

# **EXHIBIT K**

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**From:** Moskowitz, Bennet J.  
**Sent:** Wednesday, September 4, 2024 10:22 AM  
**To:** David Imamura  
**Cc:** Tseytlin, Misha; Jaccard, Anais M.; O'Donnell, Kaitlin L.; Kent, Paris L.; Steven Still; Robert Spolzino  
**Subject:** RE: EF002460-2024 Oral Clarke et al v. Town of Newburgh et al

David,

Having now just reviewed what you emailed below, be advised that your purported additional expert report – regardless of whether you call it an “addendum,” which it is not in any event – is null and void. The expert report deadline has passed.

Best,  
Bennet

**Bennet J. Moskowitz\***

Partner

**troutman pepper**

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\*Licensed to practice law in New York and Connecticut

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**From:** David Imamura <DImamura@Abramslaw.com>  
**Sent:** Wednesday, September 4, 2024 9:38 AM  
**To:** Kent, Paris L. <Paris.Kent@troutman.com>; Robert Spolzino <RSpolzino@Abramslaw.com>; Steven Still <SStill@Abramslaw.com>  
**Cc:** Moskowitz, Bennet J. <Bennet.Moskowitz@troutman.com>; Tseytlin, Misha <Misha.Tseytlin@troutman.com>; Jaccard, Anais M. <Anais.Jaccard@troutman.com>; O'Donnell, Kaitlin L. <Kaitlin.O'Donnell@troutman.com>  
**Subject:** RE: EF002460-2024 Oral Clarke et al v. Town of Newburgh et al

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Counsel,

Please see attached an addendum to Professor Barreto's report. Professor Lockerbie in his report did not address the items that Professor Barreto supplements here but we are happy to afford him that opportunity.

Let us know if you would like to discuss,

David

**David Imamura, Esq. | Partner****White Plains Office**

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**From:** Kent, Paris L. <[Paris.Kent@troutman.com](mailto:Paris.Kent@troutman.com)>

**Sent:** Tuesday, September 3, 2024 5:49 PM

**To:** Robert Spolzino <[RSpolzino@Abramslaw.com](mailto:RSpolzino@Abramslaw.com)>; David Imamura <[DImamura@Abramslaw.com](mailto:DImamura@Abramslaw.com)>; Steven Still <[SStill@Abramslaw.com](mailto:SStill@Abramslaw.com)>

**Cc:** Moskowitz, Bennet J. <[Bennet.Moskowitz@troutman.com](mailto:Bennet.Moskowitz@troutman.com)>; Tseytlin, Misha <[Misha.Tseytlin@troutman.com](mailto:Misha.Tseytlin@troutman.com)>; Jaccard, Anais M. <[Anais.Jaccard@troutman.com](mailto:Anais.Jaccard@troutman.com)>; O'Donnell, Kaitlin L. <[Kaitlin.O'Donnell@troutman.com](mailto:Kaitlin.O'Donnell@troutman.com)>

**Subject:** RE: EF002460-2024 Oral Clarke et al v. Town of Newburgh et al

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Counsel,

Attached please find a revised confidentiality stipulation with changes to paragraphs 3(a) and 4 in track. Please let us know if you have any additional changes or if we may jointly propose the attached to the Court.

Thanks,

**Paris Kent**

Associate

**troutman pepper**

Direct: 212.704.6190

[paris.kent@troutman.com](mailto:paris.kent@troutman.com)

**From:** Raymond Mariani <[rmariani@nycourts.gov](mailto:rmariani@nycourts.gov)>

**Sent:** Monday, August 26, 2024 4:19 PM

**To:** Moskowitz, Bennet J. <[Bennet.Moskowitz@troutman.com](mailto:Bennet.Moskowitz@troutman.com)>; [rspolzino@abramsllaw.com](mailto:rspolzino@abramsllaw.com); [derek.borchardt@ag.ny.gov](mailto:derek.borchardt@ag.ny.gov); Kent, Paris L. <[Paris.Kent@troutman.com](mailto:Paris.Kent@troutman.com)>; Tseytlin, Misha <[Misha.Tseytlin@troutman.com](mailto:Misha.Tseytlin@troutman.com)>; [dimamura@abramsllaw.com](mailto:dimamura@abramsllaw.com); [sstill@abramsllaw.com](mailto:sstill@abramsllaw.com)

**Cc:** Marcelo Adiong <[madiiong@nycourts.gov](mailto:madiiong@nycourts.gov)>

**Subject:** RE: EF002460-2024 Oral Clarke et al v. Town of Newburgh et al

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Dear Counsel,

The Court is in receipt of Doc#38 which concerns the designation of data produced by the parties, one of which is a government entity, as confidential.

The Court's approval would make the agreement an Order, which must be harmonized with existing laws of the State of New York.

The proposed order does not appear to account for data that might not be susceptible to such a confidentiality designation because FOIL laws (NY Public Officer Law 87 et seq.), related regulations (Town of Newburgh Code Chap. 144), and any relevant provision of the NY Election Law might prohibit such a restriction on distribution.

Similarly, the proposed order does not appear to take into account data that is already in the public domain and whether such a designation would likewise conflict with the aforementioned laws/regs.

Please REPLY ALL after coordinating a response between counsel on these issues.

Thank you.

**Raymond L. Mariani, Esq.**

Principal Law Clerk to Hon. Maria Vazquez-Doles  
Supreme Court of the State of New York, Orange County  
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Goshen NY 10924  
845-762-5931



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