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(Continued.)

CALLAN, KOSTER, BRADY & BRENNAN, LLP  
Attorneys for Defendant  
DR. LILIAN ALDANA-BERNIER  
One Whitehall Street  
New York, New York 10004  
BY: PAUL F. CALLAN, ESQ.

MARTIN CLEARWATER & BELL, LLP  
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JAMAICA HOSPITAL MEDICAL CENTER  
220 East 42nd Street  
New York, New York 10017  
BY: BRIAN OSTERMAN, ESQ.

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S T I P U L A T I O N S :

IT IS HEREBY STIPULATED AND AGREED by and between the attorneys for the respective parties hereto, that this examination may be sworn to before any Notary Public.

IT IS FURTHER STIPULATED AND AGREED that the filing and certification of the said examination shall be waived.

IT IS FURTHER STIPULATED AND AGREED that all objections to questions, except as to the form of the question, shall be reserved for the time of trial.

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MR. SMITH: Going on the record,  
its 10:21. We are doing a continuation  
deposition of the Kurt Duncan  
deposition at my office, 111 Broadway  
on June 23, 2014.

Would you please swear the  
witness in.

K U R T D U N C A N, a Defendant herein,  
having been first duly sworn by a Notary  
Public within and for the State of New York,  
was examined and testified as follows:

EXAMINATION BY

MR. SMITH:

Q. Will you state your name and  
address for the record, please.

A. Sergeant Kurt Duncan, 100 Church  
Street, New York, New York 10007.

Q. Good morning, Sergeant.

A. Good morning.

MR. SHAFFER: 10:23.

MR. SMITH: 10:23. I got the  
time.

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KURT DUNCAN

Q. I know it's an informal process, but you have been sworn to tell the truth and like I said to you the last time, if you there is anything about any of my questions, please let me know and I will try and rephrase it; okay?

A. Okay.

Q. Have you discussed your testimony since the last time we met with anybody?

A. No.

Q. Have you looked at any documents since your deposition was taken in this case?

A. No.

Q. Have you listened to any tape recordings since your deposition?

A. No.

Q. Have you ever listened to the tape recordings of the incident at Schoolcraft's residence, where you and the other members from the Brooklyn North, along with the Marino and others went in the apartment and eventually had him removed?

1 KURT DUNCAN

2 weapon and had engaged in behavior that  
3 Schoolcraft perceived as menacing. That  
4 when he went home that day, that he reported  
5 his concerns to IAB and what I want to know  
6 from you is if you had known those facts,  
7 would that have changed your view about  
8 whether or not it was appropriate to comply  
9 with Marino in order to cuff Schoolcraft?

10 MR. SHAFFER: Objection.

11 MR. KRETZ: Objection.

12 A. I would have still complied with  
13 Marino's order to cuff him.

14 MR. SMITH: Thank you, Sergeant.

15 I don't have any more questions at this  
16 time.

17 EXAMINATION BY

18 MR. OSTERMAN:

19 Q. Sergeant, I just have a few very  
20 quick questions. I believe you testified at  
21 your first deposition, the first session of  
22 your deposition, that after the incident at  
23 Schoolcraft's residence on October 31, 2009,  
24 you went back to the 81; is that right?

25 A. Correct.

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KURT DUNCAN

Q. So you never went to Jamaica Hospital?

A. No.

Q. And did you ever speak or have any contact with any staff or physicians at Jamaica Hospital regarding Adrian Schoolcraft?

A. No, not me personally.

Q. Did you ever direct anyone to speak to or have any contact with any staff or physicians at Jamaica Hospital?

A. Not that I can recall.

Q. Are you familiar or do you recognize the name Dr. Isakov?

A. Not particularly.

Q. Have any contact with Dr. Isakov regarding Adrian Schoolcraft?

A. I don't remember.

Q. Do you recognize the name Aldana-Bernier?

A. No, I don't.

Q. Did you have any contact with or speak to Dr. Aldana-Bernier regarding Adrian Schoolcraft?

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KURT DUNCAN

A. Not that I can recall.

MR. OSTERMAN: I have nothing further.

EXAMINATION BY

MR. SHAFFER:

Q. Just a quick question. The documents in front of you indicate the subject at the top, I believe on all of them it says attempt to serve restoration to duty order. You see that?

A. Yes.

Q. And earlier you mentioned that the purpose of your visits to Schoolcraft's residence in Upstate, New York was to serve him with a discontinuance of service form. You remember saying that?

A. Yes.

Q. Are those two things the same or are they different -- are they different things?

MR. SMITH: Objection to the form.

Q. Is a restoration to duty order and a discontinuance of service form the

# CERTIFIED TRANSCRIPT

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UNITED STATES DISTRICT COURT.  
SOUTHERN DISTRICT OF NEW YORK

-----X

ADRIAN SCHOOLCRAFT,  
Plaintiff,

Case No:  
10 CV 06005

- against -

THE CITY OF NEW YORK, ET AL.,  
Defendants.

