

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

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3 ADRIAN SCHOOLCRAFT,

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PLAINTIFF,

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-against-

Case No:
10 Civ. 6005
(RWS)

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7 THE CITY OF NEW YORK, DEPUTY CHIEF MICHAEL MARINO,
8 Tax Id. 873220, Individually and in his Official
9 Capacity, ASSISTANT CHIEF PATROL BOROUGH BROOKLYN
10 NORTH GERALD NELSON, Tax Id. 912370, Individually
11 and in his Official Capacity, DEPUTY INSPECTOR
12 STEVEN MAURIELLO, Tax Id. 895117, Individually and
13 in his Official Capacity, CAPTAIN THEODORE
14 LAUTERBORN, Tax Id. 897840, Individually and in his
15 Official Capacity, LIEUTENANT WILLIAM GOUGH, Tax Id.
16 919124, Individually and in his Official Capacity,
17 SGT. FREDERICK SAWYER, Shield No. 2576, Individually
18 and in his Official Capacity, SERGEANT KURT DUNCAN,
19 Shield No. 2483, Individually and in his Official
20 Capacity, LIEUTENANT CHRISTOPHER BROSCART, Tax Id.
21 915354, Individually and in his Official Capacity,
22 LIEUTENANT TIMOTHY CAUGHEY, Tax Id. 885374,
23 Individually and in his Official Capacity, SERGEANT
24 SHANTEL JAMES, Shield No. 3004 and P.O.'s [JOHN DOE]
25 #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 [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 EMPLOYEES [JOHN
DOE] #1-50, Individually and in their Official
Capacity (the name John Doe being fictitious, as
the true names are presently unknown),

DEFENDANTS.

-----X

DATE: October 17, 2014
TIME: 10:20 A.M.

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(Deposition of JOHN ETERNO, PhD)

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DATE: October 17, 2014

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TIME: 10:20 A.M.

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DEPOSITION of an Expert Witness,

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JOHN ETERNO, PhD, taken by the Respective Parties,

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Pursuant to a Notice and to the Federal Rules of

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Civil Procedure, held at the offices of the New

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York City Law Department, 100 Church Street,

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New York, New York 10007, before Nathan MacCormack,

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a Notary Public of the State of New York.

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

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3 LAW OFFICE OF NATHANIEL B. SMITH
 Attorney for Plaintiff
 4 ADRIAN SCHOOLCRAFT
 111 Broadway
 5 New York, New York 10006
 BY: NATHANIEL B. SMITH ESQ.

6 -and-
 JOHN LENOIR, ESQ.

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ZACHARY W. CARTER, ESQ.
 CORPORATION COUNSEL
 NEW YORK CITY LAW DEPARTMENT

10 Attorneys for the Defendants
 THE CITY OF NEW YORK, DEPUTY CHIEF MICHAEL MARINO,
 11 Tax Id. 873220, Individually and in his Official
 Capacity, ASSISTANT CHIEF PATROL BOROUGH BROOKLYN
 12 NORTH GERALD NELSON, Tax Id. 912370, Individually
 and in his Official Capacity, CAPTAIN THEODORE
 13 LAUTERBORN, Tax Id. 897840, Individually and in his
 Official Capacity, LIEUTENANT WILLIAM GOUGH, Tax Id.
 14 919124, Individually and in his Official Capacity,
 SGT. FREDERICK SAWYER, Shield No. 2576, Individually
 15 and in his Official Capacity, SERGEANT KURT DUNCAN,
 Shield No. 2483, Individually and in his Official
 16 Capacity, LIEUTENANT CHRISTOPHER BROSCART, Tax Id.
 915354, Individually and in his Official Capacity,
 17 LIEUTENANT TIMOTHY CAUGHEY, Tax Id. 885374,
 Individually and in his Official Capacity, SERGEANT
 18 SHANTEL JAMES, Shield No. 3004 and P.O.'s [JOHN DOE]
 #1-50, Individually and in their Official Capacity
 19 (the name John Doe being fictitious, as the true
 names are presently unknown) (collectively referred
 20 to as [NYPD defendants])

100 Church Street
 New York, New York 10007
 BY: SUZANNA PUBLICKER METTHAM, ESQ.,
 22 ASSISTANT CORPORATION COUNSEL

-and-
 23 QIANA SMITH, ESQ.
 SENIOR CORPORATION COUNSEL

24 File #: 2010-033074
 Control #: FFF13119

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1 A P P E A R A N C E S: (Cont'd)

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3 SCOPPETTA, SEIFF, KRETZ & ABERCROMBIE, ESQS.

Attorneys for the Defendant

4 STEVEN MAURIELLO

444 Madison Avenue, 30th Floor

5 New York, New York 10022

By: WALTER A. KRETZ, JR., ESQ.

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MARTIN CLEARWATER & BELL, LLP

8 Attorneys for Defendant

JAMAICA HOSPITAL MEDICAL CENTER

9 220 East 42nd Street

New York, New York 10017

10 By: BRIAN OSTERMAN, ESQ.

File #: 82-82153

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IVONE, DEVINE & JENSEN, LLP

13 Attorneys for the Defendant

DR. ISAK ISAKOV

14 2001 Marcus Avenue, Suite N100

Lake Success, New York 11042

15 By: BRIAN E. LEE, ESQ.

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17 CALLAN, KOSTER, BRADU, BRENNAN & NAGLER, LLP

Attorneys for the Defendant

18 DR. LILLIAN ALDANA-BERNIER

One Whitehall Street

19 New York, New York 10004

By: MATTHEW J. KOSTER, ESQ.

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J. ETERNO

1 shown up at his apartment?

2 MR. SMITH: Objection to the form.

3 A. Perhaps somebody would have shown up at his
4 apartment, but he still should not have been an E.D.P.

5 MR. KOSTER: I don't think I have anything
6 else.

7 FURTHER EXAMINATION

8 BY MR. KRETZ:

9 Q. The appearance you made on This American Life, I
10 haven't listened to that in some time, but can you tell me
11 what opinions you expressed at that time on that program?

12 A. I think I just said one or two lines. I don't
13 recall exactly what those lines were.

14 MR. KRETZ: Thank you.

15 FURTHER EXAMINATION

16 BY MR. LEE:

17 Q. Sir, when you were a police officer, there were
18 occasions when you declared someone an E.D.P.?

19 A. Yes.

20 Q. And did you accompany that person to the
21 hospital?

22 A. Yes. There were times we did, yes.

23 Q. Did you ever tell the hospital that, based on
24 what you were telling them, they had to admit a patient?

25 A. No. We never told the hospital what to do and

J. ETERNO

1 how to do it.

2 Q. But you did expect they would rely on the history
3 that you provided as one part of their overall evaluation
4 of that person, correct?

5 A. Of course.

6 MR. LEE: Thank you.

7 MS. PUBLICKER METTHAM: The time is 6:46.

8 (Whereupon, at 6:46 P.M., the Examination of
9 this Witness was concluded.)

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JOHN ETERNO, PhD

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14 Subscribed and sworn to before me

15 this ____ day of _____ 20__.

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NOTARY PUBLIC

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