

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ORANGE

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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.

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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' Memorandum of Law in Support of Defendants' Motion for Summary Judgment, which materials are attached hereto as described below.

3. Attached hereto as Exhibit A is a copy of the expert report of Dr. Donald T. Critchlow, dated July 26, 2024.

4. Attached hereto as Exhibit B is a copy of the transcript from the deposition of Gilbert Piaquadio, deposed in his capacity as a representative of Defendant Town of Newburgh on September 23, 2024.

5. Attached hereto as Exhibit C is a copy of the expert report of Dr. Brad Lockerbie, dated July 26, 2024.

6. Attached hereto as Exhibit D is a copy of the transcript from the deposition of Dr. Matt A. Barreto, held on September 13, 2024.

7. Attached hereto as Exhibit E is a copy of Plaintiffs' Summons and Complaint, dated March 26, 2024 [NYSCEF No. 1].

8. Attached hereto as Exhibit F is a copy of Defendants' Motion to Dismiss, dated April 16, 2024 [NYSCEF No. 9].

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

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

11. Attached hereto as Exhibit I is a copy of the expert report of Dr. Matt A. Barreto, dated June 28, 2024.

12. Attached hereto as Exhibit J is a copy of NYSCEF No. 60, 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.

Respectfully submitted,

Dated: New York, New York  
September 25, 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 346 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