-----X

111 Broadway  
New York, New York

June 18, 2014  
10:28 a.m.

DEPOSITION OF CHRISTOPHER BROSCART, pursuant  
to Notice, taken at the above place, date and  
time, before DENISE ZIVKU, a Notary Public  
within and for the State of New York.



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

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JOHN LENOIR, ESQ.  
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NEW YORK CITY LAW DEPARTMENT  
OFFICE OF CORPORATION COUNSEL  
Attorneys for Defendant  
THE CITY OF NEW YORK  
100 Church Street  
New York, New York 10007

BY: SUZANNA PUBLICKER METTHAM, ESQ.

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IVONE, DEVINE & JENSEN, LLP  
Attorneys for Defendant  
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Lake Success, New York 11042  
BY: BRIAN LEE, ESQ.

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(Continued.)

CALLAN, KOSTER, BRADY & BRENNAN, LLP  
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BY: PAUL F. CALLAN, ESQ.

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Attorneys for Defendant  
JAMAICA HOSPITAL MEDICAL CENTER  
220 East 42nd Street  
New York, New York 10017  
BY: GREGORY J. RADOMISLI, ESQ.

1       S T I P U L A T I O N S:

2                   IT IS HEREBY STIPULATED AND AGREED by  
3       and between the attorneys for the respective  
4       parties hereto, that this examination may be  
5       sworn to before any Notary Public.

6  
7                   IT IS FURTHER STIPULATED AND AGREED  
8       that the filing and certification of the said  
9       examination shall be waived.

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11                   IT IS FURTHER STIPULATED AND AGREED  
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MR. SMITH: Going on the record.  
It is 10:28 and this is the deposition  
of Lieutenant Broschart.

That's how you pronounce it.

THE WITNESS: Yes, Broschart.

MR. SMITH: And Mr. Callan has  
called my office and said that it's  
okay to proceed without him and would  
you mind swearing in the witness.

C H R I S T O P H E R B R O S C H A R T, a  
Defendant herein, having been first duly  
sworn by a Notary Public within and for the  
State of New York, was examined and  
testified as follows:

EXAMINATION BY

MR. SMITH:

Q. Will you state your name and  
address for the record, please.

A. Christopher Broschart,  
B-r-o-s-c-h-a-r-t.

MS. PUBLICKER METTHAM: Work  
address.

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2           A.           123-01 Roosevelt Avenue,  
3 Queens, New York 11368.

4                   MR. SMITH:   Suzanna, as we've  
5 done in the past, the Law Department  
6 with accept service of any process  
7 required on Mr. Broschart; is that  
8 right?

9                   MS. PUBLICKER METTHAM:  To the  
10 extent we still represent Mr. Broschart  
11 and he's still employed by the NYPD, we  
12 will accept service.

13                   MR. SMITH:   Otherwise, you will  
14 provide me with his last known  
15 information.

16                   MS. PUBLICKER METTHAM:  We will  
17 provide you with his last known  
18 address, correct.

19                   MR. SMITH:   Okay.  Thanks.

20           Q.           Good morning, Lieutenant.

21           A.           Morning.

22           Q.           My name is Nathaniel Smith.  I  
23 represent Adrian Schoolcraft in this  
24 lawsuit.  I am going to ask you some  
25 questions this morning and this afternoon.

1 CHRISTOPHER BROSCART

2 Few ground rules I would like to just go  
3 over with you; is that okay?

4 A. Okay.

5 Q. First one is it's unlike regular  
6 conversation. The court reporter needs to  
7 take down everything that I say and you need  
8 to just pause a little bit, so that your  
9 attorney can object if she feels it's  
10 appropriate and then you can answer the  
11 question, but if you answer a question while  
12 I am in the middle of laboring through it,  
13 the court reporter has to stop taking down  
14 what I'm saying and capture what you're  
15 saying. So it's little bit awkward, but you  
16 will get used to it.

17 A. Take my time.

18 Q. The most important thing is that  
19 if you don't understand my question, please  
20 let me know that and I will try to rephrase  
21 it; okay?

22 A. I will.

23 Q. The reason why I say that is  
24 because you've just been sworn to tell the  
25 truth and it's important that the record be

1 CHRISTOPHER BROSCART  
2 telephone while you were there?  
3 MS. PUBLICKER METTHAM:  
4 Objection.  
5 A. I wouldn't have let him use the  
6 telephone while he was there.  
7 Q. Why not?  
8 A. Till he saw the doctor.  
9 Q. Why wouldn't you let him use the  
10 telephone?  
11 MS. PUBLICKER METTHAM:  
12 Objection.  
13 A. At that time he's an EDP. He's  
14 in our custody for that till the doctor  
15 looks at him.  
16 Q. He's not allowed to use the  
17 telephone if he's an EDP?  
18 MS. PUBLICKER METTHAM:  
19 Objection.  
20 A. Usually, I won't let an EDP use  
21 the telephone when I'm in the hospital.  
22 Q. Why?  
23 MS. PUBLICKER METTHAM:  
24 A. Sometimes it can actually be  
25 used as a weapon.

