-joe-sanchez-quota.html>

<http://suzannahbtroy.blogspot.com/2013/03/joe-sanchez-nypd-blue-wall-silence.html>

<http://adrianschoolcraftsupport.blogspot.com/2013/03/joe-sanchez-comments-on-nypd-whistle.html>

<http://adrianschoolcraftsupport.blogspot.com/2012/12/adrian-schoolcraft-nypd-whistleblower.html>

Go to this link to hear some excerpts from Adrian Schoolcrafts tapes and learn more about the dark side of Chief Marino and than Capt. Marufello

Posted by Suzanna B. Troy artist at 7:04 PM. No comments:

Recommend this on Google

Labels: NYPD Joe Sanchez Interview on Adrian Schoolcraft Whistleblowers Fran's Serpico

NYPD Chief Marino Testifies in Floyd Stop & Frisk Next Adrian Schoolcraft Trial

Mayor Bloomberg crime stats just not true..... NYPD Stats are like a Casino in Las

Passionate letters published in The Financial Times re: Lucien Freud, my art and women's issues. The Wall St. Journal "Betrayal at Ground Zero", The Chief, The New York Times (9), Crains "NYU's Logo should be a dorm with a dollar", The New York Sun, The New York Post, The New York Daily News, Metro, AMNY, The Village Voice "Carbon Copy" letter of the week, Newday, Jerusalem Post, my blog mentioned New York Mag Intelligencer neighborhood watch. Got speed bumps for Anna Silver School & doors for women's bathroom. Donated my white blood cells twice to help a little girl fight Non-Hodgkins & man w/ Lymphoma. Two hour process if you can only do it 12 x in your life. Top worn out to donate now. Way back Liz Smith mentioned me & my favorite zen quote "Live each moment as if your hair is on fire." which means live in the moment like it is your last aka live life passionately! I am really proud to say I have run 2 New York City Marathons!!! Also to have done volunteer work with pre-school handicap children at Rusk. NYTimes My YouTube work

MARTIN CLEARWATER & BELL LLP

COUNSELORS AT LAW

220 EAST 42ND STREET, NEW YORK, NY 10017 TELEPHONE
(212) 697-3122 FACSIMILE (212) 949-7054

www.mcbllw.com

FACSIMILE COVER SHEET

DATE: March 28, 2013

Page 1 of 10

TO: Name

Law Office of Nathaniel B. Smith

Company

Phone

Fax Line (212) 346-4665

FROM: Gregory J. Radomisli

USER NO: 3537

RE: Case Name Schoolcraft v. City of New York

Client / Matter Number 667-82153

OTHER INFORMATION:

Please call Gregory J. Radomisli at ext. 923 if you have any questions or problems with this transmission. Thank you.

Notice

The information contained in this communication is legal privileged and/or confidential information, which is intended only for use of the individual or entity named above. If the reader of this communication is not the intended recipient (or the agent or employee responsible to deliver it to the intended recipient), you are hereby notified that any dissemination, distribution, or reproduction of this communication is strictly prohibited. If you have received this communication by error, please immediately notify us by telephone and return the original communication to us at the address set forth above, via the U.S. Postal Service. Thank you.

NASSAU COUNTY OFFICE
90 MERRICK AVENUE, SUITE 610
EAST MEADOW, NY 11554
TELEPHONE (516) 222-8500
FACSIMILE (516) 222-8513

NEW JERSEY OFFICE
744 BROAD STREET
NEWARK, NJ 07102
TELEPHONE (973) 735-0578
FACSIMILE (973) 735-0584

WESTCHESTER COUNTY OFFICE
235 MAIN STREET
WHITE PLAINS, NY 10601
TELEPHONE (914) 328-2989
FACSIMILE (914) 328-4056