

Exhibit D

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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,

-against-

Index No:
EF002460/2024

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

Defendants.

- - - - - x

VIA ZOOM

July 26, 2024
10:01 a.m.

EXAMINATION BEFORE TRIAL of DOROTHY
FLOURNOY, a Plaintiff in the
above-entitled action, held at the above
time and place and taken before Elizabeth
C. Swanson, a Notary Public of the State
of New York.

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A P P E A R A N C E S

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STIPULATIONS

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IT IS HEREBY STIPULATED, by and
between the attorneys for the respective
parties hereto, that:

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All rights provided by the C.P.L.R.,
and Part 221 of the Uniform Rules for the
Conduct of Depositions, including the
right to object to any question, except as
to form, or to move to strike any
testimony at this examination is reserved;
and in addition, the failure to object to
any question or to move to strike any
testimony at this examination shall not be
a bar or waiver to make such motion at and
is reserved to, the trial of this action.

This deposition may be sworn to by the
witness being examined before a Notary
Public other than the Notary Public before
whom this examination was begun but the
failure to do so or to return the original
of this deposition to counsel, shall not
be deemed a waiver of the rights provided
by Rule 3116, C.P.L.R. and shall be
controlled thereby.

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The filing of the original of
this deposition is waived.

IT IS FURTHER STIPULATED, a copy
of this examination shall be furnished to
the attorney for the witness being
examined without charge.

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2 D O R O T H Y J. F L O U R N O Y,
3 after having first been duly sworn by a
4 Notary Public of the State of New York,
5 was examined and testified as follows:

6 EXAMINATION BY

7 MS. KENT:

8 Q. State your name for the record
9 please.

10 A. Dorothy J. Flournoy,
11 F-L-O-U-R-N-O-Y.

12 Q. State your address for the
13 record please.

14 A. 45 Plum Court, P-L-U-M
15 C-O-U-R-T, Newburgh, N-E-W-B-U-R-G-H, New
16 York 12550.

17 Q. Good morning, Ms. Flournoy. As
18 I said earlier, my name is Paris Kent, and
19 I represent the defendants in this matter
20 the Town of Newburgh and the Town Board of
21 the Town of Newburgh. I also have with me
22 today my colleague Anais Jaccard. She is
23 with me virtually as you can see.

24 Ms. Flournoy, would you state
25 your name again for the record?

1 DOROTHY J. FLOURNOY

2 A. Dorothy J. Flournoy,

3 F-L-O-U-R-N-O-Y.

4 Q. Thank you. Today I will ask you
5 questions, and we are going to go over the
6 ground rules before we get started.

7 Hopefully, we will make this a quick and
8 efficient deposition.

9 I will ask you some questions
10 this morning. Do you understand that you
11 must answer those questions unless your
12 attorney specifically instructs you not
13 to?

14 A. Yes.

15 Q. Because we are virtual today,
16 it's very important you answer my
17 questions verbally. So instead of nodding
18 your head or saying um-hum or anything
19 along those lines, just please don't use
20 head nods or head shakes so the
21 stenographer can record all of your
22 responses.

23 Do you understand?

24 A. Yes.

25 Q. Thank you. I will also ask, Ms.

1 DOROTHY J. FLOURNOY

2 Flournoy, that you let me finish my
3 questions before you answer so that we
4 don't talk over one another today.

5 Do you understand that?

6 A. Yes.

7 Q. And I will also do my best not
8 to talk over you at any point.

9 If you would like a break, you
10 can just ask. The only thing is that if
11 there is a question pending, I ask that
12 you answer that question before we take a
13 break, but at any point if you need a five
14 minute break or anything longer than that,
15 just let me know, and we're happy to go
16 off the record and take a quick break.

17 Do you understand?

18 A. Yes.

19 Q. Great. So you are currently
20 under oath and you have sworn to tell the
21 truth today, and you will remain under
22 oath for the entire deposition.

23 Do you understand?

24 A. Yes.

25 Q. Thank you. Ms. Flournoy, have

1 DOROTHY J. FLOURNOY

2 you taken any medication today?

3 A. Yes.

4 Q. What medication have you taken?

5 A. Blood pressure meds, heart meds,
6 vitamin B12. I took a lot of meds.

7 Q. Have any of those medications --
8 will any of those medications --

9 A. No.

10 Q. -- affect your ability to
11 testify today?

12 A. No.

13 MR. IMAMURA: Just let her
14 finish before you answer.

15 Q. Have you consumed any alcohol?

16 A. No.

17 Q. Are there any circumstances that
18 would prevent you from answering any of my
19 questions truthfully?

20 A. No.

21 Q. Throughout the deposition I may
22 refer to the Town of Newburgh as the Town,
23 but if at any time you are unsure about
24 what I'm referring to when I say the Town,
25 please just let me know so we can make

1 DOROTHY J. FLOURNOY

2 sure the record clear.

3 Do you understand that when I
4 say the Town, I am referring to the Town
5 of Newburgh?

6 A. Yes.

7 Q. Throughout the deposition I will
8 also refer to the Town Board of the Town
9 of Newburgh as the Town Board. If at any
10 time you are unsure who I am talking about
11 when I say the Town Board, please just let
12 me know so that your answers are clear.

13 Do you understand that I may
14 refer to the Town Board of the Town of
15 Newburgh as the Town Board today?

16 A. Yes.

17 Q. Great. Have you ever been a
18 party to a civil case or arbitration?

19 MR. IMAMURA: Objection to form.
20 You can answer.

21 A. No.

22 Q. Have you ever been charged with
23 a crime?

24 A. No.

25 Q. Have you ever been convicted of

1 DOROTHY J. FLOURNOY

2 a crime?

3 A. No.

4 Q. Have you ever testified in a
5 civil trial?

6 A. No.

7 Q. Have you ever testified in an
8 arbitration?

9 A. Yes.

10 Q. How many arbitrations?

11 A. One.

12 Q. Do you know -- do you recall
13 when that was?

14 A. No.

15 Q. Do you recall what the
16 arbitration was about?

17 A. No.

18 Q. Do you recall what you testified
19 about during the arbitration?

20 A. No.

21 Q. Do you have an idea of a
22 timeframe that that might have been in?

23 A. Been so long ago. No, I don't.

24 Q. Do you recall who the parties to
25 the arbitration were?

1 DOROTHY J. FLOURNOY

2 A. Yes.

3 Q. Who were the parties to the
4 arbitration?

5 A. It was First United Methodist
6 Church and the pastor. I think it was
7 Sexton.

8 Q. Now that you recall the names of
9 the parties in the arbitration, does that
10 at all refresh your recollection about
11 what the arbitration was about?

12 A. No.

13 Q. I know you said it was a long
14 time ago. Would you say it was over ten
15 years ago?

16 A. Yes.

17 Q. Over 20 years ago?

18 A. No.

19 Q. So between 10 and 20 years ago?

20 A. Yes.

21 Q. Do you recall how that
22 arbitration ended?

23 A. I think it was settled because I
24 didn't have to go back.

25 Q. Did you do anything to prepare

1 DOROTHY J. FLOURNOY

2 for today's deposition?

3 A. Spoke to my lawyer.

4 Q. And I don't want to know what
5 you spoke to your lawyers about, but how
6 many meetings did you have with your
7 lawyers?

8 A. One.

9 Q. How long was that meeting?

10 A. Maybe two hours.

11 Q. Okay. Did you review any
12 documents during that meeting?

13 A. Yes.

14 Q. Do you recall which documents
15 you reviewed?

16 MR. IMAMURA: Objection.

17 Attorney-client privilege.

18 Q. Do you recall how many documents
19 you reviewed?

20 MR. IMAMURA: Objection.

21 Attorney-client privilege.

22 Q. Do you know if the documents
23 that you reviewed were produced in this
24 litigation?

25 A. No.

1 DOROTHY J. FLOURNOY

2 Q. In preparing for this
3 deposition, whether with your attorneys or
4 otherwise, did you review any pleadings in
5 this action?

6 A. No.

7 Q. Have you reviewed any pleadings
8 in this action at any time?

9 A. No.

10 MR. IMAMURA: Counsel, could you
11 clarify what a pleading is?

12 MS. KENT: Absolutely.

13 EXAMINATION BY

14 MS. KENT:

15 Q. A pleading is a filing in this
16 action so any of the papers that have been
17 filed in this action. Have you reviewed
18 any of those?

19 A. No. Just -- what's it called?

20 MR. IMAMURA: The complaint,
21 Counsel, and the interrogatories.

22 Q. So Ms. Flourney, have you
23 reviewed the complaint in this action?

24 A. Yes.

25 Q. Did you review the complaint

1 DOROTHY J. FLOURNOY

2 before it was filed?

3 A. No.

4 Q. You reviewed the complaint after
5 it was filed?

6 A. Yes.

7 Q. So to your knowledge, you have
8 not reviewed any other any other filings
9 in this action?

10 A. No.

11 Q. Did you meet with anyone other
12 than your attorneys to prepare for today's
13 deposition?

14 A. No.

15 Q. Did you tell anyone that you
16 were being deposed today?

17 A. No.

18 Q. Ms. Flournoy, how did you come
19 to be a plaintiff in this action?

20 A. One of my neighbors.

21 Q. Your neighbor approached you to
22 be a plaintiff in this action?

23 A. Yes.

24 Q. And do you know why your
25 neighbor asked if you would be interested

1 DOROTHY J. FLOURNOY

2 in being a plaintiff in this action?

3 A. You have to ask her why.

4 Q. Understood. What is your
5 understanding of this litigation?

6 A. Has to do with bias in elections
7 -- in the Board of Elections of people who
8 make it to the boards and get on the
9 committees.

10 Q. Okay. And when you were
11 approached to be a plaintiff in this
12 action, do you recall when that was?

13 A. No.

14 Q. Do you know how your neighbor
15 came to know about this action?

16 A. No.

17 Q. Who is your neighbor that
18 approached you about joining this action?

19 A. Vanessa.

20 Q. Do you know Vanessa's last name?

21 A. Tirado.

22 Q. Thank you. Ms. Flournoy, do you
23 have any documents that relate to the
24 issues in this litigation?

25 A. Just the complaint.

1 DOROTHY J. FLOURNOY

2 Q. Do you have any communications
3 that relate to the issues in this
4 litigation?

5 A. No.

6 Q. Ms. Flournoy, did you go to
7 college?

8 A. Yes.

9 Q. Where did you go?

10 A. I went to Mount St. Mary's in
11 Newburgh.

12 Q. In Newburgh you said?

13 A. Um-hum. And I went to Savonia
14 (phonetic) Seminary for -- I have a degree
15 -- a bachelor's degree in social work
16 psychology, and I have a bachelor's degree
17 in theology.

18 Q. And so you stated that you went
19 to two different schools?

20 A. Yes.

21 Q. Which degree did you receive
22 from each school?

23 A. A bachelor's degree.

24 Q. From which university?

25 A. From both.

1 DOROTHY J. FLOURNOY

2 Q. Okay. When did you graduate?

3 A. '96 and with the bachelor's in
4 psychology and social work. In 2006 or
5 2005 with a degree in theology.

6 Q. Which university did you
7 graduate with a degree in theology?

8 A. Savonia.

9 Q. Savonia, okay. Did you go to
10 graduate school?

11 A. Just got nine credits.

12 Q. Where did you go to graduate
13 school?

14 A. It was an online school, and I
15 really can't think of the name of it now.
16 That was back in about '97. That's before
17 I went to theology.

18 Q. What did you study in graduate
19 school?

20 A. Education.

21 Q. And you said that you got nine
22 credits so you did not complete the
23 degree?

24 A. No, I did not.

25 Q. Do you have any certifications

1 DOROTHY J. FLOURNOY

2 or professional licenses?

3 A. Yes, I do.

4 Q. From where?

5 A. I am an LPN.

6 Q. Can you describe what an LPM is?

7 A. Licensed practical nurse.

8 Q. Oh, LPN. I'm sorry I misheard.

9 When did you receive that license?

10 A. '83.

11 Q. From where did you receive that
12 license?

13 A. United States Army.

14 Q. Has your license expired?

15 A. Oh, yes, it has.

16 Q. For how long were you a licensed
17 -- I believe you said licensed...

18 A. Practical nurse.

19 Q. I wanted to say nurse
20 practitioner but I knew that was wrong.

21 A. Until when?

22 Q. Yes.

23 A. '09 when I got out of the
24 military.

25 Q. Was that license ever suspended

1 DOROTHY J. FLOURNOY

2 or taken away?

3 A. No.

4 Q. Ms. Flournoy, what is your
5 current occupation?

6 A. Retired.

7 Q. What was your former occupation?

8 A. Lieutenant with the police
9 department.

10 Q. How long were you a lieutenant
11 with the police department?

12 A. I was with the police department
13 for 30 years.

14 Q. Which police department is that?

15 A. New York City Police Department.

16 Q. What were your responsibilities
17 as lieutenant in the New York City Police
18 Department?

19 A. Supervisor of field operations.

20 Q. How many people did you
21 supervise?

22 A. At any given time about 34.

23 Q. When did you start that job?

24 A. '76.

25 Q. So when you started, what was

1 DOROTHY J. FLOURNOY

2 your title?

3 A. Officer.

4 Q. How long were you an officer?

5 A. Probably three years.

6 Q. And at what point -- so after
7 three years you were promoted?

8 A. Yes.

9 Q. And what was your title when you
10 were promoted?

11 A. Lieutenant.

12 Q. And then you were a lieutenant
13 for how many years?

14 A. Probably four.

15 Q. Did your responsibilities change
16 when you became a lieutenant?

17 A. Yes.

18 Q. How so?

19 A. Instead of being an officer I
20 was supervising the officers.

21 Q. And you stated that you were in
22 the police department for about 30 years;
23 is that correct?

24 A. Yes.

25 Q. So and then you testified that

1 DOROTHY J. FLOURNOY

2 you were an officer for three years and a
3 lieutenant for about four years?

4 A. Um-hum.

5 Q. What were your other titles
6 throughout your time in the police
7 department?

8 A. Captain all the way up to
9 inspector.

10 Q. That is very impressive. What
11 were your responsibilities as a captain?

12 A. Integrity control.

13 Q. How long were you a captain?

14 A. Maybe ten years.

15 Q. Do you recall what years you
16 were a captain?

17 A. No.

18 Q. After you were a captain, what
19 was the next role that you took on?

20 A. Inspector.

21 Q. How long were you an inspector?

22 A. Up until I retired.

23 Q. That was when?

24 A. '09 -- 2009.

25 Q. As an inspector, what were your

1 DOROTHY J. FLOURNOY

2 responsibilities?

3 A. I was in charge of a whole
4 borough.

5 Q. Which borough was that?

6 A. Borough of Manhattan.

7 Q. Before joining the police
8 department, did you have any other prior
9 jobs?

10 A. I was in the military.

11 Q. For how many years were you in
12 the military?

13 A. 30.

14 Q. What were your roles when you
15 were in the military? Did you have many
16 different roles?

17 A. Oh, yes.

18 MR. IMAMURA: Objection to form.
19 You can answer.

20 Q. Starting at the beginning, can
21 you tell me about your first role in the
22 military?

23 A. Regular soldier doing soldier
24 stuff.

25 Q. For how long were you a soldier?

1 DOROTHY J. FLOURNOY

2 A. I was always a soldier, but my
3 duties changed. The Army sent me to
4 school to become a nurse. Before nurse,
5 they sent me to school for a medic.
6 School lasted about a year. I graduated
7 from that. That means my job title
8 changed. I was a medic. I went from a
9 medic, and I got up to the rank of
10 sergeant.

11 Then I became NCO which is in
12 charge of a platoon. A platoon consists
13 of about 35 people, and then I was an
14 administrator taking care of records --
15 record specialist they used to call it --
16 taking care of people's medical records
17 and records of the soldiers in the army,
18 which at that time it was a 75 delta. I
19 don't know what it is now because things
20 change. I was a driver -- heavy duty
21 driver, and I am trying to think of the
22 title for that, but I can pull out my old
23 army license and tell you if you want me
24 to.

25 Q. That's okay.

1 DOROTHY J. FLOURNOY

2 A. A whole lot of things. I had
3 five MOSs because I liked school. Every
4 time they had something to train me in, I
5 got that training.

6 Q. What is an MOS?

7 A. Military Occupational Specialty.

8 Q. You were in the military for how
9 many years?

10 A. 30 years.

11 Q. After you left the military, did
12 you immediately join the New York City
13 Police Department?

14 A. I was in both of them
15 simultaneous.

16 Q. For how long were you in both
17 simultaneous?

18 A. 30 years.

19 Q. The whole time?

20 A. Yes. Both of them 30 years.

21 Q. When you retired from the
22 military, you also retired from the police
23 department?

24 A. Yes, I did.

25 Q. And after that have you had any

Page 25

1 DOROTHY J. FLOURNOY

2 jobs afterwards?

3 A. No. Just volunteer. I
4 volunteer at the church, volunteer at
5 different organizations, different groups.
6 I don't do anything I have to punch a
7 clock.

8 Q. What type of volunteer work do
9 you do?

10 A. I volunteer at the soup kitchen
11 in Newburgh. I volunteer at my church. I
12 run their thrift store. I'm affiliated
13 with the DAV, affiliated with the American
14 Legion, affiliated with the veterans of
15 foreign war. DAV is Disabled American
16 Veterans. American Legion is just what it
17 is, and the other VFW is Veterans of
18 Foreign War. Veterans of Foreign War
19 means I was overseas with veterans, and my
20 title in those 30 years I participated in
21 the wars that they had. The DAV means I
22 got hurt during that time so I am a
23 disabled American veteran, and American
24 Legions where all the soldiers no matter
25 what happened can join. Now they changed

1 DOROTHY J. FLOURNOY

2 the rules. DAV anybody can join as long
3 as you served. Used to be you had to be
4 hurt. American Legion anybody can join.
5 Veterans of Foreign War you have to have
6 been overseas affiliated with a war to
7 join.

8 Q. For how long have you been
9 involved with the DAV?

10 A. I don't remember.

11 Q. Would you say it's over five
12 years?

13 A. Oh, yes. Over ten years.

14 Q. Do you think it's over 20 years?

15 A. No.

16 Q. What about 15 years?

17 A. It could be.

18 Q. Okay. And how long have you
19 been involved with the American Legion?

20 A. Probably about 15 years.

21 Q. And how long have you been
22 involved with Veterans of Foreign War?

23 A. About 15 years.

24 Q. And I believe you mentioned a
25 few other organizations that you volunteer

1 DOROTHY J. FLOURNOY

2 with.

3 A. I'm with the Loaves and Fishes
4 -- Loaves and Fishes of Newburgh. We feed
5 people during Thanksgiving. We give out
6 free food -- turkeys and a whole meal, a
7 uncooked meal. We get we give out like a
8 hundred turkeys around Thanksgiving,
9 sometimes 150.

10 Q. How long have you been working
11 with Loaves and Fishes?

12 A. Six years.

13 Q. How did you get involved with
14 Loaves and Fishes?

15 A. They used to use my church to
16 hold their functions and so they asked me
17 to join them.

18 Q. How did you get involved with
19 DAV?

20 A. Being in the military I think I
21 broke my ankle or something, and then I
22 was asked to join the DAV.

23 Q. How did you get involved with
24 American Legion?

25 A. Since I was in the others, I

1 DOROTHY J. FLOURNOY

2 figured I myself well join them too.

3 Q. What about Veterans of Foreign
4 War?

5 A. After I got back from Kuwait. I
6 think I joined while I was in Kuwait. I
7 was told I was eligible to join so I
8 joined. All of them give different
9 information in the military, different
10 ways of helping soldiers.

11 Q. Do you currently reside in the
12 Town of Newburgh?

13 A. Yes, I do.

14 Q. Do you recall how you identified
15 your race on the 2020 census?

16 A. 2020 I could have put other.

17 Q. How do you normally identify
18 your race?

19 A. Black.

20 Q. And for how long have you lived
21 in the Town of Newburgh?

22 A. 34 years.

23 Q. Have you always lived in the
24 same area of the Town?

25 A. Yes.

1 DOROTHY J. FLOURNOY

2 Q. Have you resided in the same
3 home?

4 A. Yes.

5 Q. How long have you been
6 registered to vote?

7 A. Probably over 60 years.

8 Q. How long have you been
9 registered to vote at your current
10 address?

11 A. Ever since I had the house
12 built.

13 Q. Do you recall when that was?

14 A. 1990.

15 Q. Do you vote in every election?

16 A. That I am available, yes.

17 Q. Do you vote in every
18 presidential election?

19 A. Yes.

20 Q. Do you vote in every state
21 election?

22 A. Yes.

23 Q. Do you vote in every local
24 election?

25 A. Yes.

1 DOROTHY J. FLOURNOY

2 Q. Have you voted in every local
3 election since you moved to the Town of
4 Newburgh 34 years ago?

5 A. Yes.

6 Q. What party are you registered
7 with?

8 A. Democrat.

9 Q. Have you always been registered
10 as a Democrat?

11 A. Yes.

12 Q. Are you a member of any
13 political organizations?

14 A. Like what?

15 Q. Just I guess generally any
16 organizations that you may volunteer with
17 or work for?

18 A. I am a member of the Democratic
19 committees.

20 Q. Do you do anything as a member
21 of the Democratic committees?

22 A. Yes.

23 Q. What do you do?

24 A. I am a district leader. I work
25 the poles.

1 DOROTHY J. FLOURNOY

2 Q. For how long have you been a
3 district leader?

4 A. Probably about ten years.

5 Q. What are your responsibilities
6 as a district leader?

7 MR. IMAMURA: Counsel, I want to
8 say we are getting close to First
9 Amendment and associational privilege.
10 You can answer the question, but I
11 just want to flag if we get to the
12 internal workings of the Democratic
13 party, we will object, but in terms of
14 your responsibilities as district
15 leader, you can answer.

16 THE WITNESS: Okay.

17 As district six leader, when
18 they have complaints in the
19 neighborhood in reference to DPW or
20 blocking them in -- when it snows they
21 aren't supposed to block your driveway
22 with the snow -- they come to me, and
23 I go to the different groups and let
24 them know what they are doing.
25 Usually when they have some type of

1 DOROTHY J. FLOURNOY

2 problem, they come tell me about it.

3 If I can take care of it I do, and if

4 I can't, I go to somebody else that

5 can.

6 EXAMINATION BY

7 MS. KENT:

8 Q. How many people do you work with

9 as a district leader?

10 A. District six. I don't know how
11 many people are in district six. I can't
12 answer that.

13 Q. How often do people come to you
14 with issues?

15 A. It's a lot better now. I don't
16 get that many.

17 Q. Do you recall when the last time
18 somebody came to you with an issue was?

19 A. It was in reference to a police
20 being very rude to him at his house. They
21 actually thought he was breaking into his
22 own house, and I just took it to the
23 precinct and talked to the captains and
24 got it kind of under control.

25 Q. Do you know how many people are

1 DOROTHY J. FLOURNOY

2 in district six?

3 A. Not from the top of my head, no.

4 Q. Do you have any regularly
5 scheduled meetings as a district leader?

6 A. No. Usually I see them when I'm
7 petitioning them to stay in the position.

8 Q. How often is that?

9 A. Every two years.

10 Q. How did you come to be a
11 district leader?

12 A. I was appointed.

13 Q. How long ago was that?

14 A. So far I think it's been about
15 ten years. Every two years we have to
16 re-certify.

17 Q. Are you a member of any other
18 political organizations or groups?

19 A. The Town of Newburgh Democratic
20 Committee.

21 Q. Do you have any responsibilities
22 in that role?

23 A. Yes. I am the sergeant of arms.

24 Q. What do you do as the sergeant
25 of arms?

1 DOROTHY J. FLOURNOY

2 A. Keep order.

3 Q. How long have you been in that
4 role?

5 A. I can't say. I know I have been
6 doing it for a while.

7 Q. Has your level of political
8 involvement changed over the years?

9 A. No.

10 Q. Are you a member of any other
11 political organizations or groups?

12 A. Besides what I have given you
13 already, I used to be with the Democratic
14 Women, but I haven't been in a while. I
15 was in the Democratic Women -- for about
16 four or five years I have been out of
17 that.

18 Q. For how long were you a part of
19 that organization?

20 A. Probably about six years.

21 Q. Did you have any
22 responsibilities as a member of that
23 organization?

24 A. No.

25 Q. Did you have a specific role?

1 DOROTHY J. FLOURNOY

2 A. Just a member.

3 Q. Did you attend any meetings as a
4 member?

5 A. Yes.

6 Q. Do you recall when those
7 meetings were?

8 A. No, I do not.

9 Q. Do you recall what was discussed
10 at those meetings?

11 A. Trying to get members to join
12 things that involve women in politics. I
13 think that's it. Gatherings, you know.

14 Q. And are you a member of any
15 other political organizations or groups?

16 A. No, no, no. No, I'm not.

17 Q. Were you previously a member of
18 any other political organizations or
19 groups?

20 A. No.

21 Q. Okay. Have you ever run for or
22 are you planning to run for a political
23 office?

24 A. No.

25 Q. Have you ever considered running

1 DOROTHY J. FLOURNOY

2 for a political office?

3 A. No. I have a foul mouth.

4 Q. Can you describe the structure
5 of the Town of Newburgh government?

6 A. In what sense?

7 Q. Do you know the entity that runs
8 the Town?

9 A. By the Republicans.

10 Q. My question is a little bit
11 different. My question is do you know how
12 exactly the Town is run. Who is in charge
13 of the Town?

14 MR. IMAMURA: Objection.

15 You can answer.

16 A. One person just died. I don't
17 remember his name. They just did a change
18 over so I don't -- the Town of Newburgh --
19 I don't remember the name of his name, no.
20 It's a man who runs the Town of Newburgh,
21 but I can't recall his name.

22 Q. Do you know any of the names of
23 the members of the Town Board?

24 A. Not from the top of my head, no.

25 Q. Do you know the names of any

1 DOROTHY J. FLOURNOY

2 prior town board members?

3 A. I think Triquato (phonetic) is
4 gone. Green has died. No. They have new
5 people up there.

6 Q. Is it your opinion generally
7 that all black citizens in the Town vote
8 for the same candidates in local
9 elections?

10 A. Repeat that please.

11 Q. Is it your opinion that
12 generally all black citizens in the Town
13 vote for the same candidates?

14 MR. IMAMURA: Objection. Calls
15 for speculation.

16 You can answer.

17 A. No, I don't think they do.

18 Q. And is it your opinion that
19 generally black citizens in the Town vote
20 for the same candidates as Hispanic
21 citizens in the Town?

22 A. Repeat it. Trying to understand
23 what you are saying.

24 MS. KENT: Can we have that read
25 back please?

1 DOROTHY J. FLOURNOY

2 (Whereupon, a portion of the

3 testimony was read back.)

4 THE WITNESS: No.

5 EXAMINATION BY

6 MS. KENT:

7 Q. So Ms. Flournoy, you testified
8 earlier that you reviewed the complaint at
9 some point; is that correct?

10 A. Yes.

11 Q. And do you recall when you
12 reviewed the complaint?

13 A. When I got it in the mail. I
14 don't remember just when, no.

15 Q. And I believe that you testified
16 that you reviewed the complaint after it
17 was filed; is that correct?

18 A. Yes.

19 Q. Did you understand the complaint
20 at the time that you read it?

21 A. Yes.

22 MS. KENT: Anais, we can
23 introduce tab one.

24 I'm marking as Flournoy

25 Exhibit 1 the complaint filed in this

1 DOROTHY J. FLOURNOY
2 action Oral Clarke et al v. Town of
3 Newburgh et al, index number
4 EF002460-2024 on March 26, 2024.

5 (Whereupon, complaint was marked
6 as Flournoy Exhibit 1 for
7 Identification, as of this date.)

8 MR. IMAMURA: Counsel, I should
9 mention we only have the one screen
10 here so it will be block your face.

11 MS. KENT: I'm not offended in
12 any way if you have to do that.

13 MR. IMAMURA: Okay. We have it
14 now.

15 EXAMINATION BY

16 MS. KENT:

17 Q. Do you recognize this document,
18 Ms. Flournoy, and you can talk a moment to
19 scroll through it.

20 MR. IMAMURA: Counsel, I want to
21 flag again her vision is poor. Is
22 there magnification?

23 MS. KENT: Yes. On the top
24 there should be a circle with a minus
25 and plus, and there should be zoom in

Page 40

1 DOROTHY J. FLOURNOY

2 and zoom out.

3 MR. IMAMURA: Okay. I see it.

4 I'm sorry. Counsel, can you
5 repeat your question?

6 MS. KENT: Absolutely.

7 EXAMINATION BY

8 MS. KENT:

9 Q. Ms. Flournoy, do you recognize
10 this document?

11 A. Yes.

12 Q. What is this document?

13 A. This is the complaint that was
14 filed against the Town of Newburgh about
15 the elections, how the elections are being
16 held.

17 Q. Can you scroll down to the last
18 page please?

19 MR. IMAMURA: To her
20 verification, Counsel?

21 MS. KENT: Yes.

22 MR. IMAMURA: Do you want to
23 read it to her?

24 MS. KENT: Sure. I can read it.

25 EXAMINATION BY

1 DOROTHY J. FLOURNOY

2 MS. KENT:

3 Q. At the top it says verification,
4 and it says Dorothy Flournoy hereby
5 affirms the following to be true under
6 penalty of perjury pursuant to CPLR 2106.
7 I am one of the plaintiffs in this action.
8 I have read the foregoing complaint and
9 know its contents, and same is true to my
10 knowledge except for matters stated to be
11 upon information and belief, which matters
12 I believe to be true. I affirm this 26th
13 day of March, 2024 under penalties of
14 perjury under the laws of New York, which
15 may include a fine or imprisonment that
16 the foregoing is true, and I understand
17 that this document may be filed in an
18 action or proceeding in a court of law.

19 Ms. Flournoy, did I read that
20 correctly?

21 A. Yes, you did.

22 Q. Is that your signature at the
23 bottom of the page?

24 A. Yes.

25 Q. Do you understand that by

1 DOROTHY J. FLOURNOY

2 signing this verification that means you
3 are swearing under oath to the contents of
4 the complaint?

5 A. Yes.

6 Q. Have you ever heard of the John
7 R. Lewis Voting Rights Act?

8 A. John R. Lewis, no.

9 Q. And have you ever heard of an
10 at-large voting system?

11 A. Yes.

12 Q. And do you know what an at-large
13 voting system is?

14 A. Explain it to me.

15 Q. Do you have any understanding
16 what an at-large voting system is?

17 A. At large means the people
18 involved. Would it not?

19 Q. I'm just asking if you
20 understand what an at-large voting system
21 is.

22 A. Yes.

23 Q. And so is your understanding --
24 would you mind repeating what your
25 understanding of an at-large voting system

1 DOROTHY J. FLOURNOY

2 is?

3 A. At large being the people that
4 are involved in a specific type of
5 complaint.

6 Q. Okay. I think my question is a
7 little bit different. I'm referring to an
8 at-large voting system with respect to how
9 votes are cast generally, not necessarily
10 related to the complaint but just an at
11 at-large voting system generally. Do you
12 have an understanding of what that means?

13 A. Of the people involved in the
14 complaint?

15 Q. I don't -- I'm not quite sure
16 exactly what you are asking, but I think
17 we can move on.

18 You said that you know what an
19 at-large voting system is. Do you recall
20 when you first became aware of what an
21 at-large voting system is?

22 A. When I first became aware of an
23 at-large voting system?

24 MR. IMAMURA: Counsel, I think
25 we are talking passed each other. Can

1 DOROTHY J. FLOURNOY

2 you try to rephrase your question?

3 MS. KENT: Sure.

4 EXAMINATION BY

5 MS. KENT:

6 Q. At the time that you read this
7 complaint, did you have an understanding
8 of the allegations that you were
9 asserting?

10 A. Yes.

11 Q. I think if you give me one
12 second -- if you want to take a look at
13 Exhibit 1, and we can scroll to paragraph
14 three which is on the second page of the
15 document, would it be helpful if I read it
16 aloud?

17 MR. IMAMURA: It's kind of long.

18 Yeah. We have it before us.

19 MS. KENT: I can read a specific
20 portion.

21 MR. IMAMURA: Is there a
22 specific excerpt?

23 MS. KENT: Yes.

24 EXAMINATION BY

25 MS. KENT:

1 DOROTHY J. FLOURNOY

2 Q. Paragraph three starts off with
3 the Town's at-large voting system violates
4 the NYVRA because it has for many years
5 systematically prevented members from the
6 Town's minority Black and Hispanic
7 communities from electing any candidates
8 of their choice to the Newburgh Town
9 Board, thus denying the members of that
10 community their most basic rights.

11 Did I read that correctly?

12 A. Yes.

13 Q. So is it your understanding
14 based on that, do you -- strike that.

15 Do you have any understanding of
16 what an at-large voting system may be
17 based on that paragraph?

18 A. Yeah, um-hum.

19 Q. What is your understanding?

20 A. That they are being -- the Town
21 of Newburgh at large is being denied
22 Blacks and Hispanics from running for
23 certain positions and winning, winning
24 that position. They are being denied that
25 right to run and win that position,

1 DOROTHY J. FLOURNOY

2 whatever position they are running for,

3 any position on the Town Board.

4 MS. KENT: And now we can scroll
5 down -- it's on page eight of the
6 document -- to paragraph 35 please.

7 MR. IMAMURA: Okay.

8 Paragraph 35. Counsel, do you want to
9 read it?

10 MS. KENT: Sure.

11 EXAMINATION BY

12 MS. KENT:

13 Q. So paragraph 35 says the Town's
14 at at-large elections, which means that
15 every registered voter residing within the
16 Town is eligible to vote for each town
17 office in every town election.

18 Does that provide you with an
19 understanding of what an at-large election
20 system means?

21 A. Yes.

22 Q. Do you believe that an at-large
23 election system in the Town -- strike
24 that.

25 Do you believe that the at-large

1 DOROTHY J. FLOURNOY
2 election system in the Town has an effect
3 on minority groups' abilities to be
4 elected to town government?

5 A. Yes.

6 Q. How so?

7 A. If they run, they won't win.
8 Somehow it's always against them. The
9 voting is always against them. They will
10 not win. They have not won. Their
11 training and their ability to do the job
12 -- they don't win.

13 Q. Do you recall the last time --
14 I'm sorry. You can strike that.

15 We can go back to
16 paragraph three which is on page two of
17 the document.

18 MR. IMAMURA: Page two or page
19 three?

20 MS. KENT: It begins on page two
21 and goes into page three.

22 MR. IMAMURA: Okay. I just have
23 to magnify it. Sorry.

24 MS. KENT: That's okay. I
25 understand.

1 DOROTHY J. FLOURNOY

2 EXAMINATION BY

3 MS. KENT:

4 Q. In the middle of paragraph
5 three, it says lacking any representation
6 on the Town Board, members of the Town's
7 Black and Hispanic communities have been
8 demoted to second class citizens whose
9 concerns are ignored by the board.

10 Did I read that excerpt
11 correctly?

12 A. Yes, you did. And yes, that's
13 true.

14 Q. What is the basis for that
15 allegation?

16 A. They are just not let in. They
17 are not listened to, you know.

18 Q. Have you ever voiced any
19 concerns to the Town Board?

20 A. Oh, yes.

21 Q. Do you recall when?

22 A. No, I do not. I stopped going
23 to meetings.

24 Q. Was it more than one time?

25 A. It was one time that I remember,

1 DOROTHY J. FLOURNOY

2 but I stopped going -- I went to two
3 meetings maybe, and we just got shut out.
4 I don't like going and doing something
5 when I don't see any progress.

6 Q. And you don't recall what you
7 were voicing at those meetings?

8 A. Not really, no --

9 (Crosstalk.)

10 Q. Were those meetings in the
11 last --

12 MR. IMAMURA: I'm sorry,
13 Counsel. Let her finish.

14 THE WITNESS: We had a lot of
15 complaints going to the Town Board,
16 and we would just be dismissed. One
17 time we wasn't even allowed to talk.

18 EXAMINATION BY

19 MS. KENT:

20 Q. When you say we, to whom are you
21 referring?

22 A. We go in a group of Democratic
23 Members --

24 MR. IMAMURA: I'm sorry. Don't
25 look at your phone.

1 DOROTHY J. FLOURNOY

2 A. -- we go as a group so when I
3 said we, I mean the Democratic Party or
4 people there with the interest of not
5 having to go through or say something just
6 to voice our opinion, it wasn't heard.

7 Q. Do you recall how many people
8 you attended the meeting with?

9 A. My number was six. Could have
10 been more. I really don't know.

11 Q. And do you recall how long ago
12 those meetings were?

13 A. No, I do not.

14 Q. Were they five years ago?

15 A. I do not recall.

16 Q. Do you recall a timeframe in
17 which those meetings might have been?

18 A. Usually 6:00 at night.

19 Q. And do you recall if it was when
20 you first moved to the Town of Newburgh?

21 A. No. It wasn't when I first
22 moved to the Town. No. It was not when I
23 first moved to the Town. I have been in
24 Newburgh for over 34 years.

25 Q. Was it within the last five

1 DOROTHY J. FLOURNOY

2 years?

3 A. I don't recall so I can't give
4 you say five years, ten years, or
5 two years.

6 Q. Do you recall who any -- do you
7 recall who in town government was there at
8 those meetings?

9 A. No.

10 Q. Have you ever voiced any
11 concerns to anybody in town government in
12 another way that was not in a town hall
13 meeting?

14 A. No.

15 Q. Do you recall how long the
16 meetings were?

17 A. I think there were about maybe
18 two hours.

19 Q. And you testified that at least
20 one of the meetings you were not able to
21 even voice your concerns; is that correct?

22 A. Yes.

23 Q. Were other members of the group
24 that you went to the meetings with able to
25 voice their concerns?

1 DOROTHY J. FLOURNOY

2 A. Yes. I remember one member was
3 talking.

4 Q. Do you recall what their
5 concerns were?

6 A. No, I do not.

7 Q. When you went as a group, did
8 you generally all go with the same goal?

9 A. Was supposed to be the same
10 goal, yes.

11 Q. And were each of you supposed to
12 speak at a different time?

13 A. Raise your hand like you are in
14 school and they will pick who they are
15 going to have speak. First one up, that's
16 who spoke.

17 Q. Do you know of any other
18 individuals -- actually, strike that.

19 When you went with other members
20 of the Democratic Party, do you know the
21 racial makeup of that group?

22 A. It was probably three to five.

23 Q. Were those individuals that you
24 went with -- were they all Black citizens
25 of the Town of Newburgh?

1 DOROTHY J. FLOURNOY

2 A. No, they were not.

3 Q. Were some of them Hispanic
4 citizens?

5 A. Yes, they were.

6 Q. Were any of them white citizens
7 of the Town?

8 A. Yes, they were.

9 Q. Do you recall whether any of the
10 Black citizens that you went with were
11 able to voice their concerns at the
12 meeting?

13 A. I'm not sure. I think Vanessa
14 was able to speak. No. I will say no, I
15 don't recall because I don't know which
16 meeting, you know, she spoke, but I don't
17 remember which meeting it was.

18 Q. Do you recall that she spoke at
19 any meeting?

20 A. Yes.

21 Q. And just so the record is clear,
22 do you understand when I say meeting I'm
23 referring to town hall meetings?

24 A. Yes.

25 Q. Do you recall whether anyone in

1 DOROTHY J. FLOURNOY

2 the Hispanic community was able to voice
3 their opinions at town hall meetings when
4 you were there?

5 A. Yes.

6 Q. Do you recall what any of their
7 concerns were?

8 A. No.

9 Q. Are you aware of any other
10 individuals in the Town's Black community
11 that have voiced opinions at town hall
12 meetings?

13 A. I could say yes.

14 Q. Do you recall who that may have
15 been?

16 A. No.

17 Q. You testified earlier that
18 Vanessa had voiced concerns at a town hall
19 meeting; is that correct?

20 A. Yes.

21 Q. And is Vanessa your neighbor who
22 you testified about earlier that asked you
23 to join this lawsuit?

24 A. Yes.

25 MS. KENT: Understood. If you

Page 55

1 DOROTHY J. FLOURNOY

2 can go back to the exhibit.

3 MR. IMAMURA: What paragraph,
4 Counsel?

5 MS. KENT: We are going to read
6 through paragraphs 122 and 123.

7 MR. IMAMURA: All right. We are
8 there.

9 Can you see this?

10 THE WITNESS: Um-hum.

11 MR. IMAMURA: Whenever you are
12 ready.

13 EXAMINATION BY

14 MS. KENT:

15 Q. Paragraph 122 states that town
16 board has shown little regard for the
17 particularized concerns of the Black or
18 Hispanic communities. Did I read that
19 correctly?

20 A. Yes.

21 Q. Do you agree with that
22 allegation?

23 A. Yes.

24 Q. What is the basis for this
25 allegation?

1 DOROTHY J. FLOURNOY

2 A. As I said, you go to the Town
3 Board. You had no say. You would be
4 dismissed almost immediately no matter
5 what the circumstances were.

6 Q. And you testified earlier that
7 you attended two town hall meetings?

8 MR. IMAMURA: Objection.

9 Mischaracterizes the testimony.

10 You can answer.

11 A. I attended more than two. I
12 just can't remember how many.

13 Q. At each of those meetings, did
14 you try to voice your concerns?

15 A. No. Somebody else was standing
16 and speaking, and they said what I wanted
17 to say so I didn't bother to get up to say
18 anything like on the same topic.

19 Q. Do you recall whether there was
20 a transcript of those hearings?

21 A. I don't know.

22 Q. Has anybody in the Black
23 community voiced to you that they felt the
24 Town Board has shown little regard for
25 their concerns?

1 DOROTHY J. FLOURNOY

2 A. Yes. I'm trying to pull the
3 incident up. We had a house over here in
4 district six that they had moved out. The
5 grass was about three feet tall, and we
6 couldn't get anybody to come mow the grass
7 or take care of the property. Took a
8 couple months before somebody came out and
9 started doing the properties, and bank
10 owned it, this person owned it. Nobody
11 wanted to take responsibility for owning
12 the property. Took a while to get them to
13 start taking care of that property, and it
14 shouldn't take that long. They supposed
15 to know who owns what property and who to
16 come out and take care of that property.
17 It took a long time.

18 Q. Do you recall when that was?

19 A. No. Less than five years ago.

20 Q. I'm sorry?

21 A. Less than five years ago.

22 MS. KENT: Looking back to
23 Exhibit 1, paragraph 123, do you have
24 that up?

25 MR. IMAMURA: Yes.

1 DOROTHY J. FLOURNOY

2 EXAMINATION BY

3 MS. KENT:

4 Q. Paragraph 123 states upon
5 information and belief, the Town routinely
6 ignores concerns raised by Hispanic
7 residents that the Town does not employ
8 enough Spanish speaking employees.

9 Did I read that correctly?

10 A. Yes, you did.

11 Q. Do you agree with that
12 allegation?

13 A. I do.

14 Q. What is the basis for that
15 allegation?

16 A. They don't hire them. That's
17 the basis. They are not hired.

18 Q. Have any Hispanic residents come
19 to you and said that they voiced their
20 concerns about this to the Town?

21 A. No. Not personally, no.

22 Q. Do you know that any Hispanic
23 resident has ever raised this concern with
24 the Town?

25 A. Yes.

1 DOROTHY J. FLOURNOY

2 Q. How do you know that?

3 A. I heard them say they went to
4 the meeting and raised their concerns and
5 nothing happened. I have a few Spanish
6 speaking people that I do know. No, I did
7 not go to that meeting. I told you after
8 a while I don't go to meetings where they
9 don't listen to me.

10 Q. Do you recall who those people
11 were?

12 A. No.

13 Q. Did they specifically raise a
14 concern about the Town allegedly not
15 employing enough Spanish speaking
16 employees?

17 A. Yes.

18 Q. Did they raise other than
19 concerns as well?

20 A. I'm not sure if they raised
21 other concerns. I was not at the
22 meetings. I just know what was brought to
23 me and was said to me. They went to the
24 meetings. I did not go. I don't know
25 what other concerns they raised.

1 DOROTHY J. FLOURNOY

2 Q. Do you know how the Town Board
3 reacted to those concerns?

4 A. I was not at the meeting. I
5 don't exactly know, but they was not hired
6 if that's one of the ones you are talking
7 about.

8 MS. KENT: We are going to move
9 on. We can take a moment to read
10 through paragraphs 69 through 75.

11 MR. IMAMURA: Scrolling up,
12 Counsel.

13 MS. KENT: It begins page 13 on
14 the document.

15 MR. IMAMURA: We are approaching
16 an hour. Happy to finish this
17 sequence of questions.

18 MS. KENT: We can take a break
19 here.

20 MR. IMAMURA: Whatever you
21 prefer. If you want to do this one.
22 Whatever you prefer.

23 MS. KENT: I think we can take a
24 break here.

25 MR. IMAMURA: All right. Ten

1 DOROTHY J. FLOURNOY

2 minutes?

3 MS. KENT: Ten minutes is fine.

4 MR. IMAMURA: Sounds good.

5 Thank you, Counsel.

6 MS. KENT: We can go off the

7 record now.

8 (Whereupon, a recess was taken.)

9 EXAMINATION BY

10 MS. KENT:

11 Q. Ms. Flournoy, paragraph 69 of
12 the complaint says voting is consistently
13 racially polarized in the Town of
14 Newburgh. Did I read that correctly?

15 A. Yes, you did.

16 Q. What do you understand that to
17 mean?

18 A. I would say that it always
19 seemed to go one way in a sense.

20 Q. Which way does it go?

21 A. The white way.

22 Q. What is the basis for that
23 allegation?

24 A. That's just the way it goes.
25 It's constantly -- without mentioning any

1 DOROTHY J. FLOURNOY
2 names, I know one person that was totally
3 fit for that job -- for a particular job.
4 We campaigned. I read all the different
5 people that was for that position, and he
6 still came down low in the voting. He
7 should have been at least number two, but
8 he wasn't, and it's most definitely that
9 way consistently.

10 Q. When you say that way, what do
11 you mean?

12 A. Polarized.

13 Q. Do you recall when that was?

14 A. It's been two years now. I
15 haven't campaigned since then. I did
16 campaign for my district six, but I
17 haven't campaigned for anybody since then.
18 So it was about two years ago.

19 Q. How often did you campaign?

20 A. Every time there was a Democrat
21 running for the Town or city, I went out.
22 Once I was over 75, I was tired.

23 Q. When was that?

24 A. I'm 75 now so I don't go out
25 there. I am tired.

1 DOROTHY J. FLOURNOY

2 Q. Do you have any evidence to
3 support the allegation in paragraph 69
4 that voting is consistently racially
5 polarized in the Town?

6 A. Do I have any evidence, no. But
7 I am sure there are some. Somebody has
8 them.

9 Q. And if you could go back to
10 Exhibit 1, paragraph 70 states Black
11 voters in the Town of Newburgh
12 consistently vote cohesively for the same
13 candidates. Did I read that correctly?

14 A. You did.

15 Q. What is the basis for that
16 allegation?

17 A. Can't say. Can't speak for
18 other Black voters in the Town of
19 Newburgh.

20 Q. Ms. Flournoy, you verified this
21 complaint, right?

22 A. Yes.

23 Q. Did you understand at the time
24 that you verified the complaint that you
25 were attesting to the truth of these

1 DOROTHY J. FLOURNOY

2 allegations?

3 A. Yes.

4 Q. So is it your understanding that
5 Black voters in the Town of Newburgh
6 consistently vote cohesively for the same
7 candidates?

8 A. I can say yes, but I still can't
9 -- I don't have access to Black voters'
10 patterns. I know when we put in a person
11 to run for something I know they don't
12 win, and I know we have petitions where it
13 could be 400 or 500 petitions out there
14 just from my district alone, and they
15 still don't win.

16 I can't go back -- asking
17 somebody who they voted for is not a right
18 move. You don't ask them. You just same
19 as a Republican voted Democrat. You can't
20 ask who they voting for. That's a
21 question you can't really answer, but you
22 can assume, but you know what assuming
23 does.

24 Q. So have you ever spoken to any
25 other Black citizens in the Town about who

1 DOROTHY J. FLOURNOY

2 they have voted for?

3 A. No. I don't ask who they vote
4 for because that's not what I am there
5 for. You just hope and pray. I used to
6 ask my husband who he voted for because he
7 was a Republican and we discussed it, but
8 I don't go out and discuss it with anybody
9 else.

10 Q. With respect to the allegation
11 that Black voters in the Town consistently
12 vote cohesively for the same candidates,
13 is that based on assumption?

14 A. Yes.

15 Q. Okay. Paragraph 71 states
16 Hispanic voters in the Town of Newburgh
17 consistently vote cohesively for the same
18 candidates. Did I read that correctly?

19 A. Yes.

20 Q. What is the basis for that
21 allegation?

22 A. Because it's basically true.
23 It's the same for the Blacks and Spanish
24 and Puerto Ricans. Same thing happens
25 which I don't go out and ask did you vote

1 DOROTHY J. FLOURNOY
2 for this person or that person. That's
3 not the way it's supposed to be done. We
4 can only go by their conversations, them
5 talking to me, and I'm talking to them,
6 and I don't ask who you vote for or who
7 you voted for, but that's the way it
8 appears by their conversations.

9 Q. So the allegations in
10 paragraph 71 that Hispanic voters in the
11 Town consistently vote cohesively for the
12 same candidates, is that also just based
13 on an assumption?

14 A. Yes.

15 Q. Is it your opinion that Hispanic
16 voters in the Town also vote cohesively
17 for the same candidates?

18 A. As far as conversations go with
19 them, yes.

20 Q. Paragraph 72 says Black and
21 Hispanic voters in the Town of Newburgh
22 are also politically cohesive with each
23 other. Did I read that correctly?

24 A. You did.

25 Q. What is your understanding of

1 DOROTHY J. FLOURNOY

2 what allegation?

3 A. Basically, they try to work
4 together. In a sense they have a Hispanic
5 Democratic committee in the Town. I am
6 not Spanish but I do go to their meetings
7 and their little recreational things, and
8 like I said we do talk. I don't speak
9 Spanish but we talk and I find out that's
10 going on --

11 (Crosstalk.)

12 Q. When is the last -- go ahead.

13 A. So that's how I come to that
14 conclusion. I have in this neighborhood
15 here I have one, two, three, about six
16 houses here with Spanish speaking people,
17 and they are come to me to want to join
18 the Democratic committee just to have some
19 type of input in what's going on because
20 they don't like what's going on. I don't
21 ask which way they voting, but the
22 conversation always leads that way. They
23 need more input about what' going on.
24 They tell me they don't like what's going
25 on.

1 DOROTHY J. FLOURNOY

2 Q. When is the last time you
3 attended one of those meetings?

4 A. We had one Tuesday but I was out
5 of town so the last -- probably about two
6 months ago.

7 Q. Do you recall how many of those
8 meetings you have attended?

9 A. They have them every month, the
10 first or third Tuesday of every month.

11 Q. Do you try to attend every
12 meeting?

13 A. Try to attend every meeting. I
14 slot all my meetings that I am affiliated
15 with I have slotted in a position and
16 space so I can make all of them. That's
17 with the American Legion, DAV, all of
18 them, the United Women of Faith. I have a
19 schedule so every week I am attending a
20 meeting that way my doctors tell me are
21 you getting out, yes, I am getting out. I
22 have meetings scheduled. I don't get paid
23 for them. It's all volunteer. I make all
24 my meetings unless I'm out of town.

25 Q. Do you have any responsibilities

1 DOROTHY J. FLOURNOY

2 in this group?

3 A. Which group?

4 Q. I'm referring to I believe you
5 said it was the Hispanic Democratic group?

6 A. No. Like I says, I'm not
7 Spanish. I don't speak Spanish except
8 curse words but no responsibilities. I
9 just have my card that says I registered
10 with them for the year. They send real
11 pretty cards.

12 Q. Are these meetings held in
13 Spanish?

14 A. No. They held in English but
15 they get to speaking Spanish, and I don't
16 know what they said.

17 Q. For how long have you been
18 attending these meetings?

19 A. The Spanish one?

20 Q. Correct.

21 A. Well, I haven't been to one of
22 them. I been to the regular Democratic
23 meetings. I haven't been to a Hispanic
24 one in about four or five months because
25 the president moved down south. I don't

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1 DOROTHY J. FLOURNOY
2 even know if they still having them. I
3 don't know if that particular Spanish
4 Democratic committee is still active
5 because the president moved and I haven't
6 asked anybody about it.

7 Q. Are there two separate groups --

8 A. Yes.

9 Q. -- one being the Democratic
10 group generally and one being the Spanish
11 group?

12 A. Yes.

13 Q. Do you attend meetings for both
14 groups?

15 A. Like I said, the Spanish one
16 hasn't met in a while, but I still attend
17 the Democratic ones, yes.

18 Q. So how often do you attend the
19 Democratic meetings?

20 A. They have it the third Tuesday
21 of every months.

22 Q. For how many years have you been
23 attending those meetings?

24 A. Oh, 15 years, something like
25 that. I don't remember.

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1 DOROTHY J. FLOURNOY

2 Q. With respect to the has Hispanic
3 Democratic meetings, I understand they
4 have not occurred for a few months now,
5 correct?

6 A. My understanding is I haven't
7 been to one since the president left town.
8 I don't know if they are having them. No
9 one has told me anything so...

10 Q. How many did you attend before
11 the president left town?

12 A. About five or six.

13 Q. Did you ever voice any concerns
14 at those meetings?

15 MR. IMAMURA: Objection. Calls
16 for -- you're crossing into First
17 Amendment associational privilege. I
18 will direct her not to answer.

19 MS. KENT: I think we may
20 disagree about that.

21 EXAMINATION BY

22 MS. KENT:

23 Q. But Ms. Flournoy, is it your
24 understanding your counsel is directing
25 you not to answer that question?

1 DOROTHY J. FLOURNOY

2 A. Yes.

3 Q. Have you ever voiced any
4 concerns at the more general democratic
5 meeting?

6 MR. IMAMURA: Objection. Same
7 objection. Don't answer.

8 Q. Is it your understanding your
9 counsel has asked you not to -- strike
10 that.

11 Is it your understanding that
12 your counsel has directed you not to
13 answer that question?

14 A. Yes.

15 Q. Are you therefore refusing to
16 answer that question?

17 A. Counsel's advice.

18 MS. KENT: Okay. If you can
19 turn back to Exhibit 1.

20 MR. IMAMURA: Yes.

21 EXAMINATION BY

22 MS. KENT:

23 Q. Paragraph 72 states that Black
24 and Hispanic voters in the Town of
25 Newburgh are also politically cohesive

1 DOROTHY J. FLOURNOY

2 with each other. Did I read that

3 correctly?

4 A. Yes.

5 Q. What is your understanding of

6 what that allegation means?

7 A. Just what it says.

8 Q. Can you explain in your own

9 words what that means?

10 A. They are on the same ball field.

11 Q. Do you agree with that

12 allegation?

13 A. Yes.

14 Q. What is the basis for that

15 allegation?

16 A. They stick together.

17 Q. How do you know that?

18 A. I live in this community.

19 Q. Do you have any evidence to

20 support the allegation in paragraph 72

21 that Black and Hispanic voters in the Town

22 are consistently politically cohesive with

23 each other?

24 A. I don't have any evidence, but

25 I'm sure they have some evidence.

1 DOROTHY J. FLOURNOY

2 Q. Who is they?

3 A. The Hispanic Democratic
4 committee.

5 Q. So you understand that the
6 Hispanic Democratic committee might have
7 evidence Black and Hispanic voters in the
8 Town cohesively vote with each other?

9 A. Yes.

10 Q. Is the allegation in
11 paragraph 72 that Black and Hispanic
12 voters in the Town are politically
13 cohesive with each other based on an
14 assumption of yours?

15 A. Not an assumption. It's just
16 the meetings and time spent with them.
17 Knowledge of the facts.

18 Q. If you can turn back to
19 Exhibit 1, and paragraph 73 says white
20 voters in the Town of Newburgh
21 consistently vote cohesively for the same
22 candidates who are not the candidates
23 perfected by his Black and Hispanic
24 voters.

25 Did I read that correctly?

1 DOROTHY J. FLOURNOY

2 A. You did.

3 Q. What is the basis for that
4 allegation?

5 A. What it says. Cohesive for the
6 same party. Common fact.

7 Q. Is it -- are you saying that
8 it's a fact that white voters in the Town
9 vote consistently with each other?

10 A. Yes. Most of them. We have a
11 lot of Democrats that are white on our
12 committee, and they might vote with us,
13 but you have more outside the committee
14 that already -- they molded in the way
15 they think that vote the that way, yes.

16 Q. Do you have any examples of --
17 (Crosstalk.)

18 A. No.

19 Q. Okay. And is it also your
20 opinion that white voters in the Town vote
21 for candidates who are not the preferred
22 candidates of Black and Hispanic voters?

23 A. Yes.

24 Q. And on what do you base that
25 opinion?

1 DOROTHY J. FLOURNOY

2 A. My opinion. 34 years of being
3 in this neighborhood and this community in
4 Orange County and working on the
5 Democratic committee.

6 Q. Do you have any evidence to
7 support that allegation?

8 A. I don't have it, but I'm sure
9 the Republican party probably have it.

10 MS. KENT: If you can turn back
11 to Exhibit 1, can you let me know when
12 you have that up, paragraph 74.

13 MR. IMAMURA: Have it.

14 MS. KENT: Perfect.

15 EXAMINATION BY

16 MS. KENT:

17 Q. Paragraph 74 states the
18 preferred candidates of Black and Hispanic
19 candidates -- I believe that should be
20 said voters -- are usually defeated by the
21 preferred candidates of a cohesive block
22 of white voters.

23 Did I read that correctly?

24 A. Yes.

25 Q. What is the basis for that

1 DOROTHY J. FLOURNOY

2 allegation?

3 A. On who is holding office. Look
4 around the office. How many Blacks do you
5 see? None and in a couple of years none.
6 They ran but you don't see them in that
7 position.

8 Q. Do you recall when the last time
9 a Black citizen in the Town of Newburgh
10 ran for office in the Town?

11 A. Not really. I can't remember.

12 Q. And do you remember the name of
13 any Black citizens who ran for town office
14 in the Town of Newburgh?

15 A. I think her name was Bower. She
16 ran. She didn't win. Vanessa ran. She
17 didn't win. Mary Oliveri ran. She didn't
18 win. How many more you need?

19 Q. Sorry?

20 A. I was asking how many more do
21 you need. I just gave you three -- two
22 Spanish and one Black. They ran. They
23 didn't win.

24 Q. Do you recall any others?

25 A. No not from the top of my head.

1 DOROTHY J. FLOURNOY

2 Getting old, girl.

3 Q. Do you recall if any of those
4 individuals ran in the last five years?

5 A. Yes.

6 Q. Do you recall who ran in the
7 last five years?

8 A. Ernie Tirado ran and didn't win.
9 I think Bowser ran in the last five years
10 too, and Vanessa ran in the last five
11 years. Neither of them won. Mary Oliveri
12 also I think.

13 Q. Do you recall what position they
14 ran for, each of those individuals?

15 A. No. I can't tell you that. I
16 don't remember.

17 Q. But each was a role on town
18 government; is that correct?

19 A. Yes.

20 Q. So the allegation in
21 paragraph 74 says the preferred candidates
22 of Black and Hispanic candidates -- I
23 believe that should say voters -- are
24 usually defeated by the preferred
25 candidates of a cohesive block of white

1 DOROTHY J. FLOURNOY

2 voters, and you testified that the Black
3 and Hispanic candidates that have run
4 recently have not won; is that correct?

5 A. Yes.

6 Q. And that's your evidence to
7 support that allegation?

8 A. Probably a lot more evidence out
9 there. I just don't have it. You said
10 did I remember. I don't remember. I am
11 sure there is a lot more evidence out
12 there.

13 Q. Okay. If you go back to
14 Exhibit 1, paragraph 75 says no candidate
15 preferred by Black and Hispanic voters has
16 been elected to town office in recent
17 memory. Did I read that correctly?

18 A. Yes.

19 Q. What is the basis for that
20 allegation?

21 A. Because it's true. Go back
22 through your history of Town of Newburgh
23 and you will see.

24 Q. Do Black and Hispanic voters in
25 the Town generally prefer candidates who

1 DOROTHY J. FLOURNOY

2 are Black or Hispanic?

3 A. No. We have white ones too.

4 Q. So I believe you testified
5 previously that one of the bases for the
6 allegation that the preferred candidates
7 of Black and Hispanic voters are usually
8 defeated by preferred candidates of white
9 voters is that there are no Black or
10 Hispanic members of town government; is
11 that correct?

12 MR. IMAMURA: Objection.

13 You can answer.

14 A. There's --

15 MR. IMAMURA: Counsel, do you
16 want to rephrase?

17 MS. KENT: Sure. Absolutely.

18 EXAMINATION BY

19 MS. KENT:

20 Q. So paragraph 74 going back to
21 that says the preferred candidates of
22 Black and Hispanic voters usually
23 defeated by the preferred candidates of a
24 cohesive block of white voters; is that
25 correct?

1 DOROTHY J. FLOURNOY

2 A. Yes.

3 Q. When I asked the factual basis
4 for that allegation, I believe you
5 testified that there are no Black or
6 Hispanic members of town government; is
7 that correct?

8 A. Yes.

9 MR. IMAMURA: Objection.

10 You can answer.

11 Q. But do Black and Hispanic voters
12 in the Town also sometimes support
13 candidates of other races?

14 A. Yes.

15 Q. Okay. Have you ever heard or
16 seen any analysis of voting patterns of
17 the Town of Newburgh citizens?

18 A. No, not that I remember.

19 Q. Is it your opinion that the
20 Town's at-large voting system is unlawful?

21 MR. IMAMURA: Objection. Calls
22 for legal conclusion.

23 You can answer.

24 A. Can you repeat that question?

25 MS. KENT: Absolutely. Can we

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1 DOROTHY J. FLOURNOY

2 have that read back please?

3 (Whereupon, a portion of the
4 testimony was read back.)

5 THE WITNESS: Yes. Isn't that
6 what this complaint is about?

7 MS. KENT: That is part of it,
8 yes. If we can scroll down in
9 Exhibit 1 to paragraph 82 which is on
10 page 15.

11 MR. IMAMURA: We have it,
12 Counsel.

13 EXAMINATION BY

14 MS. KENT:

15 Q. Paragraph 82 says there is a
16 long history of discrimination against the
17 Black and Hispanic communities in the
18 down. Did I read that correctly?

19 A. Yes.

20 Q. What is the basis for that
21 allegation?

22 A. Known fact. All the Republicans
23 white.

24 Q. And do you have any examples of
25 discrimination against Black and Hispanic

1 DOROTHY J. FLOURNOY

2 communities in the Town?

3 A. No. I don't keep those records.
4 I'm sure it's on record.

5 Q. Do you have any examples that
6 you know of personally?

7 A. No, I can't remember.

8 Q. So is it your opinion that there
9 is a history of discrimination in the
10 Town?

11 A. Known fact that there is a
12 history of discrimination in the Town.
13 I'm sure it is on record somewhere.

14 Q. On what is that based?

15 A. Based on all the Republicans has
16 held office for the past 30 years. How
17 many Democrats have held those offices?
18 None. Black or white democrats.

19 Q. Well, my question is a little
20 bit different. It's not whether there has
21 been discrimination against the Democratic
22 Party in any way. It's more about has
23 there been discrimination against the
24 Black and Hispanic communities in the
25 Town.

1 DOROTHY J. FLOURNOY

2 MR. IMAMURA: What is your

3 question, Counsel?

4 Q. Has there been -- there is an
5 allegation in the complaint that says
6 there is a long history of discrimination
7 against the Black and Hispanic communities
8 in the Town. It does not have to do with
9 the Democratic Party but generally the
10 Black and Hispanic communities in the
11 Town. So I am asking if you have examples
12 of discrimination against the Black and
13 Hispanic communities?

14 A. Just seeing what's going on is
15 my example of what's going. I don't keep
16 record to tell you how many times it's
17 happened.

18 Q. When you say what's going on,
19 what exactly are you referring to?

20 A. Discriminatory operations within
21 the Board of Elections.

22 Q. Can you give me any examples of
23 that?

24 A. No, I cannot.

25 Q. Do you feel that you have been

1 DOROTHY J. FLOURNOY
2 discriminated against in the Town --
3 strike that. I will be a little bit more
4 specific.

5 Do you feel you have been
6 discriminated in the Town by the Town
7 government?

8 A. I never ran for any position
9 within the Town government nor do I want
10 to. That's about the best answer I can
11 give you for that.

12 Q. I think my question is a little
13 different. It's not whether you have ran
14 for any office, but instead, I'm asking
15 whether you have ever felt discriminated
16 against by the Town Board or by the Town
17 more generally?

18 A. No.

19 Q. So you testified earlier that
20 you attended a few town hall meetings; is
21 that correct?

22 A. Yes.

23 Q. When you attended, did you
24 attend as an individual or on behalf of an
25 organization?

1 DOROTHY J. FLOURNOY

2 A. On behalf of an organization.

3 Q. What was that organization?

4 A. Town of Newburgh Democratic
5 Committee.

6 Q. Each time you attended a town
7 hall meeting, did you attend only as a
8 member of that committee?

9 A. No. Sometimes as a member of
10 the Town of Newburgh.

11 Q. On behalf of yourself?

12 A. On behalf of myself.

13 Q. Is it correct you have attended
14 town hall meetings both on behalf of
15 yourself and on behalf of an organization?

16 A. Yes.

17 Q. Did you speak in meetings where
18 you went as an individual?

19 A. No.

20 Q. Did you speak only when you went
21 on behalf of an organization?

22 A. I think I did, yeah. Went as a
23 group.

24 Q. Just in talking through this
25 over the last hour or so, have you -- do

1 DOROTHY J. FLOURNOY

2 you recall any of the specific meetings
3 that you attended?

4 A. I think one had to do with
5 fracking.

6 Q. Do you recall when that was?

7 A. No, I do not.

8 Q. Have you ever expressed your
9 opinions to town government in any other
10 way?

11 A. DPW when they used to plow snow
12 in my driveway.

13 Q. Do you recall how you expressed
14 those concerns to someone in town
15 government?

16 A. I went to the office.

17 Q. Do you recall who you expressed
18 those concerns to?

19 A. DPW supervisor.

20 Q. Do you know who that was?

21 A. No. I do know he's not there
22 anymore.

23 MS. KENT: If you can go back to
24 Exhibit 1.

25 MR. IMAMURA: What paragraph,

1 DOROTHY J. FLOURNOY

2 Counsel?

3 MS. KENT: Paragraph 83.

4 MR. IMAMURA: Okay.

5 EXAMINATION BY

6 MS. KENT:

7 Q. It says most recently on May 8,
8 2023, the Town of Newburgh Town Board
9 voted to launch a lawsuit in an attempt to
10 halt the housing of migrants or asylum
11 seekers at the Crossroads Hotel in the
12 Town of Newburgh.

13 Did I read that correctly?

14 A. Yes.

15 Q. Prior to this lawsuit, were you
16 aware of the arrival of asylum seekers in
17 the Town?

18 A. Yes.

19 Q. How did you become aware of the
20 asylum seekers in the Town?

21 A. As you know, I'm in the
22 military, and I was called because they
23 said they were throwing the military out
24 of the hotel and housing the asylum
25 seekers, and I went and checked it out and

1 DOROTHY J. FLOURNOY

2 found that was not true. That's how I
3 became aware of them being in the hotels.

4 Q. Do you recall through what means
5 you heard about their arrival in the Town?

6 A. What means?

7 Q. Meaning through an email, news
8 article, word of mouth?

9 A. It was just word of mouth.
10 Someone said they are throwing all the
11 military out of the hotel, and I told you
12 I'm on three, four military groups, and I
13 went there because it's not far from here
14 to inquire about it to find out it was not
15 true.

16 Q. When you first heard about the
17 arrival of asylum seekers in the Town, did
18 you form any opinions?

19 A. No.

20 Q. How did the allegations in the
21 complaint about the asylum seekers relate
22 to the system of voting in the Town?

23 A. I can't speak on that because I
24 know when we -- I furnished them with
25 clothes, food. My church took down stuff

1 DOROTHY J. FLOURNOY

2 for them. I don't know how it affected
3 the voting.

4 Q. Do you ever any understanding as
5 to how it's related to this lawsuit more
6 generally?

7 MR. IMAMURA: Objection. Calls
8 for legal conclusion.

9 You can answer.

10 A. I don't have any objection to
11 them being there. They have to be
12 somewhere. They have to be somewhere.
13 They're here.

14 Q. Do you have an understanding as
15 to how the housing of asylum seekers or
16 the arrival of asylum seekers in the Town
17 of Newburgh relates to the allegations in
18 the complaint more generally?

19 MR. IMAMURA: Same objection.
20 You can answer.

21 A. Maybe they are taking up -- no,
22 no.

23 Q. If you can go back to Exhibit 1
24 there is a footnote in paragraph 83 that
25 says -- it outlines the -- I'm sorry.

1 DOROTHY J. FLOURNOY

2 Strike that.

3 Footnote six to paragraph 83
4 states that there is a lawsuit Town of
5 Newburgh, New York V Newburgh EOM, LLC et
6 al, Orange County index number
7 EF003105-2023. Are you aware of the
8 lawsuit filed by the Town against Newburgh
9 EOM LLC that's referred to in this
10 footnote?

11 A. No.

12 MS. KENT: If we can go back to
13 Exhibit 1 and scroll down to page 17,
14 paragraph 90.

15 MR. IMAMURA: Paragraph 90,
16 okay.

17 EXAMINATION BY

18 MS. KENT:

19 Q. So paragraph 90 states Black and
20 Hispanic voters were also disenfranchised
21 in the Town's decision not to oppose a
22 \$500 million expansion of the Danskammer
23 Power Plant, and I am probably botching
24 the pronunciation of that.

25 Did I read that correctly?

1 DOROTHY J. FLOURNOY

2 A. Yes.

3 Q. How did the allegations in the
4 complaint about the Danskammer Power Plant
5 relate to this action generally?

6 A. I know most of the Town did not
7 want it. As far as the lawsuit goes, I
8 wasn't party to that.

9 Q. How did you first hear about the
10 possible expansion of the power plant?

11 A. It's all this town talked about.
12 It was on the news. We did protesting.
13 There was a lot of commotion in reference
14 to Danskammer, and you did pronounce it
15 right.

16 Q. Thank you. I'm happy to hear
17 that.

18 Were you personally opposed to
19 the expansion of Danskammer Power Plant?

20 A. Yes.

21 Q. Why were you opposed?

22 A. Pollution that they cause and
23 the cost of putting it there, and people
24 want to expand on things that's good for
25 them but not good for the Town.

1 DOROTHY J. FLOURNOY

2 Q. Has your day to day life as a
3 resident been affected by the existence of
4 the current Danskammer plant?

5 A. I can't speak on that right now.

6 Q. Did you ever voice your
7 opposition to the expansion of the power
8 plant?

9 A. After we got all the facts
10 together and we talked about it, I think
11 we all, yeah, voiced an opinion on it.

12 Q. Who did you voice that opinion
13 to?

14 A. We were in a group talking
15 meeting in reference to Danskammer. It
16 was a group of about 30 people.

17 Q. How did that group come to be?

18 A. People live in Town of Newburgh
19 met, and we was discussing Danskammer. At
20 the time they were doing a lot of
21 protesting, and we met and talked about
22 it.

23 Q. Did the group then go and voice
24 those opinions to the Town Board in any
25 way?

1 DOROTHY J. FLOURNOY

2 A. Yes.

3 Q. Were you part of that?

4 A. I was not.

5 Q. How do you know they voiced
6 their opinions to the Town Board?

7 A. The opinion was discussed and
8 then they went to the Town Board. I did
9 not go because it fell on a day I had
10 another meeting.

11 Q. Do you know what the Town
12 board's response was to the opposition to
13 the power plant?

14 A. No, not really.

15 Q. And how did you come to be a
16 part of this group that discussed
17 opposition to the expansion of the power
18 plant?

19 A. I'm part of the Town of
20 Newburgh's Democratic Committee where the
21 complaints come to about Danskammer, and a
22 lot of people voiced their opinions to the
23 Town of Newburgh's Democratic Committee.

24 Q. Was it a meeting only of
25 individuals that are part of the

1 DOROTHY J. FLOURNOY

2 Democratic committee in the Town of

3 Newburgh?

4 A. No, it was not.

5 Q. Do you recall whether -- you
6 said there were about 30 people there; is
7 that correct?

8 A. About that, yeah.

9 Q. Do you recall when this meeting
10 took place?

11 A. I do not.

12 Q. Was it only one meeting where
13 this was discussed?

14 A. There was a lot of meetings in
15 reference to Danskammer. I know it was
16 more than two.

17 Q. And were those meetings mostly
18 attended by members of the Black and
19 Hispanic communities?

20 A. Yes. No. I think we had some
21 whites there too, not just Black and
22 Hispanic. The one person I'm thinking
23 about -- she is not Hispanic and she
24 definitely not Black. I can't recall her
25 name.

1 DOROTHY J. FLOURNOY

2 Q. I believe you testified earlier
3 that while this might not have been good
4 for individuals -- strike that.

5 While the expansion of the power
6 plant might not have been good for
7 individuals, the Town believed that it
8 might be good for the Town; is that
9 correct?

10 MR. IMAMURA: Objection.

11 Mischaracterizes testimony.

12 You can answer.

13 A. You said I testified it might
14 not be good for the Town? What are you
15 saying.

16 Q. My understanding is that a few
17 minutes ago you testified that -- strike
18 that. We can move on.

19 MS. KENT: If you scroll to
20 page 29 of the document, it is the
21 prayer for relief, and just let me
22 know when you are there.

23 MR. IMAMURA: One moment. We
24 are there, Counsel.

25 MS. KENT: Great.

1 DOROTHY J. FLOURNOY

2 EXAMINATION BY

3 MS. KENT:

4 Q. It says wherefore, the
5 plaintiffs respectfully request judgment
6 declaring that the use of an at-large
7 system to elect members of the Newburgh
8 Town Board violates Election Law
9 Section 17-206, subsection B says ordering
10 the implementation for the 2025 town
11 election of a new method of election for
12 the Newburgh Town Board as authorized by
13 Election Law Section 17-206(5)(a) that
14 includes either a districting plan or
15 alternative method of election for the
16 2025 town election that remedies the
17 Town's violation of the New York Voting
18 Rights Act.

19 Do you understand what
20 paragraphs A and B are requesting?

21 A. Yes.

22 Q. What is your understanding?

23 A. They are trying to change the
24 way the elections are being held, a new
25 method of election for the year 2025.

1 DOROTHY J. FLOURNOY

2 Q. So based on that understanding,
3 do you have any understanding as to how
4 the allegations related to the Danskammer
5 Power Plant relate to that request to
6 change the voting system in the Town?

7 MR. IMAMURA: Objection. Calls
8 for legal conclusion.

9 You can answer.

10 A. No, I do not.

11 Q. Do you have any opinion as to
12 what the system of voting should look like
13 in Town of Newburgh?

14 A. Maybe we can get a system like
15 an award system or something, just a
16 different way of doing it, change it
17 around so it will help everybody, not just
18 one group of people.

19 MS. KENT: Turning back to
20 paragraph 19, which is on -- it starts
21 on page 17 of the document, and just
22 let me know when you are there.

23 MR. IMAMURA: We are there,
24 Counsel.

25 MS. KENT: Great. I'm sorry.

1 DOROTHY J. FLOURNOY

2 I'm going to start on a portion that

3 begins on page 18.

4 MR. IMAMURA: Okay.

5 EXAMINATION BY

6 MS. KENT:

7 Q. So the third sentence of
8 paragraph 91 starts Black and Hispanic
9 groups quickly opposed the expansion
10 arguing that increased emissions would
11 adversely impact disproportionately
12 minority communities around the plant.

13 Did I read that correctly?

14 A. Yes.

15 Q. And you testified that you
16 attended meetings with a group who then
17 went to the Town Board and voiced their
18 concerns?

19 A. Yes.

20 Q. Do you know exactly what they
21 voiced at the Town hall meetings?

22 A. I don't remember.

23 Q. And did you personally ever
24 convey your concerns about the expansion
25 of the power plant to anyone in town

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1 DOROTHY J. FLOURNOY

2 government?

3 MR. IMAMURA: Asked and
4 answered.

5 You can answer.

6 A. No.

7 Q. Did you voice your opposition to
8 anybody at all?

9 A. No.

10 MS. KENT: Paragraph 96 which
11 begins on page 19.

12 MR. IMAMURA: We're there,
13 Counsel.

14 MS. KENT: Thank you.

15 EXAMINATION BY

16 MS. KENT:

17 Q. Paragraph 96 states no Black or
18 Hispanic person has ever been elected to
19 town office. Did I read that correctly?

20 A. Yes.

21 Q. How did you make that
22 determination?

23 A. Because there hasn't been.

24 Q. So is it your -- do you have any
25 evidence there has been never been a Black

1 DOROTHY J. FLOURNOY

2 or Hispanic person elected to town office
3 in the Town of Newburgh?

4 A. Go to the records. The records
5 will show you that.

6 Q. Did you review those records
7 yourself?

8 A. I did not.

9 Q. So is it just your understanding
10 that no Black or Hispanic person has ever
11 been elected to town office?

12 A. Go to the library and pull the
13 records. I didn't do it but it's been
14 done. It will show you that no Blacks or
15 Hispanics have held the positions.

16 Q. Have you spoken to anybody who
17 has done that themselves, has gone to the
18 library and reviewed the records?

19 A. Not recently, no.

20 Q. On what are you basing that
21 opinion that no Black or Hispanic person
22 has ever been elected to town office?

23 A. Conversations held with Blacks
24 and Hispanics that's been in this town
25 longer than 34 years and has talked about

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2 the positions, even ones that asked me to
3 run for a position. I'm not running, but
4 they will tell you no Black or Hispanic
5 has ran for that position or any position
6 in the Town of Newburgh and won.

7 Q. Do you recall who you had those
8 conversations with?

9 A. No, I do not.

10 MS. KENT: We can scroll down to
11 paragraph 100 which is on the next
12 page, and just let me know when you
13 are there.

14 MR. IMAMURA: We are there.

15 EXAMINATION BY

16 MS. KENT:

17 Q. Paragraph 100 says Republican
18 and Democratic candidates for the Town
19 Board are nominated by respectively the
20 Newburgh Republican Committee and the
21 Newburgh Democratic Committee.

22 Is that correct? Did I read
23 that correctly?

24 A. You read it correctly, but that
25 don't mean it's so.

1 DOROTHY J. FLOURNOY

2 Q. So do you believe that is
3 incorrect?

4 A. Yes, I do.

5 Q. And can you explain how this is
6 incorrect?

7 MR. IMAMURA: Counsel, can you
8 read the paragraph to her again?

9 MS. KENT: Sure.

10 EXAMINATION BY

11 MS. KENT:

12 Q. Paragraph 100 says Republican
13 and Democratic candidates for the Town
14 Board are nominated by respectively the
15 Newburgh Republican Committee and the
16 Newburgh Democratic Committee.

17 A. Okay. Let me ask you something:
18 if the Town Board don't have any democrats
19 on it, how are they going to say the
20 democrats picked the committee, picked the
21 people. There are no Democrats on the
22 Town Board.

23 Q. Well, the allegation is that
24 they are nominated by, that these are
25 candidates nominated by the Newburgh

1 DOROTHY J. FLOURNOY

2 Republican Committee and the Newburgh

3 Democratic Committee?

4 MR. IMAMURA: If I may, Counsel,
5 on the record, nominate is to appear
6 on the ballot versus to win. Just to
7 clarify the question.

8 MS. KENT: Yes.

9 A. We get on the ballot but we
10 don't win.

11 Q. But is it your understanding
12 that Republican candidates for the Town
13 Board are nominated by the Newburgh
14 Republican Committee meaning that they
15 appear on the ballot based on a nomination
16 from the Newburgh Republican Committee?

17 A. Yes.

18 Q. And is it also your
19 understanding that Democratic candidates
20 for the Town Board appear on the ballot
21 because of a nomination by the Newburgh
22 Democratic Committee?

23 A. Yes.

24 Q. And going back to Exhibit 1,
25 paragraph 101 states typically the party

1 DOROTHY J. FLOURNOY
2 approaches potential candidates for office
3 or interested residents approach a member
4 of a local party.

5 Did I read that correctly?

6 A. Yes.

7 Q. And is it your understanding
8 that the Newburgh Republican Committee
9 will approach a potential candidate for
10 office?

11 A. Yes.

12 Q. And is it your understanding
13 that the Newburgh Democratic Committee
14 will approach a potential candidate for
15 office?

16 A. Yes.

17 Q. And what's the basis for that
18 allegation?

19 A. If they find out if the person
20 want to run for that particular position,
21 and if they want to run and they decide
22 they going to back them, you campaign for
23 them to win.

24 Q. Do you have any information to
25 support this?

1 DOROTHY J. FLOURNOY

2 A. Petitioning for the people

3 that's running.

4 Q. So the allegation says typically

5 the party approaches potential candidates

6 for office or interested residents

7 approach a member of a local party.

8 A. Um-hum.

9 Q. So what do you mean or what does

10 the allegation mean when it says

11 typically? Does it happen in other ways?

12 A. Not that I am -- not that I

13 recollect because I know they always ask

14 you we have this position opening, would

15 you like to run for it, and you say or

16 nay, and they try to petition to see if we

17 can get them on the ballot to win, to run

18 in a sense.

19 Q. Okay.

20 A. If they are interested in

21 running.

22 Q. Ms. Flournoy, I believe you

23 testified earlier about several Black

24 citizens and Hispanic citizens that have

25 run for town government in recent years,

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2 correct?

3 A. Yes.

4 Q. And you testified to a few
5 different individuals, and you said that
6 you believe these individuals ran in the
7 last five years; is that correct?

8 A. Yes.

9 MS. KENT: And going to
10 paragraph 15 of the complaint which is
11 on page four of the document, just let
12 me know when you are there.

13 MR. IMAMURA: We're there,
14 Counsel.

15 EXAMINATION BY

16 MS. KENT:

17 Q. Paragraph 15 states there has
18 been no candidate of color for town board
19 since 2011 because the at-large election
20 system has created an environment in which
21 the Black and Hispanic communities have
22 lost hope that they will ever have a voice
23 in town government.

24 Did I read that correctly?

25 A. Yes.

1 DOROTHY J. FLOURNOY

2 Q. Is it your testimony that this
3 allegation is incorrect?

4 A. No. My thing is if I have the
5 years right. I know they ran for
6 different positions. They said 2011. I'm
7 not sure what year Mary ran, not sure what
8 year Bowser ran. I do think maybe Tirado
9 ran for Orange County. I don't know but I
10 know he ran, and he didn't win either. It
11 could have been 211.

12 Q. So do you recall any -- you also
13 said Vanessa ran as well?

14 A. Yes.

15 Q. I don't recall her last name.

16 A. Yes.

17 Q. What is Vanessa's last name?

18 A. Tirado.

19 Q. Vanessa Tirado? Is she related
20 to Ernest Tirado?

21 A. Yes, she is.

22 Q. And how are they related?

23 A. Husband and wife.

24 Q. When you just referred to Tirado
25 who you believe may have ran for

1 DOROTHY J. FLOURNOY

2 government in Orange County, were you
3 referring to Ernest or Vanessa Tirado?

4 A. Vanessa Tirado.

5 Q. Has Ernest ever run for
6 government?

7 A. I ran for a position. Could
8 have been for the Town of Newburgh or
9 could have been for -- not certain but
10 could have been just for Orange County. I
11 know that was two or three years ago.
12 That's why I always say I don't know or I
13 don't remember because I know he ran but
14 it could have been -- I think it was for
15 something with the Board of Elections to
16 tell you the truth. Not sure.

17 Q. So you referred to Vanessa
18 Tirado, Ernest Tirado, Bowser. Do you
19 know Bowser's first name?

20 A. I think Bowser is her last name.
21 I don't know her first name. Can't think
22 of it. I don't remember.

23 Q. And you also referred to a Mary.
24 Do you know Mary's last name?

25 A. Oliveri.

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2 Q. Are there any other Black or
3 Hispanic individuals in the Town of
4 Newburgh that you recall running for
5 office in the Town?

6 A. Yes. But I can't recall his
7 name.

8 Q. Do you recall when that was?

9 A. Three or four years ago. Time
10 goes really fast.

11 MR. IMAMURA: Counsel, we are
12 approaching an hour.

13 MS. KENT: I was just about to
14 say if you want to take another break.

15 Elizabeth, could we go off the
16 record?

17 (Whereupon, a discussion was
18 held off the record.)

19 (Whereupon, a recess was taken.)

20 EXAMINATION BY

21 MS. KENT:

22 Q. So Ms. Flournoy, you testified
23 that Ernest Tirado ran for a position in
24 government fairly recently; is that
25 correct?

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2 A. Yes.

3 Q. Is that Ernest Tirado the same
4 Ernest Tirado who is a plaintiff in this
5 action?

6 A. Yes.

7 Q. And you referred to several
8 other individuals including someone with
9 the last name Bowser, Vanessa Tirado, Mary
10 Oliveri. Did any of those individuals run
11 specifically for the Town Board of the
12 Town of Newburgh?

13 A. I really can't remember what
14 positions they ran for. It was something
15 in the Town. I can't remember which
16 position.

17 MS. KENT: And if you can go
18 back to Exhibit 1, page two of
19 Exhibit 1.

20 MR. IMAMURA: What paragraph?

21 EXAMINATION BY

22 MS. KENT:

23 Q. I'm just going to direct your
24 attention to the case caption which lists
25 the plaintiffs as Oral Clarke, Romance

1 DOROTHY J. FLOURNOY

2 Reed, Grace Perez, Peter Ramon, Ernest
3 Tirado, and Dorothy Flournoy.

4 Did I state that correctly?

5 A. Yes.

6 Q. Do you know any of the other
7 plaintiffs in this?

8 A. I know Grace. I think her last
9 name is Perez. She lives around the
10 corner around the cul-de-sac from me. I
11 think it's the Grace. I think she may be
12 Grace Perez.

13 Q. Do you know any of the other
14 plaintiffs?

15 A. No.

16 Q. Do you know Ernest Tirado?

17 A. Yes. Oh, yeah. I know Ernest.

18 Q. Do you know Oral Clarke?

19 A. Not really. Oral sounds like I
20 know, but then Clark I don't recognize the
21 last name.

22 Q. Do you know an individual named
23 Romance Reed?

24 A. Not at all.

25 Q. What about Peter Ramon?

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2 A. No.

3 Q. How did you meet Ernest Tirado?

4 A. I met Ernest -- oh, boy it's
5 been a long time ago. I don't know how I
6 met him. Probably going to different
7 meetings. I really don't remember how I
8 met him.

9 Q. What about Grace Perez?

10 A. She's a neighbor. I think
11 that's the same Grace. I call her Grace
12 on Heather I have a way of naming people
13 by where there live and Heather is the
14 circle and then you got the cul-de-sac
15 coming off of it. When I was younger. I
16 use to run a lot so you meet the people in
17 the cul-de-sac. If she is the same
18 person, I just know her name is Grace on
19 Heather. I think her name could be Perez.

20 Q. Do you know other than Ernest
21 Tirado if any of the other plaintiffs in
22 this action have ever run for town
23 government?

24 A. I don't know.

25 MS. KENT: Anais, we can go

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2 ahead and mark tab two, and I'm
3 marking as Flournoy Exhibit 2 the
4 notification letter sent on behalf of
5 plaintiffs on January 26, 2024.

6 (Whereupon, notification letter
7 was marked as Flournoy Exhibit 2 for
8 Identification, as of this date.)

9 MR. IMAMURA: We are still
10 waiting for it to refresh.

11 What page, Counsel?

12 MS. KENT: If you can generally
13 just -- I am not -- I don't think I'm
14 going to ask anything specific about a
15 specific page.

16 MR. IMAMURA: Still loading.

17 MS. KENT: Okay.

18 MR. IMAMURA: Here we go. Okay.
19 Just page one.

20 MS. KENT: Yes. Page one of the
21 letter.

22 EXAMINATION BY

23 MS. KENT:

24 Q. Ms. Flournoy, have you ever seen
25 this document before? You can take time

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1 DOROTHY J. FLOURNOY

2 to review it if that would be helpful.

3 A. I think I have seen it.

4 Q. Do you know what this document
5 is?

6 A. That's the first -- well, that's
7 like the first time letter to let me know
8 about the complaint. I think that's what
9 it is.

10 Q. When you say the complaint, Are
11 you referring to the complaint in this
12 action?

13 A. Yes.

14 Q. Did you have any involvement in
15 the preparation of this letter?

16 A. No, ma'am.

17 Q. Did you review it before it was
18 sent to the Town?

19 A. No. I didn't review it. I just
20 remember seeing it. I think it was sent
21 to me.

22 THE WITNESS: Wasn't it sent to
23 me?

24 MR. IMAMURA: I can't testify.

25 THE WITNESS: Looks like what I

1 DOROTHY J. FLOURNOY

2 read before. I think it's what was
3 sent out letting you know are you part
4 of a complaint.

5 EXAMINATION BY

6 MS. KENT:

7 Q. So if you look at the date on
8 this letter, it's dated January 26, 2024,
9 and I can represent to you to save you
10 from going back to the summons and
11 complaint, the complaint in this case was
12 not filed until two months later until
13 March 26, 2024. Does that at all change
14 your understanding of what this document
15 is?

16 A. Not really, no.

17 Q. Did you speak to anyone other
18 than your attorneys about this letter?

19 A. No.

20 Q. Do you recall anything else
21 about the preparing of this letter?

22 A. No.

23 Q. Do you recall anything about
24 this letter generally?

25 A. No.

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2 MS. KENT: Anais, we can
3 introduce tan three. I'm marking as
4 Flournoy Exhibit 3 the Town Board
5 Resolution dated March 15, 2024, and
6 if you want to review this generally,
7 you can go ahead and do so.

8 (Whereupon, resolution was
9 marked as Flournoy Exhibit 3 for
10 Identification, as of this date.)

11 MR. IMAMURA: Counsel, is it all
12 right if I read excerpts because I'm
13 concerned she can't see it?

14 MS. KENT: I think if we are
15 going to read excerpts, I can read
16 through the letter itself in full.

17 MR. IMAMURA: The resolution?

18 MS. KENT: Yes.

19 MR. IMAMURA: Okay. The
20 resolution is nine pages. I wouldn't
21 want to make you do that.

22 MS. KENT: I believe the
23 resolution itself is only three pages.
24 I am happy to do so.

25 MR. IMAMURA: I don't think

1 DOROTHY J. FLOURNOY

2 that's necessary.

3 MS. KENT: Yes. The exhibit is
4 the notification letter.

5 MR. IMAMURA: Okay.

6 EXAMINATION BY

7 MS. KENT:

8 Q. Beginning on page two of the
9 document, the resolution of the Town Board
10 of the Town of Newburgh pertaining to New
11 York State Election Law 14-206 states
12 present Gilbert J. Piaquadio, supervisor,
13 Paul Ruggiero, councilman, Anthony R.
14 LoBiondo, councilman, and it states at the
15 top at a special meeting of the Town Board
16 of the Town of Newburgh held at the Town
17 hall, 1496 Route 300 in the Town of
18 Newburgh, Orange County, New York on the
19 15th day of March, 2024 at 12:00 p.m., and
20 it states if you scroll down, Councilman
21 LoBiondo presented the following
22 resolution which was seconded by
23 Councilman Ruggiero.

24 Whereas, the Town of Newburgh is
25 a diverse community of people from rural,

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1 DOROTHY J. FLOURNOY

2 suburban, and urban cultures, and the Town
3 Board recognizes that the Town's diversity
4 makes our community more resilient and
5 adaptable and promotes tolerance, empathy,
6 and cohesion among our citizens; and

7 Whereas, on January 30, 2024,
8 the Town clerk of the Town of Newburgh
9 received a letter dated and postmarked
10 January 26, 2024 from the law firm Abrams
11 Fensterman, LLP on behalf of certain
12 voters in the Town alleging a violation of
13 the recently enacted John R. Lewis Voting
14 Rights Act of New York, Chapter 226 of the
15 laws of 2022 of the State of New York,
16 hereinafter referred to as the NYVRA, and
17 of their intent to commence an action if
18 the Town does not cure the alleged
19 violation, herein after referred to as the
20 NYVRA notification letter, Exhibit A; and

21 Whereas, as with most towns in
22 the State of New York, the Town Board of
23 the Town of Newburgh is comprised of four
24 members elected at-large to serve a
25 four-year term and a duly elected

1 DOROTHY J. FLOURNOY
2 supervisor who serves a two-year term; and

3 Whereas, the NYVRA notification
4 letter broadly alleges that the voting
5 patterns of members of protected classes
6 within the Town are racially polarized and
7 that under the totality of the
8 circumstances, the ability of members of
9 protected classes to elect candidates of
10 their choice or influence the outcome of
11 the Town elections is impaired; and

12 Whereas, while the NYVRA
13 notification letter claims a statistical
14 analysis has been performed of election
15 data and demographic patterns in the Town
16 of Newburgh, Abrams Fensterman LLP has
17 failed and refused to provide the Town
18 with any data or information tending to
19 support the broad allegations made in the
20 NYVRA notification letter; and

21 Whereas, notwithstanding the
22 foregoing, Town Board of the Town of
23 Newburgh recognizes it is the public
24 policy of the State of New York and the
25 Town of Newburgh to encourage

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2 participation in the elective franchise by
3 all eligible voters to the maximum extent
4 and to ensure eligible voters who members
5 of racial and language minority groups
6 have an equal opportunity to participate
7 in the political processes of the State of
8 New York and especially to exercise the
9 elective franchise; and

10 Whereas, evidence concerning the
11 intent on the part of the voters, elected
12 officials, or the Town to discriminate
13 against a protected class is not required
14 for there to be a potential violation of
15 the NYVRA; and

16 Whereas, the Town Board of the
17 Town of Newburgh intends to proactively
18 review the Town's current at-large
19 election system for members of the Town
20 Board in order to ensure that the
21 aforementioned public policy is achieved
22 and to enact or apply for approval as the
23 case may be and implement remedies for any
24 potential violation of the NYVRA that may
25 exist; and

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2 Whereas, the Town Board of the
3 Town of Newburgh has heretofore authorized
4 the retention of the law firm Sokoloff
5 Stern, LLP to provide legal services to
6 the Town in connection with the review of
7 the Town's compliance with the NYVRA and
8 the allegations contained in the NYVRA
9 notification letter and the implementation
10 of any necessary remedies and to obtain
11 experts approved by the Town Board who are
12 necessary and appropriate for the
13 performance of those services.

14 MR. IMAMURA: Counsel, I'm just
15 concerned for her ability to read
16 excerpts so to the extent we can read
17 any individual excerpts, that would be
18 helpful.

19 MS. KENT: Absolutely.

20 EXAMINATION BY

21 MS. KENT:

22 Q. Did I read all of that
23 correctly?

24 A. Yes.

25 Q. I will skip down. It says now

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1 DOROTHY J. FLOURNOY
2 therefore being resolved of the Town Board
3 of the Town of Newburgh as follows -- I
4 think it's best if we just go through it.