1 CHRISTOPHER BROSCART

2 relieve you, do you recall telling her that  
3 he had cursed at his supervisor?

4 A. No, not at all.

5 Q. When you spoke to Sergeant James  
6 at Jamaica Hospital, after she came to  
7 relieve you, do you recall telling her that  
8 he had been evaluated by an NYPD  
9 psychiatrist and he could not carry a gun or  
10 a badge for nearly a year?

11 A. Not at all.

12 Q. You don't recall that?

13 A. I never said such thing.

14 EXAMINATION BY

15 MR. LEE:

16 Q. Did you ever speak to a Dr.  
17 Isakov?

18 A. I can't recall.

19 Q. Did you ever speak to Dr.  
20 Aldana-Bernier at Jamaica Hospital?

21 A. I don't know which doctors I  
22 spoke to.

23 Q. Other than the conversations  
24 you've related with the one doctor that you  
25 related Mr. Smith, did you have any other



1 CHRISTOPHER BROSCART

2 conversations with any nursing or hospital  
3 personnel?

4 A. Only people might be triage  
5 people.

6 Q. Do you recall anything you said  
7 to the triage people?

8 A. Not that I recall.

9 Q. Did you give any instructions to  
10 anybody at the hospital as to what to do  
11 with Schoolcraft?

12 A. No.

13 MR. LEE: That's all I have,  
14 thank you.

15 EXAMINATION BY

16 MR. CALLAN:

17 Q. Is it accurate to say that is  
18 the only day that you were at Jamaica  
19 Hospital in connection with Mr. Schoolcraft,  
20 the day that you described today?

21 A. Yeah, that one tour, yes. On  
22 the third person.

23 MR. CALLAN: Okay.

24 MR. SMITH: Walter?

25 MR. KRETZ: No, I said I have

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
ADRIAN SCHOOLCRAFT,  
Plaintiff,

Case No:  
- against - 10 CV 06005

THE CITY OF NEW YORK, ET AL.,  
Defendants.

-----X  
111 Broadway  
New York, New York

May 12, 2014  
10:11 a.m.

DEPOSITION OF SHANTEL JAMES, pursuant to  
Notice, taken at the above place, date and  
time, before DENISE ZIVKU, a Notary Public  
within and for the State of New York.

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

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NEW YORK CITY LAW DEPARTMENT  
OFFICE OF CORPORATION COUNSEL  
Attorneys for Defendant  
THE CITY OF NEW YORK  
100 Church Street  
New York, New York 10007

BY: SUZANNA PUBLICKER METTHAM, ESQ.

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Attorneys for Defendant  
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444 Madison Avenue  
New York, New York 10022  
BY: WALTER A. KRETZ, JR., ESQ.

IVONE, DEVINE & JENSEN, LLP  
Attorneys for Defendant  
DR. ISAK ISAKOV  
2001 Marcus Avenue  
Lake Success, New York 11042  
BY: BRIAN LEE, ESQ.

(Continued.)

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(Continued.)

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Attorneys for Defendant

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One Whitehall Street  
New York, New York 10004

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MARTIN CLEARWATER & BELL, LLP  
Attorneys for Defendant  
JAMAICA HOSPITAL MEDICAL CENTER

220 East 42nd Street  
New York, New York 10017

BY: BRIAN OSTERMAN, ESQ.

1        S T I P U L A T I O N S :

2                    IT IS HEREBY STIPULATED AND AGREED by  
3 and between the attorneys for the respective  
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5 sworn to before any Notary Public.

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MR. SMITH: We are going on the record, it is 10:11. We are at my office at 111 Broadway, New York, New York. We are about to start the deposition of Shantel James.

THE WITNESS: Correct.

MR. SMITH: And can you swear in the witness, please.

S H A N T E L J A M E S, a Defendant herein, having been first duly sworn by a Notary Public within and for the State of New York, was examined and testified as follows:

EXAMINATION BY

MR. SMITH:

Q. Will you state your name and address for the record, please.

A. My name is Shantel James. My address 315 Hudson Street, New York, New York 10035.

MR. SMITH: All right, Ms. Mettham, as we have done in the past,

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SHANTEL JAMES

will you agree to accept service of any process on behalf of Ms. James in the event that such process is necessary?

MS. PUBLICKER METHAM: If we still represent Sergeant James at the time of trial, we will accept service of any trial subpoenas. If she is not, we will facilitate the production of the last known address.

MR. SMITH: And any other information that serves to effectuate service, reasonable and necessary?

MS. PUBLICKER METHAM: Yes.

Q. Ms. James, you understand you're under oath?

A. Yes, I do.

Q. You understand that you're a defendant in this lawsuit?

A. Yes.

Q. Have you ever been deposed before?

A. No.

Q. All right, I am sure your counsel has explained to you some of the

1 SHANTEL JAMES

2 Objection. You could answer.

3 A. I was advised by my immediate  
4 supervisor for his safety. I am guarding  
5 him for his safety is what I was told.

6 Q. Who told you that?

7 A. Lieutenant Anderson.

8 Q. How did Lieutenant Anderson say  
9 that to you?

10 MS. PUBLICKER METTHAM:

11 Objection. You could answer.

12 A. He said Shantel, I need you to  
13 go to the hospital and guard Schoolcraft for  
14 his safety.

15 Q. Was this an in-person  
16 conversation you had with Lieutenant  
17 Anderson?

18 A. Yes.

19 Q. Where did that take place?

20 A. It took place behind the desk,  
21 the 81st Precinct upon my arrival.

22 Q. Was there a reason the  
23 conversation took place behind the  
24 sergeant's desk at the 81 or just you  
25 remember that's where it happened?



1 SHANTEL JAMES

2 Objection. You could answer.

3 A. No.

4 Q. Did anybody from the hospital  
5 provide you with any information?

6 MS. PUBLICKER METHAM:

7 Objection. You could answer.

8 A. No.

9 Q. Did you receive any instructions  
10 from anybody at the hospital?

11 MR. OSTERMAN: Objection.

12 A. No.

13 Q. You give any instructions to  
14 anybody at the hospital?

15 MS. PUBLICKER METHAM:

16 Objection. You could answer.

17 A. No, I did not.

18 Q. So when you got to the hospital  
19 and Schoolcraft was in the gurney, you and  
20 Sadowsky sat down in chairs and you were  
21 watching him; is that correct?

22 MS. PUBLICKER METHAM:

23 Objection. You could answer.

24 A. Yes.

25 Q. And is it fair to say that

1 SHANTEL JAMES

2 the other lawyers will have questions for  
3 you. Thank you.

4 A. Yes.

5 MR. SMITH: So we're going off  
6 the record, it's 1:58.

7 (Whereupon, a recess was taken.)

8 MR. SMITH: Going back on the  
9 record. I don't have any more  
10 questions at this time. Thank you.

11 MS. PUBLICKER METTHAM: What  
12 time is it?

13 MR. SMITH: It's 2:05.

14 MS. PUBLICKER METTHAM: I have  
15 one question. Clarifying question.

16 EXAMINATION BY

17 MS. PUBLICKER METTHAM:

18 Q. Sergeant James, did you believe  
19 that Officer Schoolcraft was a prisoner  
20 whose phone call had to be monitored or  
21 restricted?

22 MR. SMITH: Objection. Leading.

23 A. No, I did not.

24 EXAMINATION BY

25 MR. KOSTER:

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SHANTEL JAMES

Q. Good afternoon. I have a couple of questions for you. Did you ever speak with a Dr. Aldana-Bernier at Jamaica Hospital about Adrian Schoolcraft?

A. Not to my knowledge.

Q. Did you ever speak with a Dr. Isakov at Jamaica Hospital regarding Adrian Schoolcraft?

A. Not to my knowledge.

Q. Did you ever direct anyone to provide any information to any physician at Jamaica Hospital?

A. No, I did not.

Q. Did you ever direct anyone to provide any information to any nurses or staff at Jamaica Hospital?

A. No, I did not.

Q. Did anyone request that you provide information to anyone at Jamaica Hospital regarding Adrian Schoolcraft?

A. No.

Q. Did anyone ask you to compile any information that they told you would be provided to anyone at Jamaica Hospital?

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SHANTEL JAMES

MS. PUBLICKER METTHAM:

Objection. You could answer.

A. No.

Q. On the logbook that was marked as Exhibit 117, did the entry start on October 31st or on November 1st?

A. It is written as 1/1/09, but it's actually 10/31, because we work a day ahead. So we work one day for the next. So in all actuality it was December 31st --

Q. You mean November 31st?

MS. PUBLICKER METTHAM: October.

A. I'm sorry October 31st, but we work for the next day, so the entry is written as November 1st.

Q. And it says ten, looks like dot 84, is that a police code number or is that referring to some kind of assignment?

A. Yes. It is a police code and it means that I am present at the location.

MR. KOSTER: I don't have anything else.

EXAMINATION BY

MR. OSTERMAN: