

# **Exhibit F**

1 SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ORANGE

2  
Index No. EF002460/2024

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

Plaintiffs,

- against -

7 TOWN OF NEWBURGH and TOWN BOARD OF  
8 THE TOWN OF NEWBURGH,

Defendants.

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10  
11 August 6, 2024  
12 10:04 A.M.

13 ZOOM VIDEOCONFERENCE REMOTELY HELD  
14 EXAMINATION BEFORE TRIAL of ERNESTO  
15 TIRADO, one of the Plaintiffs in the  
16 above-entitled action, held at the above  
17 time, taken before Gretchen A. Milton, a  
18 Notary Public of the State of New York,  
19 pursuant to Notice To Take Deposition and  
20 stipulations between Counsel.

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(ALL PARTIES' APPEARANCES VIA ZOOM)

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-and-  
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-and-  
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\* \* \*

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## STIPULATIONS

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IT IS HEREBY STIPULATED, by and among  
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.

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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

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controlled thereby.

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.

\* \* \*

THE NOTARY PUBLIC: The attorneys participating in this deposition acknowledge that I am not physically present in the deposition room and that I will be reporting this deposition remotely. They further acknowledge that, in lieu of an oath administered in person, I will administer the oath remotely. The parties and their counsel consent to this arrangement and waive any objections to this manner of reporting. Please state your

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agreement on the record.

MS. JACCARD: Agreed.

MR. IMAMURA: So agreed.

E R N E S T T I R A D O ,  
one of the Plaintiffs herein, having first  
been duly sworn by the Notary Public, was  
examined and testified as follows:

THE NOTARY PUBLIC: State your  
name for the record, please.

THE WITNESS: Ernesto Tirado.

THE NOTARY PUBLIC: Please spell  
your last name.

THE WITNESS: T-I-R-A-D-O.

THE NOTARY PUBLIC: State your  
home address for the record, please.

THE WITNESS: 89 Lakeside Road,  
Newburgh, New York 12550.

THE NOTARY PUBLIC: Thank you.

Thank you, Ms. Jaccard.

EXAMINATION BY

MS. JACCARD:

Q. Good morning. My name is Anais

1 ERNESTO TIRADO s/h/a ERNEST TIRADO  
2 Jaccard. I represent the Defendants in  
3 this case, the Town of Newburgh and the  
4 Town Board of Newburgh. I also have my  
5 colleagues, Paris Kent and Katie Condon,  
6 with me here today.

7 Mr. Tirado, I know you just did  
8 this, but would you mind stating your name  
9 and your address for the record again?

10 A. Ernesto Tirado. 89 Lakeside  
11 Road, Newburgh, New York 12550.

12 Q. Thank you. And good morning,  
13 Mr. Tirado.

14 A. Good morning.

15 Q. First, we're just going to go  
16 over some of the ground rules for the  
17 deposition, so that we can make this an  
18 efficient and, hopefully, relatively  
19 painless process.

20 So, as you are aware, I'm going  
21 to be asking you a lot of questions this  
22 morning. Do you understand that you must  
23 answer those questions to the best of your  
24 ability, unless your attorney specifically  
25 instructs you not to?

1 ERNESTO TIRADO s/h/a ERNEST TIRADO

2 A. Yes.

3 Q. We have a stenographer here with  
4 us. She will be recording everything that  
5 is said during this deposition. So please  
6 make sure your answers are verbal.

7 Please don't shake your head,  
8 don't nod you head, because the  
9 stenographer isn't able to record those  
10 responses. Do you understand?

11 A. Yes.

12 Q. Thank you. I'm also going to ask  
13 that you let me finish my question before  
14 you start to answer, just we don't speak  
15 over one another. That will make, again,  
16 the stenographer's life a lot easier. And  
17 I will endeavor to do the same with your  
18 answers. Do you agree to do that?

19 A. Yes.

20 Q. And if you don't understand a  
21 question, please just let me know. I can  
22 repeat it or rephrase to make it clear.  
23 Do you understand that?

24 A. Yes.

25 Q. And if you would like to take a

1 ERNESTO TIRADO s/h/a ERNEST TIRADO  
2 break at any point, please just ask. The  
3 only rule is that we won't take a break  
4 when there is a question pending. But,  
5 otherwise, we are happy to accommodate any  
6 breaks. So just let me know.

7 Mr. Tirado, you are currently  
8 under oath. You have sworn to tell the  
9 truth, and you will remain under oath for  
10 the entirety of the deposition. Do you  
11 understand that?

12 A. Yes.

13 Q. Great. So I'm going to start by  
14 asking you some general questions that we  
15 ask in all depositions. These are not  
16 personal to you.

17 Have you taken any medications  
18 today that would affect your ability to  
19 testify truthfully?

20 A. I don't think it would affect it,  
21 but I did take medications.

22 Q. What medication did you take?

23 A. Heart pill. Cholesterol and  
24 aspirin. You know, stuff like that.

25 Q. Okay. Thank you.

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1 ERNESTO TIRADO s/h/a ERNEST TIRADO

2 A. Eye drops.

3 (Indicating).

4 Q. Have you consumed any alcohol  
5 today?

6 A. No.

7 Q. Are there any circumstances that  
8 would prevent you from responding to my  
9 questions truthfully?

10 A. No.

11 Q. Okay. So, before we get started,  
12 let's just go over a couple of  
13 definitions. Throughout this deposition,  
14 I will refer to the Town of Newburgh as  
15 "the Town," and I will refer to the Town  
16 Board of the Town of Newburgh as the "Town  
17 Board."

18 Do understand those definitions?

19 A. Yes.

20 Q. If, at any time, you are unsure  
21 of who I'm talking about when I say "the  
22 Town," or the "Town Board," please just  
23 let me know, so that we can make sure your  
24 answers are clear for the record.

25 A. Yes.

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1 ERNESTO TIRADO s/h/a ERNEST TIRADO

2 Q. Do you understand?

3 A. Yes.

4 Q. All right. Now, first, I'd like  
5 to talk about your history of deposition.

6 Have you ever been a party to a  
7 civil action or an arbitration before?

8 A. Not that I can remember.

9 Q. Not that you can remember. Okay.

10 So, as far as you can recall, you  
11 have never been a party to a civil case or  
12 an arbitration; is that correct?

13 A. I believe so. I think I was --  
14 there was an incident a couple of years  
15 ago, where we had a candidate who was  
16 exercising her right -- she was a  
17 Latina -- opportunity to ballot. And she  
18 only had a couple of weeks to get so many  
19 signatures. We were able to secure those  
20 signatures.

21 And the Town objected to some of  
22 the signatures. And we went -- it wound  
23 up going to court. But it never -- they  
24 actually -- the day of the court date,  
25 their attorney said that they were going

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1 ERNESTO TIRADO s/h/a ERNEST TIRADO  
2 to drop the case. But we never actually  
3 went through the whole proceeding.

4 Q. Okay. When you say "we," who are  
5 you referring to?

6 A. Myself, representing the  
7 candidate. And I believe... who else was  
8 there? Pearl Johnson, I think it was.  
9 She was with me. But I can't tell you for  
10 sure. But I think she was part of it.

11 Q. What was that name, Pearl  
12 Johnson?

13 A. Yes.

14 Q. And when you say --

15 MS. JACCARD: Sorry. Strike  
16 that.

17 Q. Who was the candidate?

18 A. Diana Campos, who is since  
19 deceased.

20 Q. And what position was she running  
21 for?

22 A. Town Clerk.

23 Q. And so, is it correct that there  
24 was a legal proceeding initiated,  
25 involved?

1 ERNESTO TIRADO s/h/a ERNEST TIRADO

2 A. Yes. And on the exact day of the  
3 trial, their attorney spoke to our  
4 attorney, and he said they were dropping  
5 it because there was really no cause for  
6 it. And he -- I mean, now this is  
7 hearsay -- his attorney told our  
8 attorney -- had they consulted with him  
9 ahead of time, he would have told them  
10 they didn't have a case.

11 Q. Who was the opposing party in  
12 this case?

13 A. When you say "opposing party,"  
14 what do you mean?

15 Q. I mean if you brought this  
16 lawsuit with Diana Campos, who was the  
17 other party to the litigation? Was it the  
18 Town Board?

19 A. The Town, which I understand was  
20 the, you know, Town Board.

21 Q. And I'm sorry. To go back to --

22 A. Or it could have been the  
23 Republican Party -- I don't know -- of the  
24 Town, which is basically the Town Board,  
25 you know, because they're all connected.

1 ERNESTO TIRADO s/h/a ERNEST TIRADO

2 MR. IMAMURA: Counsel, would it  
3 be helpful for just ten seconds -- I  
4 see that we're going to get confused  
5 over the parties. Do you want like a  
6 ten-second thing, like, on how  
7 Election Law in New York State works  
8 in terms of the parties, because it  
9 gets very confusing? Or if you want,  
10 proceed with your questions. Whatever  
11 works best for you.

12 MS. JACCARD: Let's proceed with  
13 the questions, but I will try to be as  
14 clear as possible.

15 MR. IMAMURA: Okay. Yeah.

16 Q. In this legal proceeding that we  
17 are talking about, I would like to  
18 understand your role a little better.

19 So who, who brought this lawsuit  
20 that we are discussing; do you remember?

21 A. Myself. My wife. Basically that  
22 was it. From my understanding.

23 Q. Did you bring the lawsuit in your  
24 personal capacity?

25 A. Yes.

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1 ERNESTO TIRADO s/h/a ERNEST TIRADO

2 Q. And can you explain the claim in  
3 that lawsuit?

4 A. Well, they were challenging  
5 signatures that were clearly -- that they  
6 compared to the Board of Elections as  
7 registered voters -- and it was clear that  
8 they matched. But for some reason, they  
9 were denied. So we said we thought we had  
10 a good case. And we pursued it.

11 Q. All right. Thank you so much for  
12 that clarification. And, again, to  
13 reiterate, if at any point one of my  
14 questions is unclear, please let me know.  
15 I will try to rephrase to the best of my  
16 ability.

17 So, to your recollection, is that  
18 the only legal proceeding that you have  
19 ever been involved with, besides the one  
20 we are going to discuss today?

21 A. That I can recall. Yes.

22 Q. Okay. And roughly when was that  
23 case?

24 A. Four to five years ago --

25 Q. And do you recall --

1 ERNESTO TIRADO s/h/a ERNEST TIRADO

2 A. -- maybe.

3 Q. I apologize.

4 A. I'm done.

5 Q. Do you recall what court it was  
6 filed in?

7 A. Orange County.

8 Q. Mr. Tirado, have you ever been  
9 charged with a crime?

10 A. No.

11 Q. A moment ago we talked about the  
12 only case in which you have appeared as a  
13 plaintiff, besides this one.

14 But have you ever testified in a  
15 civil case or an arbitration?

16 A. Not that I recall. No.

17 Q. Have you ever submitted an  
18 affidavit or any kind of a sworn statement  
19 in connection with a case or an  
20 arbitration?

21 A. I may have, but I don't recall  
22 what case or.

23 Q. Do you recall roughly when that  
24 might have been?

25 A. It had to be many years ago.

1 ERNESTO TIRADO s/h/a ERNEST TIRADO

2 Many years ago.

3 Q. Do you recall anything about the  
4 subject matter of the case?

5 A. No.

6 Q. No?

7 A. (Indicating).

8 Q. Okay. Have you ever had your  
9 deposition taken before?

10 A. Never.

11 Q. So now let's talk a little bit  
12 about how you prepared for this deposition  
13 today.

14 First of all, did you meet with  
15 anybody to prepare for this deposition?

16 A. As far as like a lawyer or  
17 something?

18 Q. With anybody. A lawyer or  
19 anybody else.

20 A. I just spoke to my lawyer, just  
21 letting me know that it was coming.  
22 Prepared, you know, signed, documents in  
23 preparation for this lawsuit.

24 Q. With respect to this, preparing  
25 for this deposition specifically, so what

1 ERNESTO TIRADO s/h/a ERNEST TIRADO  
2 we are doing today, did you meet with your  
3 attorneys to talk about this deposition?

4 A. Other than how to set up and  
5 stuff like that, no.

6 Q. And did you meet with anybody  
7 else, besides your attorneys, to talk  
8 about this deposition?

9 A. No. I spoke to Dorothy one day.  
10 I was delivering something to her. And  
11 supposedly she had already had her  
12 deposition, and I asked: "How did it go?"

13 She said: "Okay."

14 Q. Did you guys discuss anything  
15 else about the deposition?

16 A. No.

17 MR. IMAMURA: Objection.  
18 Objection. Privileged within the  
19 class. The plaintiffs. But the  
20 answer is no?

21 THE WITNESS: The answer is no.

22 Q. When you say "Dorothy," are you  
23 referring to Dorothy Flournoy, a  
24 co-plaintiff in this action?

25 A. Yes.

1 ERNESTO TIRADO s/h/a ERNEST TIRADO

2 Q. Did you tell anybody that you  
3 were being deposed today?

4 A. No. Other than my family. No.

5 Q. But you did tell members of your  
6 family that you were being deposed today?

7 A. Yeah, because we are having it  
8 here in my home here. And I wanted to  
9 make sure they weren't here.

10 Q. Understood. Did you review any  
11 documents in preparation for this  
12 deposition?

13 A. Other than the, the forms that we  
14 signed, no.

15 Q. When you referred to the forms  
16 that you signed, do you recall  
17 specifically what those forms might have  
18 been?

19 A. I'd have to look to find what the  
20 titles of them were.

21 Q. Okay. In preparation for this  
22 deposition, did you review the Complaint  
23 filed in this action?

24 A. Slightly.

25 Q. Roughly speaking, how many

Page 19

1 ERNESTO TIRADO s/h/a ERNEST TIRADO

2 documents do you think you reviewed in

3 preparation for this deposition?

4 A. Two.

5 Q. Okay. And, again, roughly

6 speaking, how long do you think you spent

7 preparing for today's deposition in total?

8 A. Not long. Like half an hour.

9 Q. Okay. Thank you. So,

10 Mr. Tirado, now I'd like to shift the

11 focus a little bit to focus on your

12 background.

13 Did you go to college?

14 A. Yes.

15 Q. Where did you go college?

16 A. New York Institute of Technology.

17 Q. What did you study there?

18 A. Accounting.

19 Q. Did you graduate?

20 A. Yes.

21 Q. When did you graduate?

22 A. 1981.

23 Q. And what degree did you receive?

24 A. Bachelor of science.

25 Q. Did you go to graduate school?

1 ERNESTO TIRADO s/h/a ERNEST TIRADO

2 A. No.

3 Q. Do you have any certifications or  
4 professional licenses?

5 A. Not anymore.

6 Q. But you have had certifications  
7 or professional licenses in the past?

8 A. Yes.

9 Q. What certifications or  
10 professional licenses have you had in  
11 past?

12 A. I was a firefighter in New York  
13 City. I reached the rank of lieutenant.  
14 So I have had certifications in confined  
15 space training. Obviously, firefighting.  
16 Hazardous materials mitigation. And stuff  
17 related to the fire department.

18 Q. When were you in the fire  
19 department? Do you recall the years?

20 A. Yes. '81 to 2019. Thirty-eight  
21 years, if you're counting.

22 Q. And have those licenses all  
23 expired by now?

24 A. Yes. Because you have to  
25 recertify every so many years.

1 ERNESTO TIRADO s/h/a ERNEST TIRADO

2 Q. Okay.

3 A. And I have been retired since  
4 2019.

5 Q. Did you take any classes to  
6 maintain those license while you were with  
7 the fire department?

8 A. Yes.

9 Q. And were any of those  
10 certifications ever suspended or taken  
11 away?

12 A. No.

13 Q. So, are you currently employed?

14 A. No.

15 Q. And let's talk a little bit about  
16 your time in the fire department. You  
17 just testified you were of the member of  
18 the New York City Fire Department for  
19 38 years; is that correct?

20 A. Yes.

21 Q. And the highest rank you reached  
22 there was lieutenant; is that also  
23 correct?

24 A. Yes.

25 Q. And you started in that job in

1 ERNESTO TIRADO s/h/a ERNEST TIRADO  
2 1981; is that also correct?

3 A. Yes.

4 Q. And where you were stationed, or  
5 what firehouses you did work at in the  
6 city?

7 A. Initially, I was in Queens, in  
8 East Elmhurst for seven years. And then I  
9 transferred to the Bronx.

10 Q. And is that where you were when  
11 you retired in 2019?

12 A. Yes.

13 Q. All right. Shifting gears a  
14 little bit, Mr. Tirado, how did you  
15 identify your race on the 2020 Census?

16 A. Hispanic. Because, I think --  
17 that that's a sore spot with me, because  
18 sometimes they don't have Hispanic as a --  
19 I'm not sure if it's a race or an  
20 ethnicity, how they word it -- but they  
21 have sometimes Hispanic is not there.  
22 They have white, Black, Native American.  
23 Some of the others. So, I didn't fit into  
24 any of them so I would say Black.

25 Q. Do you recall is that how you

1 ERNESTO TIRADO s/h/a ERNEST TIRADO

2 identified in the 2020 Census

3 specifically?

4 A. Yes.

5 Q. Okay. If the, theoretically, if

6 a form you were filling out offered

7 "Hispanic" as an identity that can be

8 selected, is that what you would pick?

9 A. Yes.

10 Q. Mr. Tirado, you currently reside

11 in the Town of Newburgh?

12 A. Yes.

13 Q. Okay. And approximately how long

14 have you lived in the Town of Newburgh?

15 A. This year makes it 30 years.

16 Q. And where did you live before

17 that?

18 A. In the Bronx.

19 Q. How long did you live in the

20 Bronx?

21 A. Most of my life before I moved up

22 here.

23 Q. Are you registered to vote?

24 A. Yeah.

25 Q. How long have you been registered

1 ERNESTO TIRADO s/h/a ERNEST TIRADO

2 to vote?

3 A. Since I was 25.

4 Q. Do you typically vote in every  
5 election?

6 A. Yes.

7 Q. So presidential elections?

8 A. Yes.

9 Q. Do you also vote in state and  
10 local elections?

11 MR. IMAMURA: Objection to the  
12 form.

13 You can answer.

14 A. Yes.

15 Q. Are you registered with a  
16 political party?

17 A. Yes.

18 Q. Which party are you registered  
19 with?

20 A. Democrats.

21 Q. Has your party affiliation ever  
22 changed?

23 A. No.

24 Q. Have you been registered with the  
25 Democratic Party since you first

Page 25

1 ERNESTO TIRADO s/h/a ERNEST TIRADO  
2 registered to vote?

3 A. Yes.

4 Q. Are you a member of any political  
5 organizations or groups?

6 A. Yes.

7 Q. All right. Let's go through them  
8 one by one.

9 Which political organizations or  
10 groups are you associated with?

11 A. Town of Newburgh Democratic  
12 Committee. Orange County Democratic  
13 Committee. And the Latino Democratic  
14 Committee of Orange County.

15 Q. Okay. Do you regularly attend  
16 meetings of those organizations?

17 A. For the most part, yes.

18 Q. And what are your  
19 responsibilities as a member of the  
20 Democratic Committee?

21 MR. IMAMURA: So, counsel, as you  
22 know, as has been asserted in past  
23 depositions on both sides, now I'm  
24 just going to caution the witness.

25 We are getting very close to

1 ERNESTO TIRADO s/h/a ERNEST TIRADO  
2 First Amendment and associational  
3 privilege. So restrict yourself to  
4 saying only things that are publicly  
5 facing; right? So only answer  
6 publicly. Like only answer things  
7 that you know are geared towards the  
8 public or that are public. Do not  
9 disclose anything that is private or  
10 within the party organization.

11 A. Can you rephrase that question?

12 Q. Yes. What are your  
13 responsibilities as a member the Town of  
14 Newburgh Democratic Committee?

15 MR. IMAMURA: Again, I emphasize  
16 to the client only things that are  
17 public.

18 A. Attending meetings. And doing  
19 whatever is required to be a member.

20 Q. What are your responsibilities as  
21 a member of the Orange County Democratic  
22 Committee?

23 MR. IMAMURA: Again, I will  
24 emphasize to my client only things  
25 that are public.

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1 ERNESTO TIRADO s/h/a ERNEST TIRADO

2 A. Same answer.

3 Q. And what are your  
4 responsibilities as a member of the Latino  
5 Democratic Committee, again only  
6 public-facing?

7 MR. IMAMURA: Thank you.

8 A. Same answer.

9 Q. Have you ever volunteered with  
10 any political organizations or groups?

11 A. That's kind of vague. What do  
12 you mean "volunteered," I mean?

13 MS. JACCARD: Well, let's strike  
14 that. Let me rephrase the question.

15 Q. Have you ever volunteered for a  
16 political candidate?

17 A. As far as helping them get  
18 elected?

19 Q. Yes.

20 A. I, as a member of the committees,  
21 I have handed out literatures for the  
22 candidates. If that's what you'd call  
23 volunteering, that's what I did.

24 Q. Do you recall which candidates?

25 A. You know, presidential

1 ERNESTO TIRADO s/h/a ERNEST TIRADO  
2 candidates. You know, just about any  
3 candidate that's, you know, in the  
4 political arena, which every organization  
5 does, as a member, to help that particular  
6 candidate, you know. You know, I could go  
7 down a list, you know?

8 Q. How long have you been a member  
9 of the Democratic Committee of the Town of  
10 Newburgh?

11 A. About 20 years.

12 Q. And how long have you been a  
13 member of the Orange County Democratic  
14 Committee?

15 A. About 15 years, give or take a  
16 few years. I don't know.

17 Q. And how long have you been a  
18 member of the Latino Democratic Committee?

19 A. About 15 years, give or take.

20 Q. Have you ever volunteered for any  
21 political candidate without being  
22 affiliated with one of those  
23 organizations?

24 A. No.

25 Q. Would you consider yourself to be

1 ERNESTO TIRADO s/h/a ERNEST TIRADO  
2 actively involved in local politics?

3 A. I wouldn't say "actively  
4 involved." But very interested.

5 Q. Have you always been very  
6 interested in politics, in local politics?

7 A. Not until like several years --  
8 well, yes.

9 Q. When did you become very  
10 interested in local politics?

11 A. Since the twenty... since the  
12 2000 election.

13 Q. What happened in 2000? Why did  
14 you become interested in local elections  
15 in 2000?

16 A. Because of how the presidential  
17 election finalized.

18 Q. Mr. Tirado, just to clarify it:  
19 So, have ever you volunteered or assisted  
20 with local elections in the Town of  
21 Newburgh?

22 MR. IMAMURA: Objection. Asked  
23 and answered.

24 You can answer.

25 A. Can you repeat the question,

1 ERNESTO TIRADO s/h/a ERNEST TIRADO  
2 please?

3 MS. JACCARD: Gretchen, can you  
4 read that back please.

5 (The requested portion of the  
6 record was read.)

7 A. Yes.

8 Q. Which candidate have you  
9 volunteered or assisted with?

10 A. Diana Campos. My wife. Donette  
11 Smith. And Terry Horton. And they were  
12 probably a few more before that. Since I  
13 have been on the committee, anybody in the  
14 Town that ran, I pretty much assisted.

15 Q. What is your wife's name?

16 A. Vanessa.

17 Q. And those, I believe, four  
18 individuals you just named, what positions  
19 were they running for?

20 A. One was Town Clerk. And the rest  
21 were Town Council. There was a Town  
22 Supervisor. But I don't remember. I  
23 can't, his name doesn't, you know, come  
24 across that way.

25 Q. Which of those candidates was

1 ERNESTO TIRADO s/h/a ERNEST TIRADO  
2 running for Town Clerk?

3 A. Diana Campos.

4 Q. And to clarify, is that Diana  
5 Campos the same Diana Campos that you  
6 referenced earlier in this deposition with  
7 respect to litigation concerning the  
8 signatures?

9 A. Yes.

10 Q. Again limiting your answer to  
11 public-facing participation, what did you  
12 do to support those candidates in those  
13 local elections?

14 MR. IMAMURA: I just want to echo  
15 what my esteemed counter has said.  
16 Limit yourself to publicly-facing  
17 things.

18 A. And like I said before, handing  
19 out literatures to the voting public of  
20 her candidacy.

21 Q. And where would that typically  
22 occur?

23 MR. IMAMURA: Objection.

24 Only in the sense of, like, broad  
25 geographic slats, not individual

1 ERNESTO TIRADO s/h/a ERNEST TIRADO  
2 neighborhoods.

3 A. Throughout the Town.

4 Q. Did you do door-to-door  
5 canvassing?

6 A. Yes.

7 Q. Did you hold campaign events?

8 A. No, I didn't.

9 Q. Mr. Tirado, have you ever run or  
10 are you running for a political office?

11 A. No.

12 Q. Have you ever considered running  
13 for political office?

14 A. The thought crossed my mind. But  
15 I never did it.

16 Q. When did the thought cross your  
17 mind?

18 A. Several occasions. Nothing,  
19 nothing major.

20 Q. What position would you have  
21 considered running for?

22 A. Council.

23 Q. Why did you decide against  
24 running?

25 A. Because I had plenty of other

1 ERNESTO TIRADO s/h/a ERNEST TIRADO  
2 things going on with my life, that I  
3 didn't want to just be tied up to that.  
4 And if I wasn't going to give it my all, I  
5 wasn't going to do it.

6 Q. Let's talk a little bit about the  
7 structure of the Town's government.

8 Can you describe, to best of your  
9 ability, how the Town of Newburgh's  
10 government is structured?

11 A. As far as? I'm not sure what  
12 you're asking.

13 Q. Who runs the Town of Newburgh?

14 A. Gil Piaquadio, and he's the  
15 Supervisor, and the rest of the Board.

16 Q. Okay.

17 A. Do I have to name them?

18 Q. Yes. Could you please name the  
19 members of the Town Board?

20 A. Manley is one. LoBiondo is  
21 another councilman. I don't recall the  
22 other ones. Their names are on the tip of  
23 my lips, but I can't recall them.

24 Q. That's fine. I am not good with  
25 names myself.

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1 ERNESTO TIRADO s/h/a ERNEST TIRADO

2 A. Ruggerio.

3 Q. Off the top of your head, can you  
4 name any prior Town Board members?

5 A. Betty Green. She recently passed  
6 away. I can't recall right now.

7 Q. That's fine. To the best of your  
8 understanding, how are members of the Town  
9 Board elected?

10 A. They are put on a ballot and the  
11 whole town votes.

12 Q. Are you familiar with what an  
13 At-Large Voting System is?

14 A. That's kind of. Do you want me  
15 to give you my opinion? I can't give you  
16 my expert definition of it.

17 Q. Yes.

18 A. And it's basically where one  
19 person runs, and everyone in the whole  
20 town votes for that one person. That's my  
21 understanding.

22 Q. Thank you. So I believe you  
23 mentioned three members of the current  
24 Town Board.

25 Are you personally acquainted

1 ERNESTO TIRADO s/h/a ERNEST TIRADO  
2 with any current members of the Town  
3 Board?

4 A. Sure. Yes.

5 Q. Which ones?

6 A. All three. Well, except for  
7 LoBiondo. I know and I speak with  
8 Ruggerio and Manley and Piaquadio.

9 Q. How do you know Mr. Manley?

10 A. Well, he used to be a police  
11 officer in the Town. And he used to be a  
12 Democrat. And so, you know, just through  
13 interactions at Town Hall. Or if I would  
14 go to an event in the immediate area, and  
15 they would be there, you know, we would  
16 exchange pleasantries.

17 Q. When you would say you first met  
18 Mr. Manley?

19 A. I met him casually through his  
20 family, who lives in the Town. And my  
21 wife knows his mother and his father. If  
22 we would ever run into them, you know,  
23 wherever we were, you know, we would say  
24 hello and chat. And I met him that way.

25 Q. And how do you know Mr. Ruggerio?

1 ERNESTO TIRADO s/h/a ERNEST TIRADO

2 A. Just through Town interactions  
3 and events like Community Day. They would  
4 go around and introduce themselves.

5 And I believe my children went to  
6 school with his children.

7 Q. What is Community Day?

8 A. It's basically -- to tell you the  
9 truth, it really should be just 4th of  
10 July Day, because they always hold it the  
11 day before 4th of July at a baseball field  
12 in the Town, where they get vendors to  
13 come, and, you know, they have all  
14 these -- they have entertainment. And at  
15 the end of the day, they have fireworks.  
16 And to them, they call it Community Day,  
17 which I'm not really sure of. But it's  
18 more like 4th of July day. But that's  
19 what it is.

20 Q. When you say "them," are you  
21 referring to the Town Board?

22 A. Yes. The Town Board, yeah.

23 Q. Did you see Mr. Manley at the  
24 Community Day this year?

25 A. Yes.

1 ERNESTO TIRADO s/h/a ERNEST TIRADO

2 Q. Did you see Mr. Ruggiero at the  
3 Community Day this year?

4 A. Yes.

5 Q. And how long have you known  
6 Mr. Ruggiero would you say, roughly?

7 A. About ten years.

8 Q. And how long have you known  
9 Mr. Piaquadio?

10 A. Let me see. I would say maybe  
11 15, 20 years, because he was a councilman  
12 before he became Supervisor. So I would  
13 see him at, like, if they would have some  
14 kind of meeting in the Town. Every now  
15 and then I would, you know, attend.  
16 Especially if there was, like, an issue  
17 that I was interested in.

18 Q. That's a perfect segue to my next  
19 question. Have you ever attended a Town  
20 Hall meeting?

21 A. Sure. Yes.

22 Q. Do you routinely attend Town Hall  
23 meetings?

24 A. Not really.

25 Q. When was the last Town Hall

1 ERNESTO TIRADO s/h/a ERNEST TIRADO  
2 meeting you attended?

3 A. Oh, man. I don't recall.

4 Q. Let's take it back to the  
5 beginning. When did you start attending  
6 Town Hall meetings?

7 A. When we first moved here, in '94.  
8 A couple of years after that, they were  
9 looking to open a truck stop at the end of  
10 our street here, at the end of Lakeside  
11 Road at the intersection with 17K. And  
12 the whole community in the area was  
13 against it. And that was actually, more  
14 or less, when I got involved. And they  
15 formed a group. I forget what the name  
16 was. But it was basically against the  
17 development of a truck stop/gas station  
18 there, because traffic in the area was  
19 already terrible, and it would just add to  
20 it, besides the air pollution.

21 And even though -- and they had  
22 quite a few public hearings on that  
23 project -- and I would say that like 90 to  
24 95 percent of the people that were there  
25 were against it, but it still went

1 ERNESTO TIRADO s/h/a ERNEST TIRADO  
2 through. So, to me, it showed that they  
3 weren't -- whatever their motivation was  
4 to build it -- they didn't have "the  
5 people who were most affected by it"  
6 concern.

7 Q. And did you speak or testify at  
8 the Town Hall meeting?

9 A. I can't recall if I did, it's so  
10 long ago.

11 Q. Let's talk about other meetings  
12 that you may have attended. Do you recall  
13 any -- are there any other meetings that  
14 come to mind where you did speak?

15 A. Let me see. I remember speaking  
16 at one, but I can't remember what it was  
17 for. But it had to do with something on a  
18 development. It's usually about them  
19 developing something that, in my opinion,  
20 and other people's opinions, was, like,  
21 not a priority.

22 Q. So we have talked about the  
23 development of the truck stop/gas station.

24 What other developments have you  
25 been opposed to?

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1 ERNESTO TIRADO s/h/a ERNEST TIRADO

2 A. Warehousing. There were, or  
3 there was a situation where they wanted to  
4 do a development, a residential, right  
5 across the street from the school, East  
6 Coldenham School. I mean, right across  
7 the street from East Coldenham Elementary  
8 School. I went to that hearing just to  
9 support. I didn't speak at that one  
10 either.

11 Q. Are there any others that come to  
12 mind, besides the gas station, and the  
13 warehouse, and the development across from  
14 the school?

15 A. Danskammer. There was a hearing  
16 on that Danskammer project.

17 MR. IMAMURA: Do you need for us  
18 to spell it? Can you spell it?

19 Counsel, would that be all right?

20 MS. JACCARD: Sorry. Yes.

21 THE WITNESS: It's

22 D-A-N-S-K-A-M-M-E-R.

23 MR. IMAMURA: That's correct.

24 Q. I'd actually like to talk a  
25 little bit more about Danskammer, and

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1 ERNESTO TIRADO s/h/a ERNEST TIRADO  
2 we'll probably talk about it a little  
3 later.

4 But was there a Town Hall meeting  
5 held about the Danskammer Power Plant  
6 expansion?

7 A. I'm not sure if they held it.  
8 But they had public comments, which I  
9 didn't write a public comment on. There  
10 were some rallies, which I had a prior  
11 commitment, which I didn't attend. What  
12 else... that's all I can remember.

13 Q. Okay. But were you opposed to  
14 the expansion of the Danskammer Power  
15 Plant?

16 A. Yes.

17 Q. So, roughly speaking, how often  
18 do you think you have attended a Town Hall  
19 meeting since you started going in 1994?

20 A. Not that not often. I  
21 usually go --

22 Q. Once a year?

23 A. Yeah, you could say once a year.  
24 Whenever there is a project or an issue  
25 that I believe, you know, shouldn't be

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1 ERNESTO TIRADO s/h/a ERNEST TIRADO  
2 proposed or entertained, I would go and  
3 support whoever's also against it.

4 Q. When you have attended a Town  
5 Hall meeting to provide support for those  
6 opposing a particular project, do you  
7 attend, or have you attended, those  
8 meetings on your own behalf, or on behalf  
9 of one of the committees in which you are  
10 a member?

11 A. On my behalf.

12 Q. And I know we just mentioned it,  
13 but I'd like to be as specific as  
14 possible. Are there any other instances  
15 where you can recall actually speaking at  
16 Town Hall meeting to voice your opposition  
17 to a project or raise a concern with the  
18 Town Board?

19 MR. IMAMURA: Note my objection.  
20 You can answer.

21 A. No, no.

22 Q. Have you ever expressed your  
23 opinions to the Town Board or to a member  
24 of town government in any other way,  
25 besides appearing at a Town Hall meeting?

1 ERNESTO TIRADO s/h/a ERNEST TIRADO

2 A. I may have written a letter to  
3 the editor about something or the other.  
4 I used to write letters to the editor  
5 about a lot of things back in the day. I  
6 haven't lately.

7 Q. When is the last time you think  
8 you wrote a letter to the editor?

9 A. Oh, a year ago. About a year  
10 ago. And don't ask me what it was about,  
11 because I don't remember.

12 Q. Do you remember what any of your  
13 letters to the editor have ever been  
14 about?

15 A. Warehousing, which I would say  
16 was probably the latest one. Because it  
17 seems like in the last couple of years  
18 that's the only thing they're  
19 concentrating on. They're not  
20 concentrating on housing, or jobs, or  
21 anything else, other than big box  
22 buildings, which, you know, they're good.  
23 But it seems like we have plenty of empty  
24 warehouses that were here before and were  
25 abandoned that they could have actually

1 ERNESTO TIRADO s/h/a ERNEST TIRADO  
2 used for whatever purpose whoever wants to  
3 use it. But no, they will raze trees and  
4 vegetation in the area, to clear for  
5 these. And you have some already  
6 existing. And that never made any sense  
7 to me.

8 Q. Would you say you wrote that  
9 letter to the editor concerning  
10 warehousing, that was the most recent one  
11 in the last year, would you say?

12 A. In the last year or two, because  
13 that's when they started. They just went  
14 on a roll, I mean, throughout all of  
15 Orange County, basically. And it was just  
16 a matter of time before they came to the  
17 Town of Newburgh, and when they did,  
18 that's when I wrote the letter.

19 Q. Which publication were you  
20 writing to?

21 A. I think at the time it was the  
22 Times Herald and the Mid Hudson Times.

23 Q. Have you ever directly contacted  
24 any of your Town of Newburgh  
25 representatives to raise these concerns,

1 ERNESTO TIRADO s/h/a ERNEST TIRADO  
2 broadly speaking?

3 A. Casually, I may have spoke to  
4 Manley. But, you know, I wasn't expecting  
5 any revelations.

6 Q. When you say "casually" what do  
7 you mean?

8 A. You know, just through passing, I  
9 would just tell him: "Yo, What's up with  
10 all this housing?" And you know, he would  
11 just laugh it off.

12 Q. So, at this time, I would like to  
13 shift gears again to talk about this  
14 lawsuit specifically.

15 A. Okay.

16 MR. IMAMURA: Are you okay? Do  
17 you need a break?

18 THE WITNESS: No, I'm good. I'm  
19 good.

20 Q. Yeah. If you need a break at any  
21 point, even if it's just for a minute for  
22 your eyes, please let me know. We're  
23 happy to accommodate you.

24 A. Okay.

25 Q. Mr. Tirado, how did you come to

1 ERNESTO TIRADO s/h/a ERNEST TIRADO  
2 be a plaintiff in this action?

3 A. Well, for many years, since I  
4 moved here, I have recognized -- and, by  
5 the way, it's mostly from my observations  
6 and my lived experience -- that I've  
7 noticed that there's no representation.  
8 And it's something that, you know, my wife  
9 and I, we're always like, you know, why  
10 isn't there? You know, I'm a firm  
11 believer that your government should  
12 represent the people it serves. And when  
13 you go Town Hall, you don't see no Black,  
14 you don't see no Hispanic workers there.  
15 And for the most part, a lot of it, with  
16 the workforce, it's the same way.

17 So, when I heard about the law.  
18 And they talked about the different ways  
19 that, you know, it could affect us,  
20 Hispanics and Blacks, we, you know, we  
21 kind of thought, well, if the at-large  
22 system -- well, basically we're trying to  
23 get more representation in the Town of  
24 Newburgh. More diversity in the Town. To  
25 have differences of opinions. And that's

1 ERNESTO TIRADO s/h/a ERNEST TIRADO  
2 how, basically, I got involved in this  
3 lawsuit. I want to see -- I want to see  
4 change.

5 Q. How did you hear about this  
6 lawsuit?

7 A. It was, you know, in the papers.  
8 You know, I read the paper all the time.  
9 And the Voting Rights Act was just -- I  
10 don't know a couple of years ago, five  
11 years ago? I don't remember really how  
12 long ago it started.

13 But I saw that as an opportunity  
14 to maybe make some change. And see if,  
15 you know, things will change if it falls  
16 within the parameter of the law. I'm not  
17 an expert at these things. I will leave  
18 that to the lawyers.

19 Q. So, is it correct to say you  
20 learned about the New York Voting Rights  
21 Act before you learned about this lawsuit?

22 A. Well, I heard about it. Yes.

23 Q. Did somebody approach you about  
24 being a plaintiff in this lawsuit?

25 A. Not really. I spoke with my wife

1 ERNESTO TIRADO s/h/a ERNEST TIRADO  
2 about it. I don't know if anybody  
3 approached her.

4 Q. Do you know how your wife found  
5 out about this lawsuit?

6 MR. IMAMURA: Objection. Spousal  
7 privilege.

8 A. No.

9 THE WITNESS: Sorry.

10 MR. IMAMURA: That's okay.

11 You have the answer.

12 MS. JACCARD: At this time I  
13 would like to mark as Tirado Exhibit 1  
14 the Complaint filed in Oral Clarke, et  
15 al., versus Town of Newburgh, et al.

16 Paris, could you let us know when  
17 that's ready.

18 (The Summons and Verified  
19 Complaint in Oral Clarke, et al.  
20 -against- Town of Newburgh and Town  
21 Board of the Town of Newburgh was  
22 hereby marked as Tirado Exhibit 1 for  
23 identification, as of this date.)

24 (A recess was taken.)

25 CONTINUED EXAMINATION BY

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1 ERNESTO TIRADO s/h/a ERNEST TIRADO

2 MS. JACCARD:

3 Q. So, Mr. Tirado, do you recognize  
4 this document that has been marked as  
5 Exhibit 1?

6 A. Yes.

7 Q. And what is this document?

8 A. It is I believe the Complaint.

9 Q. Could you please scroll to  
10 page 33 of the Complaint. Let me know  
11 when you are there.

12 MR. IMAMURA: All right. We're  
13 there, counsel.

14 Q. Mr. Tirado, is this your  
15 signature on the page?

16 A. Yes, it is.

17 Q. And do you understand that, when  
18 you executed that Verification, you  
19 certified that the allegations of the  
20 Complaint were true to the best of your  
21 knowledge?

22 MR. IMAMURA: Hold on, counsel.

23 We just had a popup come up on  
24 Mr. Tirado's screen that we are trying  
25 to get rid of.

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1 ERNESTO TIRADO s/h/a ERNEST TIRADO

2 Off the record.

3 (Discussion held off the record.)

4 MS. JACCARD: Gretchen, could you  
5 please repeat my last question.

6 (The requested portion of the  
7 record was read.)

8 A. Yes.

9 Q. Now can I ask you to scroll back  
10 to the very first page of this document,  
11 and we are going to look at the case  
12 caption, the name of the case.

13 MR. IMAMURA: We are there,  
14 counsel.

15 Q. I will represent to you that the  
16 name of this case is Oral Clarke, Romance  
17 Reed, Grace Perez, Peter Ramon, Ernest  
18 Tirado, and Dorothy Flournoy,  
19 Plaintiffs - against- Town of Newburgh and  
20 Town Board of the Town Newburgh.

21 Did I read that correctly?

22 A. Yes.

23 Q. Do you know any of the other  
24 plaintiffs in this lawsuit?

25 A. Yes.

1 ERNESTO TIRADO s/h/a ERNEST TIRADO

2 Q. Who do you know?

3 A. I know Grace Perez. I know  
4 Dorothy Flournoy. And I vaguely know  
5 Peter Ramon and Oral Clarke.

6 Q. Let's go through those.

7 How do you know Grace Perez?

8 A. Well, she's a neighbor. And  
9 Dorothy is a neighbor. She's a neighbor.

10 Q. Grace Perez is a neighbor?

11 A. Yeah. And, you know, whenever  
12 she holds a birthday party and stuff like  
13 that, she invites us.

14 Q. How long have you known  
15 Ms. Perez?

16 A. About maybe ten years, give or  
17 take a few years.

18 Q. What about Ms. Flournoy, how do  
19 you know Dorothy Flournoy?

20 A. She is a very religious woman.  
21 And she is, I have seen her at a few  
22 church functions. But she's also a  
23 neighbor.

24 Q. How long have you known  
25 Ms. Flournoy?

1 ERNESTO TIRADO s/h/a ERNEST TIRADO

2 A. For about the same amount of

3 time. Ten, fifteen years.

4 Q. And you testified that you

5 vaguely know Peter Ramon; is that correct?

6 A. Yes.

7 Q. How know Mr. Ramon?

8 A. I have met him at several events,

9 you know, and functions.

10 Q. What types of events and

11 functions?

12 A. You know, like barbecues. A

13 barbecue.

14 Q. Would you consider him an

15 acquaintance?

16 A. You could say that. That's less

17 than a friend; right?

18 Q. Yes. I use "acquaintance" to

19 mean less than a friend.

20 A. Okay. Yes. "Acquaintance"

21 sounds good.

22 Q. And what about Mr. Clarke, how do

23 you know Oral Clarke?

24 A. He's a neighbor of a friend of

25 mine. And she knows him. And perhaps

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1 ERNESTO TIRADO s/h/a ERNEST TIRADO  
2 when I go to visit her, because we go golf  
3 every now and then, you know, she  
4 introduced me to him.

5 Q. What is that friend's name?

6 A. Mary Olivera. They live directly  
7 opposite each other.

8 Q. Mary Olivera and Oral Clarke live  
9 directly opposite each other?

10 A. Yeah. And he just recently moved  
11 there, not too long ago. Maybe, I don't  
12 know, give or take, maybe five, six years,  
13 around there. I don't know.

14 Q. Do you know if he just moved to  
15 Newburgh within the last five or six  
16 years, or do you mean to this house in  
17 particular?

18 A. Yes. To the house in particular.  
19 I don't know where he came from.

20 Q. Okay. Do you know how any of the  
21 these individuals became plaintiffs in  
22 this lawsuit?

23 A. Not really, no.

24 Q. Mr. Tirado, did you review the  
25 Complaint before it was filed?

1 ERNESTO TIRADO s/h/a ERNEST TIRADO

2 A. I read it, yeah.

3 Q. Would you say you understood the  
4 allegations in the Complaint before it was  
5 filed?

6 A. Yes.

7 Q. Would you agree with me that this  
8 lawsuit involves legal claims brought  
9 under the John R. Lewis Voting Rights Act?

10 MR. IMAMURA: Objection. Calls  
11 for a legal conclusion.

12 You can answer.

13 MS. JACCARD: Gretchen, would you  
14 mind reading back my question.

15 (The requested portion of the  
16 record was read.)

17 A. Yes, yes.

18 Q. And I believe you testified about  
19 this earlier, but had you heard of the  
20 John R. Lewis Voting Rights Act before  
21 joining this lawsuit?

22 A. Yes.

23 Q. Do you remember when you first  
24 heard about the Voting Rights Act?

25 A. I think when it was first passed

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1 ERNESTO TIRADO s/h/a ERNEST TIRADO  
2 by Albany. And I recall reading about it  
3 in one of the newspapers, because it was  
4 in The New York Times. I'm not sure.

5 Q. Did you have an opinion about the  
6 law at the time you first learned about  
7 it?

8 A. When I read it, yeah, I did have  
9 a little opinion. I was like it seemed  
10 like a progressive path forward for more  
11 inclusion.

12 Q. And understanding that you are  
13 not a lawyer, what is your understanding  
14 of what the Voting Rights Act does?

15 MR. IMAMURA: Objection. Calls  
16 for a legal conclusion.

17 You can answer.

18 A. Please repeat the question.

19 (The requested portion of the  
20 record was read.)

21 A. It promotes inclusion and an  
22 opportunity for more participation.  
23 That's my understanding.

24 Q. Have you ever read the text of  
25 the John R. Lewis Voting Rights Act?

1 ERNESTO TIRADO s/h/a ERNEST TIRADO

2 A. That is so dry. I tried.

3 Q. That's more than what most people  
4 can say, I think.

5 So, at this time, I'd like to go  
6 over some of the specific allegations that  
7 were made in the Complaint. Can I first  
8 direct your attention to paragraph 3. And  
9 if you'd like to take a moment to  
10 familiarize yourself with paragraph 3,  
11 please go ahead.

12 A. I read it.

13 Q. So, a specific portion of  
14 paragraph 3 says: "Lacking any  
15 representation on Town Board, members of  
16 the Town's Black and Hispanic communities  
17 have been demoted to second-class citizens  
18 whose concerns are ignored by Town Board."

19 Did I read that correctly?

20 A. That's what it says.

21 Q. What do you mean by members of  
22 the Black and Hispanic communities have  
23 been demoted to second-class citizens?

24 A. Well, the fact that for, over the  
25 30 years that I have been here, there has

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1 ERNESTO TIRADO s/h/a ERNEST TIRADO  
2 been no representation on the Board, or on  
3 a wider view, even the workforce, despite  
4 the fact that there have been Black and  
5 Hispanic members of the public running for  
6 office says it all. I don't, I don't  
7 really need, like, a statistician or  
8 anybody else to tell me that it doesn't  
9 exist.

10 And like I said before, my  
11 definition of good government is to have  
12 people running it that represent the  
13 population they serve. So, and believe me  
14 when I tell you that some of the  
15 candidates were excellent, they had great  
16 credentials, and I thought ran a good  
17 campaign. You know, they were constantly  
18 out there, letting people know that they  
19 were running, spreading the word. And  
20 they still didn't win. And there's got to  
21 be a reason for that. And that I cannot  
22 explain.

23 And when I read about this law, I  
24 said: "Well, you know what?"

25 It kind of like connected a small

1 ERNESTO TIRADO s/h/a ERNEST TIRADO  
2 dot.

3 And I said: "That could be  
4 possibly the reason why."

5 Q. Can you explain, when you say  
6 "that could be the reason why" --

7 A. The at-large, the at-large  
8 system.

9 Q. Thank you. I think we have  
10 mentioned some of these candidates at  
11 different points in this deposition. But  
12 just so we can kind of have the record  
13 clear, which candidates are you referring  
14 to, when you say candidates of color that  
15 have run for office that have been  
16 qualified for those offices, but have not  
17 succeeded in their elections?

18 A. The most prominent is Diana  
19 Campos, you see, because when she had that  
20 opportunity to ballot, and she had a small  
21 window. And in my opinion -- and, you  
22 know, I'm not speaking for anybody else --  
23 but I thought they thought that it wasn't  
24 going to be able to be done. And it was  
25 done.

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1 ERNESTO TIRADO s/h/a ERNEST TIRADO

2 And they were pissed off, in my  
3 opinion, to the point that they would  
4 actually -- and according to their lawyer,  
5 did not speak to him -- and still file a  
6 lawsuit when we challenged it, and decided  
7 to go forward with it, to the very last  
8 minute, to the very last day, that we were  
9 in court.

10 And their lawyer said: "You know  
11 they're dropping the case, because if they  
12 would have talked to me first, I would  
13 have told them they didn't have a case."

14 So, to me, you know, being that  
15 she was a Latina, and of a different  
16 party, they, they weren't having it. And  
17 that's my opinion.

18 Q. Which other candidates are you  
19 referring to?

20 A. Well, you had Barnett Smith. You  
21 had Terry Horton. I'm not sure if I  
22 mentioned him, before, but Roger Ramjug.  
23 That's about it for now, that I can  
24 remember.

25 Q. When is, in most recent memory,

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1 ERNESTO TIRADO s/h/a ERNEST TIRADO  
2 when is the most recent person of color on  
3 the ballot?

4 A. Diana Campos.

5 Q. And when was that?

6 A. Four or five years ago.

7 Q. Turning back to paragraph 3  
8 again, which states: "Lacking any  
9 representation on the Town Board, members  
10 of the Town's Black and Hispanic  
11 communities have been demoted to  
12 second-class citizens whose concerns are  
13 ignored by the Town," can you give me any  
14 examples of the specific concerns of the  
15 those communities that have been, and I  
16 quote, "ignored by the Town Board"?

17 A. Well, the housing. Affordable  
18 housing. I mean -- but I'm sure this  
19 happens everywhere -- you get developments  
20 that claim to be affordable housing, but  
21 when you look at the prices, it does not  
22 reflect the median income of the area.  
23 And how can I say this... and when you --  
24 that's about it.

25 Q. So, housing is one of those

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1 ERNESTO TIRADO s/h/a ERNEST TIRADO  
2 examples of the concerns?

3 A. One of them. And the other thing  
4 was, like if I go to become a member of my  
5 committees, you've got to go out and  
6 petition like regular candidates. When  
7 you go and you speak to people, they  
8 sound, I want to say, like, beaten down to  
9 the point where they say: Oh, why I  
10 should I vote? Why should I sign?

11 Well, I say: "You know this is  
12 to get representation."

13 And they say: But nothing's  
14 going to change here. And they're almost  
15 resolved that nothing is going to happen  
16 because that candidate's not going to win.  
17 Because that's how they've been -- now I'm  
18 not speaking for them -- but I'm assuming  
19 that's they how feel.

20 So I would ask them: "Why don't  
21 you go? If you have a specific issue with  
22 the Town, why don't go to them?"

23 And they say: I don't like going  
24 there, because nobody there like looks  
25 like me.

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1 ERNESTO TIRADO s/h/a ERNEST TIRADO

2 And that's not everybody. That's  
3 just a few people, you know, randomly,  
4 over the years, that have said something  
5 like that. And it kind of took me back.  
6 I'm like: "Man, that's a really cynical  
7 way of looking at things."

8 But it's stayed in the back of my  
9 mind. And I can understand where they're  
10 coming from. Let's take a Hispanic person  
11 in particular. If they go to Town Hall,  
12 there's no translators there. And if they  
13 have a problem with the English language,  
14 there's not going to be no communication.  
15 And that's why I agree with that  
16 statement.

17 Q. Do you have any other kind of  
18 specific examples of concerns that have  
19 been ignored by the Town Board?

20 A. Oh, I'm sure there are others.  
21 But I can't recall any right now.

22 Q. And earlier we talked about some  
23 of the concerns that you raised to the  
24 Town Board, particularly in the context of  
25 development.

1 ERNESTO TIRADO s/h/a ERNEST TIRADO

2 As we're sitting here, are there  
3 any other kind of concerns that have come  
4 to mind that you've specifically raised to  
5 the Town Board?

6 A. No.

7 Q. You mentioned a few moments ago  
8 that some of the individuals you spoke  
9 represented that they did not want to  
10 go to the Town Board with their concerns;  
11 is that correct?

12 A. No.

13 MR. IMAMURA: Objection  
14 mischaracterizes the testimony.

15 A. (Continuing) No, no.

16 Q. Okay. Mr. Tirado, are you aware  
17 of any particular individuals in the  
18 Town's Black or Hispanic communities who  
19 have voiced concerns directly to the Town  
20 Board?

21 A. No.

22 Q. At this time, let's turn to  
23 paragraph 122 of the Complaint, which is  
24 on page 23.

25 MR. IMAMURA: All right. We're

1 ERNESTO TIRADO s/h/a ERNEST TIRADO  
2 there, counsel.

3 Q. Paragraph 122 states: "The Town  
4 Board has shown little regard for the  
5 particularized concerns of the Black or  
6 Hispanic communities."

7 Did I read that correctly?

8 A. Yes, you did.

9 Q. Do you agree with that  
10 allegation?

11 A. For the most part. I don't have  
12 no evidence of it, other than, like I  
13 said, there is no representation on that  
14 Board. There's no translators for  
15 Hispanics that have problems with the  
16 English language.

17 And, you know, it's like you go  
18 to other places, and they'll celebrate, or  
19 at least mention it, Hispanic Heritage  
20 Month, Black History Month. They don't do  
21 any of that. So, to me, that speaks  
22 volumes.

23 Q. Are you aware of anybody bringing  
24 the purported failure of the Town to  
25 celebrate Black History Month in

1 ERNESTO TIRADO s/h/a ERNEST TIRADO  
2 particular -- has anyone brought that to  
3 the Board's attention that you are aware  
4 of?

5 A. No.

6 Q. Are there any other  
7 particularized concerns of the Black or  
8 Hispanic communities that come to mind,  
9 when you read paragraph 122?

10 A. I'm sure there is, but I didn't,  
11 I haven't dwelled on it.

12 Q. Paragraph 123 states: "Upon  
13 information and belief, the Town routinely  
14 ignores concerns raised by Hispanic  
15 residents that the Town does not employ  
16 enough Spanish-speaking employees."

17 Did I read that correctly?

18 A. Yes, you did.

19 Q. And do you agree with that  
20 allegation?

21 A. Yes.

22 Q. And what is the basis for that  
23 allegation?

24 A. Just observation.

25 Q. Do you know of anybody who has

1 ERNESTO TIRADO s/h/a ERNEST TIRADO  
2 ever raised a concern about the lack of  
3 Spanish-speaking employees with any member  
4 of Town government?

5 A. Not that I can recall.

6 Q. Have you --

7 A. I've always said: "If you have a  
8 problem with them, go over there."

9 And that's what they would tell  
10 me, that I don't feel comfortable going  
11 over there, because there's nobody there  
12 that looks like me.

13 Well, a few people. I mean, even  
14 though it was a few people, I'm sure there  
15 were many that didn't even raise that  
16 concern, but it was in the back of their  
17 head. And like I said, I went about my  
18 business. But that's one statement that  
19 came up maybe about three times that kind  
20 of like stayed with me. I'm like:  
21 "That's a terrible thing to be saying  
22 about your government."

23 Q. Have you ever raised concerns  
24 about the lack of Spanish-speaking  
25 employees with anybody in Town government?

1 ERNESTO TIRADO s/h/a ERNEST TIRADO

2 A. I have not.

3 Q. Mr. Tirado, generally speaking,  
4 have you ever seen or consulted any  
5 analysis of voting patterns in the Town of  
6 Newburgh?

7 A. I'm not sure what the question is  
8 you are asking me.

9 Q. Have you ever consulted  
10 statistics or reports about voting  
11 patterns in the Town of Newburgh?

12 A. No.

13 Q. All right.

14 A. I've looked at, you know, after  
15 an election, I've gone to the Board of  
16 Elections website and seen how each  
17 district voted. You know, a percentage  
18 of, you know... I don't think it's  
19 ethnicity was a part of their information.  
20 But that's as far as it went.

21 Q. And that's the Orange County  
22 Board of Elections you're referencing?

23 A. Yes.

24 Q. And to clarify, did that -- did  
25 that voting information from the Orange

1 ERNESTO TIRADO s/h/a ERNEST TIRADO  
2 County Board of Elections break down the  
3 electoral results by racial demographics?

4 A. Well, if you, if you know the  
5 districts in your town, and you know where  
6 the majority of Black and Hispanics within  
7 the Town are, it can give you a little  
8 idea, you know, how it's broken down into.  
9 So, yeah. And so that's just my  
10 interpretation. I didn't consult no  
11 statistician, or no expert in these  
12 political things. I was just trying to  
13 get a little more information by myself to  
14 find out why, why is it not happening.

15 Q. When was the last election or  
16 when was the last time that you consulted  
17 those Board of Elections statistics?

18 A. I think it was '22 maybe.

19 Q. 2022?

20 A. Yes.

21 Q. And were you specifically looking  
22 at Town Board election statistics?

23 A. Yes.

24 Q. At this time, could you please  
25 take a moment to read through

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1 ERNESTO TIRADO s/h/a ERNEST TIRADO  
2 paragraphs 69 through 75 of the Complaint.  
3 That starts on page 13.

4 MR. IMAMURA: Do you just want  
5 him to read through it, counsel?

6 MS. JACCARD: Yeah. It's  
7 relatively short.

8 A. You said 75?

9 Q. Yes.

10 A. Okay.

11 Q. Would you agree with me that  
12 these allegations generally concern voting  
13 patterns in the Town?

14 A. I would say yes.

15 Q. And do you believe the  
16 allegations contained in paragraph 69  
17 through 75 are true?

18 A. I believe them to be true.

19 Q. Paragraph 69 says: "Voting is  
20 consistently racially polarized in the  
21 Town of Newburgh."

22 Did I read that correctly?

23 A. You did.

24 Q. And what does that statement mean  
25 to you?

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1 ERNESTO TIRADO s/h/a ERNEST TIRADO

2 A. That you have two opposites. One  
3 votes one way. The other votes the other  
4 way. Consistently.

5 Q. Okay. How long have you believed  
6 that the allegations in paragraph 69 are  
7 true?

8 A. Oh, boy.

9 MR. IMAMURA: Counsel, do you  
10 mean in the Town of Newburgh?

11 MS. JACCARD: Yes. In the Town  
12 of Newburgh.

13 A. I would say since -- I don't  
14 know -- '98-99. Around there.

15 Q. On what are you basing this  
16 belief that voting is racially polarized  
17 in Newburgh, in the Town of Newburgh?

18 A. Lived experience and observation.

19 Q. Do you discuss how you are going  
20 to vote with others?

21 A. Not normally, no. Other than my  
22 family, no. That's like religion. You  
23 know, you keep it under wraps. Nobody,  
24 nobody needs to know that.

25 Q. And you previously testified that

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1 ERNESTO TIRADO s/h/a ERNEST TIRADO  
2 the only statistics you have consulted  
3 concerning voting patterns in Newburgh are  
4 the statistics from the Orange County  
5 Board of Elections; is that correct?

6 A. Yes.

7 Q. And so paragraph 70, specifically  
8 says: "Black voters in the Town of  
9 Newburgh consistently vote cohesively for  
10 the same candidates."

11 Did I read that correctly?

12 A. Yes.

13 Q. And how have you come to believe  
14 that Black voters in the Town of Newburgh  
15 consistently vote for the same candidates?

16 A. Observation.

17 Q. Do you speak with Black voters  
18 about their electoral preferences?

19 A. As far as who they support, yeah.

20 Q. And do you have any evidence to  
21 support the allegations that Black voters  
22 in the Town consistently vote for the same  
23 candidates?

24 A. No. I think that's public  
25 information. They can figure that out

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1 ERNESTO TIRADO s/h/a ERNEST TIRADO  
2 themselves, I would think. I don't know.

3 Q. And so paragraph 71 says:  
4 "Hispanic voters in the Town of Newburgh  
5 consistently vote cohesively for the same  
6 candidates."

7 Again, did I read that correctly?

8 A. You did.

9 Q. What does paragraph 71 mean to  
10 you?

11 A. It's the same as paragraph 70.  
12 The same as paragraph 70. They basically,  
13 you know, it is my belief that that's  
14 what -- that they consistently voted  
15 cohesively for the same candidates. The  
16 majority. You know, I'm sure there's a  
17 couple of loose ends.

18 Q. And, again, how have you come to  
19 believe that Hispanic voters in the Town  
20 of Newburgh consistently vote for the same  
21 candidates?

22 A. Observation.

23 Q. And is there -- do you -- have  
24 you consulted evidence supporting the  
25 allegation that Hispanic voters

Page 73

1 ERNESTO TIRADO s/h/a ERNEST TIRADO  
2 consistently vote for the same candidates?

3 A. I have not.

4 Q. And paragraph 72 says: "Black  
5 and Hispanic voters in the Town of  
6 Newburgh are also politically cohesive  
7 with each other."

8 Did I read that correctly?

9 A. Yeah.

10 Q. What does paragraph 72 mean to  
11 you?

12 A. That's a combination of 70  
13 and 71. They basically, for the most  
14 part, in my observation, vote for the same  
15 candidates consistently. So, basically,  
16 70 and 71 is 72. Seventy-two, and 71, and  
17 70 combine for the most part.

18 Q. And you said earlier that the  
19 allegations in this, that the allegations  
20 in 71 -- in and 70, 71, and 72 -- are  
21 based on your observation; is that  
22 correct?

23 A. Yes. My understanding.

24 Q. Your understanding. And what is  
25 that understanding based of off?

1 ERNESTO TIRADO s/h/a ERNEST TIRADO

2 A. Signs on their property maybe.  
3 Consistently speaking to people at  
4 different events. You know, obviously,  
5 they don't represent the whole group. But  
6 you can get a feel from the sample that  
7 you spoke to that it's pretty, you know,  
8 consistent.

9 Q. Paragraph 73 says: "White voters  
10 in the Town of Newburgh consistently vote  
11 cohesively for the same candidates, who  
12 are not the candidates preferred by Black  
13 and Hispanic voters."

14 Did I read that correctly?

15 A. Yes, you did.

16 Q. And what does paragraph 73 means  
17 to you?

18 A. Exactly what it says. The  
19 majority, like I say, because, again, even  
20 in that demographic, they could be in  
21 loose ends. But the fact that there is no  
22 representation in the Town says that they  
23 vote at the other, opposite end. And  
24 that's why you have what you have.

25 Q. Do you have any other evidence to

Page 75

1 ERNESTO TIRADO s/h/a ERNEST TIRADO  
2 support the allegation in paragraph 73?

3 A. No. Just, you know, common  
4 sense, observation, the signs. Who  
5 they're supporting. Same answer as  
6 before.

7 Q. Paragraph 74 says: "The  
8 preferred candidates of Black and Hispanic  
9 candidates are usually defeated by the  
10 preferred candidates of a cohesive bloc of  
11 white voters."

12 Did I read that correctly?

13 A. Yes.

14 Q. And, again, what is the factual  
15 basis for that allegation?

16 A. That none of the candidates for  
17 the Black and Hispanic candidates ever get  
18 elected. That should be, like, public  
19 knowledge.

20 Q. Paragraph 75 says: "No candidate  
21 preferred by Black and Hispanic voters has  
22 been elected to Town office in recent  
23 memory."

24 Did I read that correctly?

25 A. Yes, you have.

1 ERNESTO TIRADO s/h/a ERNEST TIRADO

2 Q. And what is the basis for that  
3 allegation?

4 A. History. That sentence says  
5 "recent memory." I can tell you ever.

6 Q. Have you reviewed any statistics  
7 related to racial composition of the Town  
8 Board?

9 A. Can you repeat that question?

10 MS. JACCARD: Gretchen, please  
11 read it back.

12 (The requested portion of the  
13 record was read.)

14 A. No. I just go by my 30 years  
15 here, and I know who's been elected, and  
16 who's been serving the Town.

17 Q. Now I would like to turn  
18 paragraph 82, which is on page 15, which  
19 states: "There is a long history of  
20 discrimination against the Black and  
21 Hispanic communities in the Town."

22 Did I read that correctly?

23 A. Yes, you did.

24 Q. And do you agree with that  
25 allegation?

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1 ERNESTO TIRADO s/h/a ERNEST TIRADO

2 A. To some extent. I can't -- you  
3 know, I can just go by my personal  
4 experience. Any time I've gone to the  
5 Town, for whatever reason -- and I don't  
6 go for much, you know, maybe to pay my  
7 water bill, maybe to get a license for  
8 something -- I have not experienced it  
9 myself. But, you know, just the... just  
10 the whole setup on how, you know, you,  
11 you -- if you're look at something, it  
12 tells you a lot without them telling.

13 So, like I was saying before, if  
14 you go to Town Hall, you're not going to  
15 see any Black or Hispanics there working.  
16 If you look at the workforce in the Town,  
17 you might see a few. But it doesn't  
18 reflect the demographics in the Town.

19 So, you kind of like put two and  
20 two together. It's not so much  
21 scientific, but that's what I base my  
22 opinion on.

23 Q. Can you provide --

24 MS. JACCARD: Sorry. Strike  
25 that.

1 ERNESTO TIRADO s/h/a ERNEST TIRADO

2 Q. So, Mr. Tirado, do you feel as  
3 though you have been discriminated against  
4 as a member of the Hispanic community in  
5 the Town of Newburgh?

6 A. Initially, I would say no. But I  
7 can't really speak to that. If I was, I  
8 wasn't aware of it.

9 Q. Is it your opinion that members  
10 of the Black and Hispanic communities more  
11 generally feel as though they have been  
12 discriminated against in the Town of  
13 Newburgh?

14 A. I can't speak for anybody but  
15 myself. I mean, I have heard of  
16 situations where maybe they weren't  
17 treated the same as if they were a white  
18 person. But other than that, I can't  
19 speak for anything else.

20 Q. Are there any -- can you provide  
21 any specifics about that example you just  
22 referenced?

23 A. Which example is that?

24 Q. Of a member of the Black or  
25 Hispanic community feeling as though they

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1 ERNESTO TIRADO s/h/a ERNEST TIRADO  
2 had not been treated the same as a white  
3 person. Is there a specific instance that  
4 comes to mind?

5 A. I don't know the whole details of  
6 it, so I don't know if I should opine  
7 about it. But one of the other  
8 complainants, Oral... what's his name?  
9 Clarke. Oral Clarke. He had an incident  
10 with the police.

11 He was working in his yard. And  
12 I think he was here maybe two years. And  
13 they asked him a question. And instead of  
14 deescalating, it escalated to the point  
15 where he almost got arrested. And he had  
16 to produce his deed, you know, to prove  
17 that he was the owner of the house. And  
18 in my estimation, you know, unless you're  
19 committing a crime, you shouldn't be  
20 interrogated to do that. Unless somebody  
21 says that you're doing something wrong,  
22 you know, they shouldn't be able to do  
23 that. And they kind of, like, escalated  
24 it to the point where it upset him. And  
25 it got to the point where he was almost

1 ERNESTO TIRADO s/h/a ERNEST TIRADO  
2 arrested.

3 So, that's the only one that I  
4 heard of that was kind of, like, if it was  
5 somebody else, they probably wouldn't have  
6 handled it that way.

7 MR. IMAMURA: Sorry, counsel. I  
8 just want to point out it's 11:50.  
9 I'm happy to go to like 11:58, but I  
10 just wanted to raise the flag.

11 MS. JACCARD: I think we could  
12 probably get through the next couple  
13 of questions I have in the next five  
14 or six minutes. But I promise I will  
15 let you go.

16 MR. IMAMURA: Sorry about that.

17 MS. JACCARD: No. That's totally  
18 fine.

19 Q. Let's turn to paragraphs 83  
20 through 89 of the Complaint. And I  
21 recognize that's several paragraphs, but  
22 if you want to just skim them briefly, we  
23 will talk about them when you are done.

24 A. Eighty-three to what?

25 Q. Eighty-nine.

1 ERNESTO TIRADO s/h/a ERNEST TIRADO

2 A. Okay.

3 Q. Would you agree that  
4 paragraphs 83 through 89 concern the  
5 arrival of asylum seekers in the Town in  
6 May of 2023?

7 A. Yes.

8 Q. Prior to this lawsuit, were you  
9 aware of the arrival of certain asylum  
10 seekers in the Town in May of 2023?

11 A. Yes.

12 Q. How did you first hear about the  
13 arrival of these asylum seekers?

14 A. Well, there was talk about it  
15 happening. And the hotel is right at the  
16 end of my road here. So I would be the  
17 one to know about it. And other neighbors  
18 had spoken about it. And they wanted to  
19 know, you know, if we knew about it. So  
20 we said yeah.

21 Q. How did you feel about it when  
22 you first heard the asylum seekers had  
23 arrived?

24 A. Initially, I knew I didn't have  
25 any feelings. But the backdrop to that is

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1 ERNESTO TIRADO s/h/a ERNEST TIRADO  
2 I knew that they came to New York City,  
3 because they were illegally bussed from  
4 Texas, was it? To so-called sanctuary  
5 cities, to do damage to, you know, to  
6 create havoc in Democratic cities. And  
7 New York City, lacking space, made  
8 arrangements in other communities or  
9 counties to be able to house these  
10 individuals temporarily until it can be  
11 sorted out, because they were also taken  
12 by surprise with these arrivals.

13 And knowing that, I had no  
14 animosity. I was actually kind of like  
15 okay with it as long as, you know,  
16 everybody was kept in tabs, that there was  
17 tabs on everybody. It's not like they  
18 were going to bring them over here, and  
19 set them loose and free, and nobody knows  
20 what they are doing.

21 So I was pretty much, you know, I  
22 wasn't against it. And it wasn't, you  
23 know -- well, we actually welcomed them  
24 here -- because there were a few people  
25 that were actually protesting against

1 ERNESTO TIRADO s/h/a ERNEST TIRADO  
2 them. And I mean, if you rode up and down  
3 the street here, the news media was  
4 ridiculous. I mean, there was no way of  
5 you not knowing something is happening.  
6 So you see the protests. You knew what it  
7 was.

8 And my understanding was these  
9 people came over here seeking asylum. We  
10 have laws for dealing with that situation.  
11 I mean, it did get a little bit out of  
12 hand. But I had reasons to understand why  
13 it got to the point of this. But that's  
14 neither here nor there right now.

15 But I was kind of like, I wasn't  
16 against them from coming. And my  
17 understanding was they were going to be  
18 here temporarily.

19 Q. Has your opinion about the asylum  
20 seekers changed at all?

21 A. No. Actually, you know, I've  
22 actually met couple of them. And their  
23 story was their story and were pretty  
24 amazing. And they weren't only Hispanics.  
25 There were like Russians, Africans. There

1 ERNESTO TIRADO s/h/a ERNEST TIRADO  
2 was a mix.

3 And I was intrigued by the  
4 stories that they told, and the struggles  
5 that they went through just to get to  
6 Texas. So, you know, they're only looking  
7 for a better life. They left families  
8 from where they came from. And I have  
9 compassion for that.

10 Q. And how do the allegations in the  
11 Complaint in this lawsuit relate to the  
12 allegations about the asylum seekers?

13 A. Well, to me, you know, it looked  
14 like in past history, when you have, in  
15 the beginning of America, every, every  
16 group that came last was, like, considered  
17 lower than everybody else, whether it be  
18 the Italians, the Irish. Then it turned  
19 out to be, you know, the Blacks and  
20 Hispanics. It seems like every immigrant  
21 group that winds up coming, the latest is  
22 always kind of like picked on.

23 MR. IMAMURA: And, counsel, I'm  
24 sorry. Would this be a good time to  
25 pause?

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1 ERNESTO TIRADO s/h/a ERNEST TIRADO

2 MS. JACCARD: Yes. If Mr. Tirado  
3 wants to finish his answer.

4 THE WITNESS: I'm done.

5 MR. IMAMURA: Off the record.

6 (Discussion held off the record.)

7 (A recess was taken.)

8 CONTINUED EXAMINATION BY

9 MS. JACCARD:

10 Q. Mr. Tirado, could you take a look  
11 at paragraph 83, and specifically at  
12 footnote 6 to paragraph 83. I'll  
13 represent to you that footnote 6 contains  
14 a citation to: "Town of Newburgh, New  
15 York v. Newburgh EOM LLC, et al., Orange  
16 County Index No. EF003105-2023 Docket 1,  
17 Paragraph 24."

18 Are you aware of the lawsuit  
19 filed by the Town against Newburgh EOM LLC  
20 referred to in the footnote 6 to  
21 paragraph 83?

22 A. Yes.

23 Q. How did you become aware of that  
24 lawsuit?

25 A. Because it was in the papers, I

1 ERNESTO TIRADO s/h/a ERNEST TIRADO  
2 believe, that they were filing a  
3 complaint. But before them, it was the  
4 County that did it.

5 So I wouldn't be surprised if  
6 they just kicked it back, word for word,  
7 whatever the County lawsuit was, just to,  
8 you know, support the County also.

9 Q. And what was your understanding  
10 of the lawsuit?

11 A. That they just didn't want the  
12 migrants here. And there were some, there  
13 were allegations -- I don't know if it was  
14 support to the lawsuit or not -- that  
15 homeless veterans were displaced.

16 And that turned out to be a  
17 fabrication, just to rile up the people.  
18 Which probably is why those people that,  
19 when they first came, they were  
20 protesting, you know. And I don't think  
21 they came the day they were supposed to,  
22 because of the protest. But then they  
23 came the following day, if I recall right.

24 So I think, I don't know if they  
25 took cues from the County, because I

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1 ERNESTO TIRADO s/h/a ERNEST TIRADO  
2 believe the County filed the lawsuit  
3 first. And then they just follow suit.  
4 And then you had other towns implement  
5 laws like that to probably prevent their  
6 areas from getting any migrants. But I'm  
7 not sure.

8 Q. Did you have an opinion about the  
9 lawsuit when you heard about it?

10 A. I did, to the extent that I  
11 believed there was just some  
12 misinformation as to why. I mean, I  
13 understand that, you know, you've  
14 got to -- oh, they were all men, by the  
15 way -- I understand that, you know, they  
16 probably were fearful that crime was going  
17 to be rampant and stuff like that.

18 I didn't think much, because of  
19 what I, about the taxpayers paying for it,  
20 because it was New York City. Not that  
21 they should pay for it, because it was  
22 still taxpayer money. But I was, you  
23 know, I was under the impression that they  
24 probably thought it was Orange County  
25 taxpayers. Even though if something

1 ERNESTO TIRADO s/h/a ERNEST TIRADO  
2 happens, it's our police, our fire  
3 departments that will be responding to  
4 anything that happens, as far as that's  
5 concerned.

6 But I just thought they jumped  
7 the gun. They should have got a better  
8 understanding of what's happening. And  
9 gotten a clearer picture and assurances  
10 from the hotel. And if there were any  
11 zoning issues, that it probably could have  
12 gotten straightened out. That's only  
13 opinions that I have. Nothing really,  
14 nothing really concrete.

15 Q. Were you surprised, based on your  
16 experience as a resident of the Town, to  
17 hear that the Town had filed a lawsuit?

18 A. Oh, no. I wasn't surprised.

19 Q. Let's take a moment to read  
20 through paragraphs 90 through 95 in the  
21 Complaint, which I'll represent to you,  
22 concern the Danskammer Power Plant that we  
23 have previously discussed.

24 A. Ninety-five you said?

25 Q. Ninety-five.

1 ERNESTO TIRADO s/h/a ERNEST TIRADO

2 A. Done.

3 Q. And how did the allegations in  
4 the Complaint about the Danskammer Power  
5 Plant, contained in paragraphs 90  
6 through 95, relate to the relief you seek  
7 in this lawsuit?

8 A. One more time?

9 MR. IMAMURA: Yeah. Counsel, can  
10 you rephrase? Sorry.

11 Q. How do the allegations in the  
12 Complaint about the Danskammer Power Plant  
13 relate to the other factual allegations in  
14 your lawsuit?

15 A. Well, it just showed a disregard  
16 for the people that are mostly affected by  
17 that power plant, which happens to be, you  
18 know, Hispanics and Blacks in the area.  
19 And in my opinion, you know, health and  
20 welfare is paramount to any decisions  
21 they're going to make. And that's a  
22 position they should have took.

23 Q. How did you first hear about the  
24 proposed expansion of the Danskammer Power  
25 Plant?

Page 90

1 ERNESTO TIRADO s/h/a ERNEST TIRADO

2 A. It was like almost everyday news  
3 here. In the papers. Groups. You know,  
4 environmental groups. They talked about  
5 all the cities that were not in favor,  
6 which was surprising, because it seems  
7 like the Town of Newburgh was the only one  
8 that was for it, for whatever reason.

9 And, you know, the plant that was  
10 there before -- and if you read the --  
11 because that they actually had a, they had  
12 an office right on 52, the Danskammer  
13 people, they had an office there -- and  
14 some of the claims they made at the time,  
15 it just was more like wishful thinking,  
16 you know? I mean, if you read about power  
17 plants in the past in different areas,  
18 they never were cracked up to be what they  
19 were. And to me, it's just the same old  
20 thing, it's the same old story. They gave  
21 you all these assurances.

22 And for the most part, you know,  
23 I didn't believe it, especially when New  
24 York was just moving into, you know,  
25 moving away from fossil fuels. I mean,

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1 ERNESTO TIRADO s/h/a ERNEST TIRADO  
2 one of the craziest things that they  
3 published was that it was clean energy,  
4 clean fracked gas. There's no such thing.  
5 It's all dirty.

6 Q. A portion of paragraph 91 states:  
7 "Black and Hispanic groups quickly opposed  
8 the expansion, arguing that increased  
9 emissions would adversely impact  
10 disproportionately minority communities  
11 around the plant."

12 Did I read that correctly?

13 A. Yes.

14 Q. And I believe earlier you  
15 testified that you specifically were  
16 opposed to the expansion of the power  
17 plant; is that correct?

18 A. Yes.

19 Q. Let's talk a little more about  
20 that. Could you specifically explain why  
21 you were opposed to the expansion of the  
22 power plant?

23 A. Well, for the simple reason that  
24 the plant that was there before was a  
25 major polluter, air and water. The soil

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1 ERNESTO TIRADO s/h/a ERNEST TIRADO  
2 in the area was contaminated to the point  
3 where they had to mitigate that.

4 And in my understanding, it has a  
5 certain area that they were -- I don't  
6 know what they call it. Like a... to  
7 catch any runoff or something like that.  
8 Which gave me indications that there was  
9 going to be runoff. And where was that  
10 going to go?

11 So, you know, I was very  
12 sceptical. And the fact that, you know,  
13 especially in Hispanic and Black  
14 communities, where we had high levels of  
15 asthma, and they still wanted to support  
16 this, this project, when the evidence  
17 showed that the numbers that Danskammer  
18 were reporting were inaccurate. So I was  
19 totally against it. Yeah. That's  
20 basically it.

21 Q. How did you manifest your  
22 opposition to the expansion of the power  
23 plant?

24 A. Oh, I signed petitions. And like  
25 I said, I missed the one rally that was

1 ERNESTO TIRADO s/h/a ERNEST TIRADO  
2 one of the many rallies they had. I don't  
3 know how many they had. But the one I was  
4 going to go to, I couldn't go to, because  
5 I had a prior commitment. And that's  
6 basically it. And I tried to spread the  
7 word to anybody that would listen.

8 Q. How did you try to spread the  
9 word?

10 A. Well, if I ran into a neighbor or  
11 something, I would ask them, you know, did  
12 they know about the Danskammer project,  
13 and what they're trying to do, you know,  
14 expand it. And how would they -- how did  
15 they feel about it.

16 And, you know, some, you know,  
17 the answers were mixed. A lot of people  
18 really didn't have an opinion about it,  
19 because they didn't have enough knowledge  
20 of, you know, the numbers.

21 Q. Did you ever speak at a Town Hall  
22 meeting about your opposition to the power  
23 plant?

24 A. I did not.

25 Q. Did you ever speak at a public

1 ERNESTO TIRADO s/h/a ERNEST TIRADO  
2 hearing about your opposition to the power  
3 plant?

4 A. I did not.

5 Q. Did you speak to other members of  
6 government, maybe in even an informal  
7 capacity, about your opposition to the  
8 power plant?

9 A. I don't remember if I ever did  
10 that.

11 Q. Do you have any factual basis to  
12 know whether other people voiced their  
13 opposition to the Town Board at a Town  
14 Hall or public hearing?

15 A. I'm sure there were.

16 Q. But you're not aware of any  
17 specific instances where somebody  
18 raised --

19 A. No.

20 Q. -- their opposition?

21 A. No.

22 Q. Let's look at paragraph 92  
23 specifically, which alleges that: "The  
24 Town openly supported the expansion of the  
25 Danskammer Power Plant."

1 ERNESTO TIRADO s/h/a ERNEST TIRADO

2 Did I read that correctly?

3 A. (Indicating).

4 Q. And what is the factual basis for  
5 that allegation?

6 A. Well, the fact that you had other  
7 municipalities all around the area  
8 opposing it. And the Hispanic and Black  
9 community also is opposing it. And he  
10 moved forward and actually gave a...  
11 what's that? A letter to the editor in  
12 support of it.

13 Q. By the "letter to the editor,"  
14 are you referring to the opinion piece  
15 written by Supervisor Piaquadio --

16 A. Piaquadio. Yes.

17 Q. -- to The Times-Herald Record?

18 A. Yes.

19 Q. I apologize. That's a hard name  
20 to pronounce.

21 A. Piaquadio.

22 Q. Piaquadio.

23 Is that the letter you're  
24 referring to?

25 A. Yes. And one thing that you must

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1 ERNESTO TIRADO s/h/a ERNEST TIRADO  
2 know about this Board is that they all go  
3 locked in step. You'll rarely -- when  
4 there's a decision to be made -- get  
5 anybody opposed to what they want to get  
6 done. Rarely. I mean, I could probably  
7 count on one hand.

8 Not that I go to many. But, you  
9 know, every now and then, I go to the  
10 website, to their website, and look at  
11 prior meetings and how they voted. And  
12 they rarely -- nobody -- nobody opposes.  
13 It's always like: Yes, yes; or no, no.  
14 Whichever way the Supervisor votes,  
15 everybody goes.

16 Q. So, are you familiar with the  
17 article referenced in paragraph 92?

18 A. I've seen it. Yes.

19 Q. Have you read it?

20 A. Yeah.

21 Q. Do you have any evidence that the  
22 Town Board as an entity publicly supported  
23 the expansion?

24 A. No, I don't.

25 Q. Is there any other evidence you

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1 ERNESTO TIRADO s/h/a ERNEST TIRADO  
2 have that any other members of the Town  
3 Board publicly supported the expansion of  
4 the power plant?

5 A. No. The fact that they voted yes  
6 for it was all the evidence I needed,  
7 really. It wasn't -- when they voted on  
8 it, I guess it gave him, you know, the  
9 go-ahead to write that article. I don't  
10 know. That's just my opinion.

11 Q. All right. In paragraph 100 you  
12 allege: "Republican and Democratic  
13 candidates for the Town Board are  
14 nominated by, respectively, the Newburgh  
15 Republican Committee and the Newburgh  
16 Democratic Committee."

17 Did I read that correctly?

18 A. That is correct.

19 Q. Is that consistent with your  
20 understanding of how candidates for the  
21 Town Board are nominated?

22 A. For the most part, yes. Someone,  
23 someone can run independently. But there  
24 would have to be a primary. You know,  
25 like, let's say, one of the committees

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1 ERNESTO TIRADO s/h/a ERNEST TIRADO  
2 endorses one candidate. Somebody else may  
3 still want to run. And that's their  
4 right, but there would have to primary.

5 Q. Are you aware of a candidate that  
6 has run for Town Board that was not  
7 nominated by one of these parties in  
8 recent memory?

9 A. There was. I can't remember who  
10 that actually was. Oh, I believe it  
11 was -- I don't know if it was for the Town  
12 Board or the Highway. But that's  
13 appointed. Yeah. I remember the  
14 Republicans being primaried.

15 Q. Do you know when that was,  
16 roughly?

17 A. No, not really. It was maybe  
18 12 years ago, 15 years ago.

19 Q. The candidates of color that you  
20 have referenced earlier in this  
21 deposition, were they nominated by one of  
22 the -- by either Republican or the  
23 Democratic Committee?

24 MS. JACCARD: Objection to the  
25 form.

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1 ERNESTO TIRADO s/h/a ERNEST TIRADO

2 You can answer.

3 A. Were they nominated? Well, when  
4 Diana ran, I'm assuming she got nominated.  
5 Otherwise, they wouldn't -- we wouldn't  
6 support her.

7 Q. So, is it your understanding or  
8 your belief, at this time, that those  
9 candidates were nominated in the way that  
10 it's described in paragraph 100?

11 A. For the most part. Most  
12 candidates will not run unless they get  
13 the support of the party, because the  
14 party can use its outreach to get the  
15 message out. So, that's probably one of  
16 the principal reasons candidates seek the  
17 support of the committee.

18 MS. JACCARD: At this time I  
19 would like mark as Tirado Exhibit 2  
20 the Notification Letter sent on behalf  
21 of plaintiffs on January 25th.

22 Paris, if you could let us know  
23 when that's ready.

24 (The Abrams Fensterman, LLP  
25 letter, dated 01/26/2024, to Lisa M.

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1 ERNESTO TIRADO s/h/a ERNEST TIRADO  
2 Vance-Ayers, Newburgh Town Clerk, Re:  
3 "Violation of the New York State  
4 Voting Rights Act" was hereby marked  
5 as Tirado Exhibit 2 for  
6 identification, as of this date.)

7 MS. JACCARD: Off the record.

8 (Discussion held off the record.)

9 MR. IMAMURA: Okay. It has  
10 appeared. We are just loading it.  
11 All right. We have it, counsel.

12 Q. Mr. Tirado, have you seen this  
13 document before? Take a moment to scroll  
14 through it if you need to.

15 A. Yes.

16 Q. What is this document?

17 A. It is notifying of the Violation  
18 of the New York State Voting Rights Act.

19 Q. And what involvement did you have  
20 in this document's preparation, if any?

21 A. In the preparation of it?

22 Q. Yes.

23 A. Other than, you know, telling  
24 them how I felt about it, and that I  
25 agreed to be a participant.

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1 ERNESTO TIRADO s/h/a ERNEST TIRADO

2 Q. Did you review this letter before  
3 it was sent to the Town?

4 A. I read it, yes.

5 Q. And did you speak with anybody,  
6 other than your attorneys, about this  
7 letter either before or at the time it was  
8 sent?

9 A. No. Other than my wife.

10 Q. And generally, what did you  
11 discuss about the letter?

12 MR. IMAMURA: Objection. Spousal  
13 privilege. Counsel, to clarify, you  
14 mean discussion with his wife --

15 MS. JACCARD: Yes.

16 MR. IMAMURA: -- or do you mean  
17 generally?

18 Objection. Spousal privilege.

19 Q. Did you converse with anybody  
20 else, other than your wife, about this  
21 letter?

22 A. Not that I know of.

23 Q. Okay.

24 MS. JACCARD: Now I'm marking as  
25 Tirado -- I apologize.

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1 ERNESTO TIRADO s/h/a ERNEST TIRADO

2 Q. Mr. Tirado, are you refusing to  
3 answer that question about communications  
4 you had with your wife, based on your  
5 counsel's objection?

6 A. Yes.

7 MS. JACCARD: Okay. I would like  
8 to mark as Tirado Exhibit 3 the Town  
9 Board Resolution, dated March 15th,  
10 2024.

11 (The document entitled  
12 "Resolution of the Town Board of the  
13 Town of Newburgh Pertaining to New  
14 York State Election Law 17-206" was  
15 hereby marked as Tirado Exhibit 3 for  
16 identification, as of this date.)

17 MS. JACCARD: That should be  
18 available now.

19 MR. IMAMURA: We have it. We are  
20 loading it. All right. We have it,  
21 counsel.

22 Q. All right. Mr. Tirado, have you  
23 seen this document before?

24 A. Yes.

25 Q. What is this document?

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1 ERNESTO TIRADO s/h/a ERNEST TIRADO

2 A. It's the Town's response to the  
3 lawsuit.

4 Q. As far as you understand, what  
5 was the Town's response to this lawsuit?

6 A. They're denying that, you know,  
7 the discrimination exists.

8 Q. Could I please have you review,  
9 in more detail, sections 1 through 5 of  
10 this Resolution. That's on pages 3  
11 through 4.

12 MR. IMAMURA: Off the record.

13 (Discussion held off the record.)

14 A. Go ahead.

15 Q. All right. So now that you have  
16 reviewed sections 1 through 5 of this  
17 Resolution, I'll ask my question again.  
18 What is your understanding as to what this  
19 Resolution accomplishes?

20 A. In my opinion, nothing. This  
21 Resolution basically says that they're  
22 going to -- well, they find themselves in  
23 violation of a portion of the law, and  
24 they're going make recommendations to  
25 clear that violation.

1 ERNESTO TIRADO s/h/a ERNEST TIRADO

2 Q. And would you agree with me this  
3 Resolution was passed on the 15th day of  
4 March 2024?

5 A. If that's what it says, I will  
6 take their word for it. That's what it  
7 says on the document.

8 Q. And now I would like to turn your  
9 attention back to Exhibit 1, which is the  
10 Complaint. And specifically to  
11 paragraph 65, which I'll represent states:  
12 "The Town Board's March 15th, 2024  
13 Resolution was insufficient to require the  
14 plaintiffs to wait an additional 90 days  
15 before commencing this action."

16 Mr. Tirado, do you have any  
17 personal knowledge concerning how this  
18 Resolution was adopted by the Town Board?

19 A. No.

20 Q. And do you have any personal  
21 knowledge concerning why the Resolution  
22 was insufficient, as alleged in  
23 paragraph 65?

24 MR. IMAMURA: Objection. Calls a  
25 legal conclusion.

1 ERNESTO TIRADO s/h/a ERNEST TIRADO

2 You can answer.

3 A. Can you repeat the question?

4 (The requested portion of the  
5 record was read.)

6 MR. IMAMURA: And I will repeat  
7 my objection. Calls for a legal  
8 conclusion.

9 You can answer.

10 A. No.

11 MS. JACCARD: Now I would like to  
12 mark as Tirado Exhibit 4 Mr. Tirado's  
13 Responses and Objections to  
14 Defendants' First Set of  
15 Interrogatories.

16 (The Plaintiff Ernest Tirado's  
17 Objections and Responses to  
18 Defendants' First Set of  
19 Interrogatories was hereby marked as  
20 Tirado Exhibit 4 for identification,  
21 as of this date.)

22 MS. KENT: That should be  
23 available.

24 MR. IMAMURA: It's loading,  
25 counsel. One second. Okay. We have

1 ERNESTO TIRADO s/h/a ERNEST TIRADO  
2 it, counsel.

3 Q. Mr. Tirado, have you seen this  
4 document before?

5 A. Yes.

6 Q. What is this document?

7 A. That's my responses to their  
8 requests for documentation, and expert  
9 opinions, and all that.

10 Q. Can you scroll to the last page,  
11 please, page 12.

12 MR. IMAMURA: We have it,  
13 counsel.

14 Q. Is that your signature?

15 A. It is.

16 Q. Were you asked to provide any  
17 information in response to these  
18 interrogatories?

19 A. Like if I had documentation and  
20 stuff like that? That's what you're  
21 asking me?

22 Q. I am asking whether you were  
23 asked to provide information in response  
24 to these specific interrogatories. And if  
25 you would like to take a moment to refresh

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1 ERNESTO TIRADO s/h/a ERNEST TIRADO  
2 yourself as to what the actual  
3 interrogatories were, please go ahead.

4 A. When you say the  
5 "interrogatories," are you talking about  
6 the requests for documents?

7 Q. I'm talking about this specific  
8 first set of interrogatories which  
9 contains. And if you scroll down --

10 A. Okay.

11 Q. -- to page 6 that's where the  
12 first interrogatory begins.

13 A. Okay. What was the question?  
14 Repeat the question.

15 MS. JACCARD: Please read it  
16 back.

17 (The requested portion of the  
18 record was read.)

19 A. No.

20 Q. Okay. So, is it your testimony  
21 that you were not asked to provide  
22 information in response to these seven  
23 interrogatories?

24 A. I was asked to provide  
25 information. I was.

1 ERNESTO TIRADO s/h/a ERNEST TIRADO

2 Q. You were?

3 A. Yes.

4 Q. Did you provide information in  
5 response to these interrogatories?

6 A. No, no. Because I don't have  
7 them. Any documentations, the whole, my  
8 whole, my whole argument is based on my  
9 life experience here and my observations.  
10 If it had to do -- I have no documents to  
11 support what I said. I'm just going by my  
12 experience here in the 30 years that I  
13 have been here.

14 So, basically, a lot of those  
15 interrogatories was to provide  
16 documentation, or do I have proof or  
17 expert statisticians. And I don't have  
18 none of that.

19 Q. And if you --

20 A. And if I did, I would provide it.  
21 I wish I did.

22 Q. Understood.

23 MS. JACCARD: I think we have  
24 five minutes left before we need to  
25 take a lunch break. But I think I can

1 ERNESTO TIRADO s/h/a ERNEST TIRADO  
2 get through our last exhibit. And  
3 then maybe we can break for lunch.  
4 Then we can regroup around 1:30.

5 MR. IMAMURA: That's fine,  
6 counsel.

7 MS. JACCARD: Paris, could you  
8 please mark as Tirado Exhibit 5  
9 Mr. Tirado's Responses and Objection  
10 to Defendants' First Request of the  
11 Production of Documents.

12 MS. KENT: That should be  
13 available.

14 MR. IMAMURA: We are loading it,  
15 counsel. And we have it counsel.

16 (The Plaintiff Ernest Tirado's  
17 Objections and Responses to  
18 Defendants' First Request For the  
19 Production of Documents was hereby  
20 marked as Tirado Exhibit 5 for  
21 identification, as of this date.)

22 MR. IMAMURA: All right we have  
23 it, counsel?

24 THE WITNESS: What are we looking  
25 at?

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1 ERNESTO TIRADO s/h/a ERNEST TIRADO

2 MR. IMAMURA: What are your  
3 questions, counsel? This is  
4 Exhibit 5.

5 Q. Just, generally, I recognize that  
6 a lot of these legal pleadings look the  
7 same, so I apologize.

8 But have you seen this document  
9 before?

10 A. Yes.

11 Q. Do you know what this document  
12 is?

13 A. Yes. It is my objections to the  
14 requests.

15 Q. And did you search for any  
16 documents in response to these requests?

17 MR. IMAMURA: Objection.

18 Attorney-client privilege.

19 Don't answer that.

20 Q. Are you refusing to answer that  
21 question, based on your counsel's  
22 objection?

23 A. Yes.

24 MS. JACCARD: I think at this  
25 time, we can break for lunch and come

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1 ERNESTO TIRADO s/h/a ERNEST TIRADO  
2 back at 1:30. Off the record.

3  
4 [Whereupon, after a luncheon  
5 recess was taken, the following was  
6 had:]

7  
8 A F T E R N O O N S E S S I O N

9  
10 CONTINUED EXAMINATION BY

11 BY MS. JACCARD:

12 Q. Mr. Tirado, I just have a few  
13 very last questions for you. I don't  
14 think this will take long at all.

15 Earlier, you testified to be  
16 being a member of the Town of Newburgh  
17 Democratic Committee, The Orange County  
18 Democratic Committee, and the Latino  
19 Democratic Committee. Is that correct?

20 A. That is correct.

21 Q. Do you hold any official  
22 positions with the Town of Newburgh  
23 Democratic Committee?

24 A. I'm the committee Treasurer.

25 Q. Treasurer. And what are your

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1 ERNESTO TIRADO s/h/a ERNEST TIRADO  
2 responsibilities, your public-facing  
3 responsibilities, in that role?

4 MR. IMAMURA: And I just want to  
5 stress only public-facing  
6 responsibilities.

7 A. Other than, you know, holding  
8 fundraisers, and filing campaign finance  
9 reports.

10 Q. Do you hold any official  
11 positions with the Orange County  
12 Democratic Committee?

13 A. No.

14 Q. Do you hold any official  
15 positions with the Latino Democratic  
16 Committee?

17 A. No.

18 Q. And how long have you been the  
19 Treasurer?

20 A. Can I get clarification?

21 Q. Yes. Is there a particular part  
22 of my question that you are not  
23 understanding?

24 A. