

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,

-against-

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

Defendants.

Index No. EF002460-2024

STATEMENT OF MATERIAL FACTS AS TO WHICH THERE ARE NO GENUINE ISSUES TO BE TRIED

Oral Clarke, Romance Reed, Grace Perez, Peter Ramon, Ernest Tirado, and Dorothy Flournoy (collectively “plaintiffs”), plaintiffs in action bearing Index No. EF002460-2024, respectfully submit the following statement of material facts as to which there are no genuine issues to be tried in support of their Memorandum of Law in Opposition to Defendants’ Motion for Summary Judgment (NYSCEF 70):

I. The parties.

1. Oral Clarke is an eligible voter registered to vote in the Town of Newburgh. Exhibit A (Clarke Written Deposition Responses) at 3.
2. Plaintiff Clarke has previously voted in multiple Town elections. Exhibit A (Clarke Written Deposition Responses) at 3.
3. Plaintiff Clarke identifies as Black. Exhibit A (Clarke Written Deposition Responses) at 2-3.
4. Peter Ramon is an eligible voter registered to vote in the Town of Newburgh. Exhibit B (Ramon Written Deposition Responses) at 3.

5. Plaintiff Ramon has previously voted in multiple Town elections. Exhibit B (Ramon Written Deposition Responses) at 3.

6. Plaintiff Ramon identifies as Hispanic. Exhibit B (Ramon Written Deposition Responses) at 2-3.

7. Romance Reed is an eligible voter registered to vote in the Town of Newburgh. Exhibit C (Reed Written Deposition Responses) at 3.

8. Plaintiff Reed has previously voted in multiple Town elections. Exhibit C (Reed Written Deposition Responses) at 3.

9. Plaintiff Reed identifies as Black. Exhibit C (Reed Written Deposition Responses) at 2-3.

10. Dorothy Flournoy is an eligible voter registered to vote in the Town of Newburgh. Exhibit D (Flournoy Deposition) at 28:11-30:5.

11. Plaintiff Flournoy has previously voted in multiple Town elections. Exhibit D (Flournoy Deposition) at 28:11-30:5.

12. Plaintiff Flournoy identifies as Black. Exhibit D (Flournoy Deposition) at 28:17-28:19.

13. Grace Perez is an eligible voter registered to vote in the Town of Newburgh. Exhibit E (Perez Deposition) at 19:19-20:8.

14. Plaintiff Perez has previously voted in multiple Town elections. Exhibit E (Perez Deposition) at 19:19-20:18.

15. Plaintiff Perez identifies as Hispanic. Exhibit E (Perez Deposition) at 19:19-19:21.

16. Ernest Tirado is an eligible voter registered to vote in the Town of Newburgh. Exhibit F (Tirado Deposition) at 22:13-24:14.

17. Plaintiff Tirado has previously voted in multiple Town elections. Exhibit F (Tirado Deposition) at 22:13-24:14.

18. Plaintiff Tirado identifies as Hispanic. Exhibit F (Tirado Deposition) at 22:13-22:24.

19. The Town of Newburgh (“the Town” or “Newburgh”) is a political subdivision of the State of New York. NYSCEF 58 (Piaquadio Affirmation) at ¶ 12.

20. The Town Board is comprised of five members: the Town Supervisor, and four other Board members. NYSCEF 58 (Piaquadio Affirmation) at ¶ 14.

21. Gilbert Piaquadio is currently the Town Supervisor. NYSCEF 58 (Piaquadio Affirmation) at ¶ 1.

22. The other current Town Board members are Paul Ruggiero, Scott Manley, and Anthony LoBiondo. NYSCEF 58 (Piaquadio Affirmation) at ¶ 15.

23. There is currently a vacancy on the Town Board that will be filled in a special election to be held on November 5, 2024. NYSCEF 58 (Piaquadio Affirmation) at ¶¶ 16, 20.

24. The Town Board members are elected through at-large elections. NYSCEF 58 (Piaquadio Affirmation) at ¶ 12; NYSCEF 61 (Town Deposition) at 49:24-50:5.

II. Plaintiffs NYVRA complaint and the Town’s initial response

25. According to the Bill Jacket accompanying the legislation, the purpose of the John R. Lewis New York Voting Rights Act is to “offer[] the most comprehensive state law protections for the right to vote in the United States.” Exhibit G (NYVRA Bill Jacket) at 9.

