UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

ADRIAN SCHOOLCRAFT,

Plaintiff,

- against -

10CV6005 (RWS)

DECLARATION OF MATTHEW J. KOSTER

DOC: 380

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 **CAPTAIN** Capacity, THEODORE LAUTERBORN, Tax Id. 897840, Individually and in Official Capacity, LIEUTENANT **JOSEPH** GOUGH, Tax Id. 894025, Individually and in his Official Capacity, **SERGEANT 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 BROSCHART, Tax Id. 915354, Individually and in his Official Capacity, LIEUTENANT **TIMOTHY** CAUGHEY, Tax Id. 885374, Individually and in his Official Capacity, SERGEANT SHANTEL JAMES. Shield No. 3004, Individually and in his Official Capacity and CAPTAIN TIMOTHY TRAINER Tax Id. 899922, Individually and in Their Official Capacity and P.O.'s "JOHN DOE" #1-50, Individually and in their Official Capacity (the name John Doe being fictitious, the true names are presently unknown) (collectively referred to as "NYPD defendants"), JAMAICA HOSPITAL MEDICAL CENTER, DR. ISAK ISAKOV, Individually and in his Official Capacity, DR. LILIAN ALDANA-BERNIER, Individually and in her 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),

CALLAN, KOSTER,
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Defendants.

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MATTHEW J. KOSTER, ESQ., pursuant to 28 USC § 1746, declares under penalty of perjury that the following is true, based upon his personal knowledge and review of the file in this action:

- 1.I am associated with the law firm of Callan, Koster, Brady, Brennan & Nagler, LLP, attorneys for defendant DR. LILIAN ALDANA-BERNIER, in the above-entitled action. I am fully familiar with the facts and circumstances of this case based on a review of the file materials maintained in this office.
- 2. This declaration is submitted in opposition to the motion of plaintiff ADRIAN SCHOOLCRAFT (hereinafter plaintiff) for summary judgment on liability for violating his constitutional rights and for such other and further relief as this Court may deem just and proper.
- 3. Attached as Exhibit "A" is a true and accurate copy of defendant Dr. Lillian Aldana-Bernier's Deposition Transcript dated February 11, 2014.
- 4. Attached as Exhibit "B" is a true and accurate copy of Dr. Laurence Tancredi's affidavit dated February 11, 2015.
- 5. Attached as Exhibit "C" is a true and accurate copy of portions of Dr. Catherine Lamstein-Reiss's deposition transcript dated January 30, 2014.
- 6.Attached as Exhibit "D" is a true and accurate copy of plaintiff's medical records from Jamaica Hospital Medical Center with redactions.
- 7. Attached as Exhibit "E" is a true and accurate copy of the Dr. Aldana-Bernier's memo of law in support of her motion for summary judgment dated January 30, 2015.

WHEREFORE, it is respectfully requested that plaintiff's motion for summary judgment be denied in its entirety.

Dated:

New York, New York

February 11, 2015

MATTHEW J. KOSTER

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