5 Section one states the Town
6 supervisor and the attorney for the Town
7 are hereby directed to work with Sokoloff
8 Stern, LLP and authorized experts it
9 retains in the review and investigation of
10 the current at-large election system
11 employed by the Town for members of the
12 Town Board to determine whether any
13 potential violation of the NYVRA may exist
14 and to evaluate potential alternatives to
15 bring the election system into compliance
16 with the NYVRA should a potential
17 violation be determined to exist.

18 Section two, the findings and
19 evaluations directed in section one shall
20 be reported to the Town Board --

21 (Crosstalk.)

22 MR. IMAMURA: Counsel, you
23 skipped the Town is availing itself.

24 MS. KENT: I apologize.

25 EXAMINATION BY

1 DOROTHY J. FLOURNOY

2 MS. KENT:

3 Q. The last sentence of section one
4 states the Town is availing itself of the
5 safe harbor provision under the NYVRA.
6 See NYS Election Law 17206(7).

7 Section two states the findings
8 and evaluations directed in section one
9 shall be reported to the Town Board within
10 30 days of the date of this resolution.
11 If after considering the findings and
12 evaluation and any other information that
13 may become available to the Town,
14 including without limitation any analysis
15 that Abrams Fensterman may provide
16 following the adoption of this resolution,
17 the Town Board concludes that there may be
18 a violation of the NYVRA, the Town Board
19 affirms that the Town intends to implement
20 and enact the appropriate remedies.

21 We can stop there.

22 Did I read that correctly?

23 A. Yes.

24 Q. Have you seen this document
25 before?

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2 A. No.

3 Q. Do you know what this document
4 is?

5 A. I guess they was trying to
6 resolve the problem that was going on
7 through resolution to make it more equally
8 -- for voting privileges, for voting
9 rights.

10 Q. In section one which is on page
11 three, the last sentence of section one
12 states that the Town is availing itself of
13 the safe harbor provision under the NYVRA.
14 Do you have any understanding as to what
15 the safe harbor provision of the NYVRA is?

16 MR. IMAMURA: Objection.

17 Literally calls for legal conclusion.

18 You can answer.

19 MS. KENT: Counsel, I'm just
20 asking for her understanding of that.

21 A. Do I have any understanding of
22 the safe harbor? No.

23 Q. Have you ever heard of the safe
24 harbor provision?

25 A. No. I work with safe homes in

1 DOROTHY J. FLOURNOY

2 Newburgh but other than that, no.

3 MS. KENT: If we can turn back
4 to Exhibit 1, paragraph 65 which is on
5 page 13 of the document, and you can
6 just let me know when you are there.

7 MR. IMAMURA: Paragraph 65?

8 MS. KENT: Yes.

9 MR. IMAMURA: We are there.

10 EXAMINATION BY

11 MS. KENT:

12 Q. Paragraph 65 states the Town
13 Board's March 15, 2024 resolution was
14 insufficient to require the plaintiffs to
15 wait an additional 90 days before
16 commencing this action.

17 Did I read that correctly?

18 A. Yes.

19 Q. Do you have any personal
20 knowledge concerning why the resolution
21 was insufficient?

22 MR. IMAMURA: Objection. Calls
23 for a legal conclusion.

24 You can answer.

25 A. No, I do not.

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2 MS. KENT: Anais, we can go and
3 introduce tab four.

4 MS. JACCARD: It's loading. I
5 will let you know when it's up.

6 MR. IMAMURA: Thank you.

7 MS. KENT: And I'm marking as
8 Flournoy Exhibit 4 Ms. Flournoy's
9 Responses and Objections to
10 Defendants' First Set of
11 Interrogatories dated July 1, 2024.

12 (Whereupon, Ms. Flournoy's
13 Responses and Objections to
14 Defendants' First Set of
15 Interrogatories was marked as Flournoy
16 Exhibit 4 for Identification, as of
17 this date.)

18 MS. JACCARD: Go ahead and
19 refresh.

20 EXAMINATION BY

21 MS. KENT:

22 Q. Ms. Flournoy, have you seen this
23 document before?

24 A. Yes.

25 Q. Do you know what this document

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1 DOROTHY J. FLOURNOY

2 is?

3 MR. IMAMURA? Counsel, can you
4 repeat your question?

5 Q. Ms. Flournoy, do you know what
6 this document is?

7 A. It's in reference to the
8 complaint.

9 Q. I'm asking if you know what
10 Exhibit 4 is.

11 A. I guess it's talking about the
12 complaint itself and information dealing
13 with it.

14 MS. KENT: If you scroll to the
15 last page, page 12.

16 MR. IMAMURA: We are at page 12.

17 EXAMINATION BY

18 MS. KENT:

19 Q. Is this your signature on
20 page 12?

21 A. Yes.

22 Q. Page 12 says I am one of the
23 plaintiffs in this proceeding. I have
24 read the foregoing responses to defendants
25 first set of interrogatories to all

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1 DOROTHY J. FLOURNOY
2 plaintiffs and know its contents, and same
3 are true to the best of my knowledge. I
4 hereby affirm this 27th day of June, 2024
5 under the penalties of perjury under the
6 laws of New York which may include a fine
7 or imprisonment that the foregoing
8 statement is true and I understand that
9 this document may be filed in an action or
10 proceeding in a court of law.

11 Did I read that correctly?

12 A. Yes.

13 Q. Did you understand at the time
14 that you signed this document that you
15 were attesting to the truth of the
16 contents of the document?

17 A. Yes.

18 Q. Did your attorneys ask that you
19 provide any information to answer these
20 interrogatories?

21 MR. IMAMURA: Objection.

22 Attorney-client privilege.

23 Don't answer.

24 MS. KENT: If you can scroll to
25 page eight please, interrogatory

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1 DOROTHY J. FLOURNOY

2 number three.

3 MR. IMAMURA: We are there,
4 Counsel.

5 MS. KENT: Great.

6 EXAMINATION BY

7 MS. KENT:

8 Q. It says identify each person who
9 was participated in, supplied information
10 for, or was consulted concerning
11 plaintiff's answers for these
12 interrogatories.

13 Did I read that correctly?

14 A. Yes.

15 Q. The last sentence of the
16 response says subject to and without
17 waiver of the foregoing and the general
18 objections, plaintiff states she and her
19 attorneys were involved in answering the
20 interrogatories.

21 Did I read that correctly?

22 A. Yes.

23 Q. Is it true that you supplied
24 information in answering these
25 interrogatories?

1 DOROTHY J. FLOURNOY

2 A. Yes, I did.

3 Q. Okay. Do you recall what
4 information you provided?

5 MR. IMAMURA: Objection.

6 Attorney-client privilege.

7 Don't answer that.

8 MS. KENT: Anais, we can go head
9 and mark and introduce tab five.

10 MS. JACCARD: Go ahead and
11 refresh.

12 MR. IMAMURA: All right we have
13 it, Counsel.

14 MS. KENT: Great. I'm marking
15 as Flournoy Exhibit 5 Ms. Flournoy's
16 Responses and Objections to
17 Defendants' First Request For the
18 Production of Documents dated July 1,
19 2024.

20 (Whereupon, Responses and
21 Objections to Defendants' First
22 Request For the Production of
23 Documents dated July 1, 2024 was
24 marked as Flournoy Exhibit 5 for
25 Identification, as of this date.)

1 DOROTHY J. FLOURNOY

2 EXAMINATION BY

3 MS. KENT:

4 Q. Ms. Flournoy, if you want to
5 review this document, you can go ahead and
6 do so. I don't think you need to review
7 any specific questions or anything, but
8 you are welcome to go ahead do so if that
9 would be helpful.

10 A. Okay. Go.

11 Q. Ms. Flournoy, have you seen this
12 document before?

13 A. Yes.

14 Q. And do you know what this
15 document is?

16 A. That's the complaint report or
17 statement of report.

18 Q. What do you mean by statement of
19 report?

20 A. That's a form or a letter in
21 reference to the complaint we are dealing
22 with here.

23 Q. So if you look at page one, the
24 header says plaintiff Dorothy Flournoy's
25 Objections and Responses to Defendants'

1 DOROTHY J. FLOURNOY

2 First Request For the Production of
3 Documents; is that correct?

4 A. Yes.

5 Q. Do you understand what a request
6 for the production of documents is?

7 A. Yes. Any information that has
8 to deal with the complaint.

9 Q. Okay. Did you provide any
10 documents in response to the requests?

11 MR. IMAMURA: Objection.

12 Attorney-client privilege.

13 Don't answer.

14 I'm sorry, Counsel. Do you mean
15 in terms of production to you or to
16 counsel?

17 MS. KENT: I will ask another
18 way. I used provide instead of
19 produce.

20 EXAMINATION BY

21 MS. KENT:

22 Q. Did you produce any documents in
23 response to these requests to the
24 defendants in this action?

25 A. No, I did not.

1 DOROTHY J. FLOURNOY

2 Q. Did you search for any documents
3 in response to these requests?

4 A. Yes, I did.

5 Q. Did you search emails?

6 A. No. I searched information that
7 I keep in a folder. I have a folder with
8 stuff in it. I didn't see anything so I
9 didn't give anything.

10 MS. KENT: I think we are done
11 with Exhibit 5.

12 Q. Ms. Flournoy, do you recall when
13 you were approached to join this lawsuit?

14 A. No, I do not.

15 Q. What is your goal as a plaintiff
16 in this lawsuit?

17 A. To have better elections
18 decisions made by people involved, better
19 positioning maybe to integrate the Town
20 Board.

21 MS. KENT: Okay. I think that
22 may be all. I would like to take a
23 five minute break to review my notes.
24 Let's come back at 1:00.

25 (Whereupon, a recess was taken

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1 DOROTHY J. FLOURNOY

2 at this time.)

3 MS. KENT: Ms. Flournoy, I don't
4 have any further questions for you at
5 this time. I want to thank you for
6 taking the time to sit with us and
7 answer all these questions. We
8 appreciate it.

9 MR. IMAMURA: Counsel, I have a
10 quick redirect if you don't mind.

11 MS. KENT: Yes.

12 MR. IMAMURA: Can we refer to
13 Exhibit 1?

14 EXAMINATION BY

15 MR. IMAMURA:

16 Q. Going to the last page, 34 of
17 34, Ms. Flournoy, we referred to this
18 earlier, you know, and I will read this
19 for the record. It's entitled
20 Verification.

21 Dorothy Flournoy hereby firms
22 the following to be true under penalty of
23 perjury pursuant to CPLR 2106:

24 I am one of the plaintiffs in
25 this action. I have read the foregoing

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1 DOROTHY J. FLOURNOY
2 complaint and know its contents, and same
3 is true to my knowledge except for matters
4 stated to be upon information and belief,
5 which matters I believe to be true. I
6 affirm this the 26th day of March under
7 penalties of perjury under the laws of New
8 York which may include a fine or
9 imprisonment that the foregoing is true,
10 and I understand this document may be
11 filed in an action or proceeding in a
12 court of law, and this is part of
13 Exhibit 1 which I will represent to you is
14 the complaint in this action.

15 Did I read your verification
16 correctly, Ms. Flournoy?

17 A. Yes.

18 Q. So based off of that, do you
19 recall reading the verified complaint
20 before it was filed with the court?

21 A. Yes.

22 MR. IMAMURA: No further
23 questions. Thank you. Can we go off
24 the record?

25 MS. KENT: We can go off the

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DOROTHY J. FLOURNOY
record now. Thank you.
(Whereupon, the deposition
concluded at 12:59 p.m.)

1 ORAL CLARKE, et al v. TOWN OF NEWBURGH, et al.
2 7/26/2024 - DOROTHY J. FLOURNOY

3 ACKNOWLEDGEMENT OF DEPONENT

4 I, DOROTHY J. FLOURNOY, do hereby declare
5 that I have read the foregoing transcript,
6 I have made any corrections, additions, or
7 changes I deemed necessary as noted on the
8 Errata to be appended hereto, and that the
9 same is a true, correct and complete
10 transcript of the testimony given by me.

11

12

13

DOROTHY J. FLOURNOY

Date

14

*If notary is required

15

16

SUBSCRIBED AND SWORN TO BEFORE ME THIS

17

_____ DAY OF _____, 20__.

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NOTARY PUBLIC

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C E R T I F I C A T E
STATE OF NEW YORK)
:
COUNTY OF RICHMOND)

I, ELIZABETH C. SWANSON, a Notary
Public within and for the State of New
York, do hereby certify:

THAT DOROTHY J. FLOURNOY, the
witness whose deposition is hereinbefore
set forth, was duly sworn by me and that
such deposition is a true record of the
testimony given by such witness.

I further certify that I am not
related to any of the parties to this
action by blood or marriage; and that I am
in no way interested in the outcome of
this matter.

IN WITNESS WHEREOF, I have
hereunto set my hand this 26th day of
July, 2024.

Elizabeth C. Swanson

ELIZABETH C. SWANSON

1 ORAL CLARKE, et al v. TOWN OF NEWBURGH, et al.

2 7/26/2024 - DOROTHY J. FLOURNOY

3 E R R A T A S H E E T

4 PAGE _____ LINE _____ CHANGE _____

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21 REASON _____

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24 DOROTHY J. FLOURNOY Date

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New York Code

Civil Practice Law and Rules

Article 31 Disclosure, Section 3116

(a) Signing. The deposition shall be submitted to the witness for examination and shall be read to or by him or her, and any changes in form or substance which the witness desires to make shall be entered at the end of the deposition with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness before any officer authorized to administer an oath. If the witness fails to sign and return the deposition within sixty days, it may be used as fully as though signed. No changes to the transcript may be made by the witness more than sixty days after submission to the witness for examination.

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VERITEXT LEGAL SOLUTIONS

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