26. The Bill Jacket explains that in passing the NYVRA, the Legislature intended to “build[] upon the demonstrated track record of success [of state voting rights acts] in California and Washington, as well as the historic success of the federal voting rights act.” Exhibit G (NYVRA Bill Jacket) at 8-9.

27. On January 26, 2024, Plaintiffs sent a letter by certified mail to the Newburgh Town Clerk advising the Town that its at-large method of electing Town Board members violated the NYVRA. Exhibit H (Plaintiffs' NYVRA Notice Letter).

28. On March 15, 2024, the Town of Newburgh held a Special Town Board Meeting to discuss the notice letter and determine if a violation of the John R. Lewis Voting Rights Act of New York may have occurred. Exhibit I (Minutes of March 15, 2024, Special Meeting).

29. On March 15, 2025, the Town Board adopted a resolution in response to Plaintiffs' NYVRA allegations. Exhibit I (Minutes of March 15, 2024, Special Meeting).

30. On March 26, 2024, Plaintiffs served the Town of Newburgh with a summons and complaint in this lawsuit. NYSCEF 1 (Summons and Verified Complaint).

31. On April 16, 2024, the Town of Newburgh filed a motion to dismiss Plaintiffs' claims. NYSCEF 9 (Defendants' Memorandum of Law in Support of their Motion to Dismiss)

32. On May 17, 2024, the Court denied Defendants' motion to dismiss, explaining that Defendants' NYVRA resolution did not meet the requirements of the law's "safe harbor" provision because it "lack[ed] the intention to enact and implement specific remedies, the steps to accomplish that process, and a timetable for implementation." NYSCEF 31 (Order Denying Defendants Motion to Dismiss) at 1.

III. Town demographics

33. When the Town of Newburgh was established in 1865, the population was almost exclusively white. This continued into the 20th century as property deeds contained covenants that barred Black people and other people of color from buying homes. Exhibit J (Sandoval-Strausz Report) at 19.

34. The homogeneity of the Town changed during the civil rights era as Black families looked to move to neighborhoods that had better schools and services. Exhibit J (Sandoval-Strausz Report) at 20.

35. When the census began categorizing the residents of the Town by race and ethnicity in 1980, Newburgh had an estimated population of 22,000 residents, with only 6.6% of the population identifying as non-Hispanic Black or of Spanish origin. Exhibit J (Sandoval-Strausz Report) at 21-22.

36. By 1990, Newburgh's population grew to over 23,000 residents, with 9.5% identifying as non-Hispanic Black or Hispanic. Exhibit J (Sandoval-Strausz Report) at 22.

37. In 2000, the town's population exceeded 27,000, with 6.7% identifying as non-Hispanic Black and 9.6% identifying as Hispanic. Exhibit J (Sandoval-Strausz Report) at 22.

38. By 2010, Newburgh's population reached nearly 30,000, with 11% identifying as non-Hispanic Black and 15.7% identifying as Hispanic. Exhibit J (Sandoval-Strausz Report) at 22.

39. In 2022, Newburgh's population increased to 31,000, with 15.4% identifying as non-Hispanic Black and 25.2% as Hispanic. Exhibit J (Sandoval-Strausz Report) at 22.

IV. Town governance and the electoral process.

40. The Town communicates information to its residents in English. Exhibit L (Defendants' Responses to Interrogatories) at No. 9; Exhibit K (Piaquadio Deposition) at 71:19-23.

41. The only official communication the Town has ever published in Spanish is a notice regarding mosquito-borne illnesses, which was issued after this litigation commenced. NYSCEF 61 (Town Deposition) at 116:18-117:12, 128:10-17.

42. No Black or Hispanic person has ever served as Town Supervisor or a Town Board Member in Newburgh. Exhibit J (Sandoval-Strausz Report) at 24.

43. The Town has no policy justification for maintaining an at-large method of elections besides its assertion that it “has relied on its at-large system since at least 1865.” NYSCEF 58 (Piaquadio Affirmation) at ¶ 13; NYSCEF 61 (Town Deposition) at 54:16-56:25; Exhibit L (Defendants’ Responses to Interrogatories) at No. 8.

44. Historically, at-large voting systems have been used to minimize the political strength of Latinos, Black people, and other racial and ethnic minorities. Exhibit J (Sandoval-Strausz Report) at 25.

45. At-large election systems were originally created by prosperous Anglo-Americans who believed that district-based elections gave too much power to urban political machines – especially those that represented voters who were working-class, ethnic, or both. Exhibit J (Sandoval-Strausz Report) at 25-26.

46. At-large election systems were originally designed to reduce the influence of voters who were deemed as “inferior, whether socially, racially, or culturally.” Exhibit J (Sandoval-Strausz Report) at 25.

47. Shifting away from at-large electoral systems in other jurisdictions has led to the election of more Latino and Black-preferred city councilmembers and to greater responsiveness to Latino and Black constituencies from municipal governments that had previously neglected these communities. Exhibit J (Sandoval-Strausz Report) at 26-27.

V. The pattern of racially polarized voting in Newburgh.

48. Plaintiffs retained Dr. Matt Barreto, a Professor of Political Science and Chicana/o Studies at the University of California, Los Angeles, to assess voting patterns in the Town of

Newburgh. Dr. Barreto became a tenured professor at UCLA in 2015. Prior to UCLA, he was a tenured professor of political science at the University of Washington from 2005 to 2014. Exhibit M (Barreto Report) at 2.

49. Dr. Barreto is the faculty director of the Voting Rights Project in the Luskin School of Public Affairs and teaches a year-long course on the Voting Rights Act of 1965, focusing on social science statistical analysis, demographics and voting patterns, and mapping analysis that are relevant to voting rights cases. Exhibit M (Barreto Report) at 2.

50. Dr. Barreto has written expert reports and been qualified as an expert witness more than four dozen times in federal and state voting rights and civil rights cases, including in the state of New York. He has also submitted dozens of expert reports in federal and state courts, and numerous courts have relied on his testimony as credible. Additionally, he has been retained as an expert consultant by cities and counties across the county to advise them on racial voting patterns as they relate to VRA compliance during redistricting. Exhibit M (Barreto Report) at 2.

51. Dr. Barreto has published peer-reviewed social science articles about minority voting patterns and racially polarized voting and has co-authored a software package (eiCompare) for use in analyzing racial voting patterns in voting rights cases. Exhibit M (Barreto Report) at 2.

52. Dr. Barreto analyzed racial polarization in 34 elections in Newburgh across nine election cycles from 2011 to 2022 using two standard statistical techniques: King's Ecological Inference and Ecological Inference RxC. Exhibit M (Barreto Report) at 8-10.

53. Dr. Barreto relied on official election results and voter file data provided by the Orange County Board of Elections, New York. For each election, he used the voter file of registered voters at the time of the election to estimate the race and ethnicity of voters consolidated to each voting precinct in the town of Newburgh. This information was merged

with precinct level election results to be used in an ecological inference (EI) analysis. Exhibit M (Barreto Report) at 6.

54. Dr. Barreto used the Bayesian Improved Surname Geocoding (BISG) method to assess the racial makeup of voters in Newburgh. Exhibit M (Barreto Report) at 6.

55. BISG has been developed by demographic experts and has been widely published and applied in the domain of political science to understand voting trends by race and ethnicity. It has been used by experts in Section 2 voting rights trials and found reliable by a federal district court. *NAACP v. E. Ramapo Cent. Sch. Dist.*, 462 F. Supp. 3d 368 (S.D.N.Y. 2020). It has also been found reliable by the Second Circuit Court of Appeals. *Clerveaux v. E. Ramapo Cent. Sch. Dist.*, 984 F.3d 213 (2d Cir. 2021). It has been published in peer-reviewed political science, social science methodology, and law review journals as an appropriate technique for understanding voter race or ethnicity. Exhibit M (Barreto Report) at 6.

56. Dr. Barreto used the voter file provided by Orange County, along with the software package WRU, to perform BISG to estimate voters by race across each precinct and then feed this information into eiCompare to run racially polarized voting analysis. Exhibit M (Barreto Report) at 8.

57. These statistical methodologies are routinely accepted by courts for analyzing voting patterns by race. Exhibit M (Barreto Report) at 6.

58. Dr. Barreto's analysis included every contested Town Board election since 2011, including contested Town elections in 2011, 2013, 2019, 2020, and 2021. Exhibit M (Barreto Report) at 10-15.

59. Dr. Barreto derived two sets of estimates: one of white, Black, and Latino voter support for each candidate for office based on the iterative EI methodology, and one of white,

Black, and Latino voter support for each candidate for office based on EI Rows by Columns (ExC) methodology. Exhibit M (Barreto Report) at 12-15.

60. In Town elections, Latino and Black voters are cohesive and exhibit a clear and unified candidate preference. Exhibit M (Barreto Report) at 8.

61. In Town elections, white voters regularly vote as a bloc for candidates running against the candidates preferred by Latino and Black voters. Exhibit M (Barreto Report) at 8, 16.

62. In Town elections, the candidates preferred by white voters usually prevails over the candidate preferred by Latino and Black voters. Exhibit M (Barreto Report) at 3, 8.

63. No Latino- and Black-preferred candidate has ever prevailed over the white-preferred candidate in a contested Town election. Exhibit N (Barreto Deposition) at 116:20-117:10; Exhibit D (Flournoy Deposition) at 100:17-102:9; Exhibit P (Lockerbie Deposition) at 98:5-109:8; Exhibit F (Tirado Deposition) at 75:7-75:19.

64. Dr. Barreto found a “clear, consistent, and statistically significant finding of racially polarized voting in the Town of Newburgh.” Specifically, he found that “Latino and Black voters are cohesive in local elections for Town Council,” but that these candidates “typically receive very low rates of support from white voters, who effectively block [them] from winning office.” Exhibit M (Barreto Report) at 3, 8; Exhibit N (Barreto Deposition) at 111:24-112:10.

65. Dr. Barreto’s analysis of the Town’s voting patterns is consistent with the Plaintiffs’ own observations and experiences. Exhibit F (Tirado Deposition) at 74:16-75:11; Exhibit D (Flournoy Deposition) at 100:17-102:9.

66. The Town has no independent knowledge of whether Black and Latino voters and white voters in Newburgh exhibit patterns of racially polarized voting in Town elections. NYSCEF 61 (Town Deposition) at 65:4-66:21.

67. The Town's expert, Professor Brad Lockerbie, did not analyze whether there is racially polarized voting in Town elections and reached no independent conclusions regarding this topic. Exhibit O (Lockerbie Report) at 6-7; Exhibit P (Lockerbie Deposition) at 65:17-25.

68. Professor Lockerbie did not analyze voting patterns in primaries or contested Town elections. Exhibit P (Lockerbie Deposition) at 84:24-86:11.

69. Professor Lockerbie did not review Dr. Barreto's underlying analysis of racially polarized voting in the Town and instead "assume[d] that [Dr. Barreto's] calculations are accurate." Exhibit P (Lockerbie Deposition) at 65:17-25.

70. Professor Lockerbie "did not dispute Dr. Barreto's characterization" regarding the presence of racially polarized voting in the Town of Newburgh. Exhibit P (Lockerbie Deposition) at 129:6-11.

71. The success rate for minority-preferred candidates is lower in odd-year elections than it is in even-year elections. Exhibit P (Lockerbie Deposition) at 111:18-23.

72. "The odds are not good" that minority-preferred candidates would have a reasonable opportunity to be elected in Town elections in 2025 or 2027. Exhibit P (Lockerbie Deposition) at 115:20-116:5.

73. One of the Town's proffered experts, Professor Donald Critchlow, did not analyze whether there is racially polarized voting in Town elections and reached no conclusions regarding this topic. *See generally* NYSCEF 60 (Critchlow Report); Exhibit Q (Critchlow Deposition) at 186:2-16.

VI. The availability of alternative electoral systems.

74. Dr. Barreto estimated the impact of switching from the Town's current at-large system to three different alternative electoral systems: single-member districts, proportional ranked

choice voting, cumulative voting. Exhibit M (Barreto Report) at 16-18; Exhibit N (Barreto Deposition) at 161:6-17.

75. Dr. Barreto analyzed the potential implications of shifting from the existing at-large system to a system of single-member districts by creating four hypothetical districting plans. Two of these demonstrative districting plans contained four districts, while another two of these demonstrative districting plans contained five districts. Exhibit R (Barreto Addendum) at 1; Exhibit N (Barreto Deposition) at 169:14-19.

76. In each of Dr. Barreto's four potential district-based plans, his analysis indicates that one or two (of four) or two or three (of five) districts will provide an opportunity for the Black and Latino community to elect a candidate of their choice in Town Council elections. Specifically, Dr. Barreto concluded "that a district-based scheme would be effective to remedy vote dilution and allow Black and Latino voters . . . to elect candidates of their choice in at least some districts." Exhibit R (Barreto Addendum), Appendix A.

77. It is possible to implement a four or five single-member district plan for the Newburgh Town Council that would allow Black and Latino voters an opportunity to elect their candidates of choice. Exhibit M (Barreto Report) at 16; Exhibit N (Barreto Deposition) at 159:15-24; Exhibit R (Barreto Addendum).

78. It is possible to implement a proportional ranked choice voting plan that would provide Black and Latino voters with an opportunity to elect candidates of choice in Town Council elections. Exhibit M (Barreto Report) at 17; Exhibit N (Barreto Deposition) at 161:6-17.

79. It is possible to implement a cumulative voting plan to that would allow Black and Latino voters an opportunity to elect their candidates of choice. Exhibit M (Barreto Report) at 17; Exhibit N (Barreto Deposition) at 165:14-166:5.

VII. Discrimination and socioeconomic disparities in Newburgh.

80. There is an extensive history of discrimination in against Black and Latino residents of New York, including in voting through mechanisms like the English-language literacy test, manipulation of candidate slates, threats and intimidation, dilutive redistricting practices, and the failure to provide Spanish-language translation. Exhibit J (Sandoval-Strausz Report) at 13-16.

81. There is an extensive history of discrimination against Black and Latino residents of Orange County, including in voting. Exhibit J (Sandoval-Strausz Report) at 16-19.

82. The Town of Newburgh emerged as a white-flight suburb of the City of Newburgh in the 1960s, in the aftermath of a highly racialized controversy over welfare policy in the City of Newburgh. Exhibit J (Sandoval-Strausz Report) at 19-22.

83. In September 1992, around 100 members of the Ku Klux Klan and neo-Nazi groups congregated in Newburgh. Rally attendees brought swastikas and Confederate flags. There was a counterprotest in the neighboring City of Newburgh but no reported response in or by the Town. Exhibit J (Sandoval-Strausz Report) at 23; Exhibit S (New York Times Article: “Hands Join in Newburgh to Protest Klan Picnic”).

84. There are few, if any, people of color employed by the Town of Newburgh. Exhibit E (Perez Deposition) at 69:17-25.

85. Of the Town’s 220 employees, only three speak Spanish. Exhibit L (Defendants’ Responses to Interrogatories) at No. 12.

86. The Town has made no efforts to recruit additional Black and Latino employees. Exhibit K (Piaquadio Deposition) at 72:13-74:21.

87. In October 2012, a Town employee filed a lawsuit accusing the supervisor in the Town Water Department, along with the Assistant Highway Superintendent, of racist behavior and using racial slurs in the workplace, including the N-word. Exhibit T (Gray v. Elliott Complaint) at 2-9.

88. According to the complaint, The Town hired an independent investigator who concluded that “[t]here is sufficient evidence that [the defendant] subjected [the plaintiff] to a hostile work environment on the basis of his race.” Exhibit T (Gray v. Elliott Complaint) at 7.

89. The plaintiff received a monetary payout as part of a settlement executed by the parties. Exhibit U (Gray v. Elliott Notice of Settlement); Exhibit V (Hudson Valley Press Article: “Racism Within Highway Department Must End”).

90. In 2016, the Assistant Highway Superintendent named in the 2012 complaint – who was then serving as the Town’s Highway Superintendent – was again accused of using racial slurs and contributing to a racially abusive work environment. Exhibit V (Hudson Valley Press Article: “Racism Within Highway Department Must End”).

91. Black and Latino residents of Newburgh as a group experience worse outcomes in income, housing, and education as compared to non-Hispanic white residents. Exhibit J (Sandoval-Strausz Report) at 34.

92. White residents in Newburgh earn an average of \$50,839 per year, while Black and Hispanic residents earn significantly less, averaging \$33,870 and \$35,022 per year, respectively. Exhibit J (Sandoval-Strausz Report) at 34.

93. In the Town, 5.9% of Latinos and 5.4% of Black residents are unemployed, as compared to 3.1% of white residents. Exhibit J (Sandoval-Strausz Report) at 34.

94. Black residents in the Town are more than 50% more likely to have received food stamps or to be enrolled in the Supplemental Nutrition Assistance Program as compared to white residents. Exhibit J (Sandoval-Strausz Report) at 34-35.

95. In the Town, 14.7% of white residents rent their homes, as compared to 25.7% of Latino and 24.9% of Black residents. Exhibit J (Sandoval-Strausz Report) at 35.

96. The high school dropout rate in Town is 2.1% for white men, 3.4% for Black men, and 10.6% for Latino men. Exhibit J (Sandoval-Strausz Report) at 35-36.

VIII. The Town's responsiveness to the needs of the Black or Hispanic community.

97. The Town identified alleged actions it has taken to address disparities between Black and Hispanic residents and white residents of Newburgh. Exhibit L (Defendants' Responses to Interrogatories) at No. 7; NYSCEF 61 (Town Deposition) at 114:17-115:16.

98. The Town is required by law to provide court interpretive services. Exhibit W (Rule 217.1: Obligation to Appoint Interpreter in Court Proceedings in the Trial Courts).

99. The Town has no information regarding how taking the April 2009 *Tri-County Affordable Housing Study* into consideration in zoning decisions benefits Black and Hispanic residents. NYSCEF 61 (Town Deposition) at 107:17-108:15.

100. The Town cannot identify a single project on which it proactively sought the participation of minority-owned business contractors. NYSCEF 61 (Town Deposition) at 109:2-111:24.

101. The Town has no information regarding the racial or ethnic demographics of the areas in which it provides water and sewer services. NYSCEF 61 (Town Deposition) at 111:25-114:16.

102. The Town cannot identify a single instance in which the affordable housing bonus incentive contained in the Town's Zoning Code has ever been utilized. Exhibit K (Piaquadio Deposition) at 70:5-19.

103. The Town Council does not intend to address socioeconomic disparities between Black and Hispanic residents and white residents in the future. NYSCEF 61 (Town Deposition) at 61:6-18.

104. The Town is aware that there are residents in the Town that do not speak English but has not considered creating materials in languages other than English and has no plans to do so in the future. NYSCEF 61 at 118:21-119:17; Exhibit K (Piaquadio Deposition) at 72:5-12.

105. Town residents whose primary language is Spanish struggle to access services at Town Hall. Exhibit E (Perez Deposition) at 52:12-55:7.

106. The Town of Newburgh does not acknowledge or celebrate holidays honoring Hispanic or Black heritage. Exhibit C (Reed Written Deposition Responses) at 4.

107. Town Supervisor Piaquadio supported a proposed expansion of the Danskammer Power Plant in Newburgh. Exhibit K (Piaquadio Deposition) at 59:4-23.

108. Community members and racial justice groups opposed the proposed expansion on the grounds that it would exacerbate the disproportionate impact of pollution on Black and Hispanic residents in the Town of Newburgh. Exhibit J (Sandoval-Strausz Report) at 37-39; Exhibit F (Tirado Deposition) at 89:11-93:7; Exhibit E (Perez Deposition) at 37:2-15.

109. The Town did not consider the impact of the proposed expansion on Black and Hispanic communities in Newburgh. NYSCEF 61 (Town Deposition) 104:25-106:2; Exhibit K (Piaquadio Deposition) at 61:2-61:11.

110. The Town did not elicit input from Black or Hispanic residents of Newburgh on the proposed power plant expansion. NYSCEF 61 (Town Deposition) at 105:12-106:2; Exhibit K (Piaquadio Deposition) at 64:2-16.

IX. Racial appeals in Town politics.

111. On May 9, 2023, the Town issued a press release – signed by Town Supervisor Piaquadio – which stated that “that the borders [of the United States] are not adequately managed as they had been with many of our ancestors.” Exhibit X (Press Release – Asylum Seekers).

112. Two days later, New York City bussed 60 asylum seekers to the Town of Newburgh. Exhibit Y (Crossroads Hotel Litigation - Piaquadio Affidavit) at 4.

113. On May 12, 2023, the New York Post published a story alleging that homeless veterans had been displaced from the Crossroads Hotel in the Town of Newburgh by the migrants. Exhibit J (Sandoval-Strausz Report) at 40-42.

114. On the same day as the New York Post article, the Town sued the Crossroads Hotel for alleged zoning violations in connection with hosting the asylum seekers. Exhibit J (Sandoval-Strausz Report) at 42; Exhibit Z (Press Release - Legal Action Against Crossroads Hotel).

115. The Town did not elicit any input from residents prior to initiating the lawsuit against the Crossroads Hotel. Exhibit K (Piaquadio Deposition) at 54:14-55:3.

116. In the lawsuit – which alleged that the Crossroads Hotel had violated Town zoning rules – the Town emphasized that housing “single male asylum seekers from the City of New York will result in potential disaster.” Exhibit AA (Crossroads Hotel Litigation - Complaint).

117. The allegation that asylum seekers had displaced homeless veterans at the Crossroads Hotel attracted national attention, in part because local politicians amplified the story. Exhibit J (Sandoval-Strausz Report) at 40-45.

118. The allegation that asylum seekers had displaced homeless veterans at the Crossroads Hotel was a complete fabrication, as the hotel manager quickly confirmed. Exhibit J (Sandoval-Strausz Report) at 44.

Dated: White Plains
October 10, 2024

Respectfully submitted,



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