

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ORANGE

ORAL CLARKE, ROMANCE REED, GRACE
PEREZ, PETER RAMON, ERNEST TIRADO,
and DOROTHY FLOURNOY,

Plaintiffs,

Index No.: EF002460-2024

v.

**AFFIRMATION OF BENNET J.
MOSKOWITZ**

TOWN OF NEWBURGH and TOWN BOARD
OF THE TOWN OF NEWBURGH,

Defendants.

BENNET J. MOSKOWITZ, an attorney duly admitted to practice before the Courts of the State of New York, hereby affirms the following under penalty of perjury:

1. I am a Partner at Troutman Pepper Hamilton Sanders LLP, counsel for Defendants Town of Newburgh and Town Board of the Town of Newburgh.

2. I submit this Affirmation solely to present to the Court certain materials cited in Defendants' Motion in Limine to Exclude the Purported "Addendum" of Expert Dr. Matt Barreto.

3. Attached hereto as **Exhibit A** is copy of the NYVRA notification letter from Abrams Fensterman, LLP, to the Newburgh Town Clerk, dated January 26, 2024 [NYSCEF No. 2].

4. Attached hereto as **Exhibit B** is a copy of the Resolution of the Town Board of the Town of Newburgh Pertaining to New York State Election Law 17-206, dated March 15, 2024 [NYSCEF No. 3].

5. Attached hereto as **Exhibit C** is a copy of Plaintiffs' Summons and Complaint and Exhibits A and B thereto [NYSCEF No. 1].

6. Attached hereto as **Exhibit D** is a copy of Defendants' Motion to Dismiss Plaintiffs Complaint [NYSCEF No. 9].

7. Attached hereto as **Exhibit E** is a copy of the Decision and Order denying Defendants' Motion to Dismiss, dated May 17, 2024 [NYSCEF No. 31].

8. Attached hereto as **Exhibit F** is a copy of the Preliminary Scheduling Order entered in this case, dated May 9, 2024 [NYSCEF No. 29].

9. Attached hereto as **Exhibit G** is a copy of Plaintiffs' Memorandum of Law in Support of Their Motion for Summary Judgment, dated August 13, 2024, in *Serrato v. Town of Mount Pleasant*, Sup. Ct. Westchester Cnty., Index No. 55442/2024 [NYSCEF No. 60].

10. Attached hereto as **Exhibit H** is a copy of the expert report of Dr. Matt A. Barreto, dated June 28, 2024 [NYSCEF No. 87].

11. Attached hereto as **Exhibit I** is a copy of the expert report of Dr. A. K. Sandoval-Strausz, dated June 28, 2024 [NYSCEF No. 84].

12. Attached hereto as **Exhibit J** is a copy of the purported "Addendum" of Dr. Matt A. Barreto, dated September 3, 2024 [NYSCEF No. 92].

13. Attached hereto as **Exhibit K** is a copy of the e-mail from B. Moskowitz to D. Imamura, Subject "RE: EF002460-2024 Oral Clarke et al v. Town of Newburgh et al," dated September 4, 2024.

14. Attached hereto as **Exhibit L** is a copy of Plaintiffs' Opposition to Defendants Motion for Summary Judgment [NYSCEF No. 73].

Respectfully submitted,

Dated: New York, New York
October 16, 2024

**TROUTMAN PEPPER HAMILTON
SANDERS LLP**



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CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing Affirmation complies with the word count limitations set forth in Uniform Rule 202.8-b for the Supreme Court. This Affirmation uses Times New Roman 12-point typeface and contains 412 words, excluding parts of the document exempted by Rule 202.8-b. As permitted, the undersigned has relied on the word count feature of this word-processing program.

By: 
Bennet J. Moskowitz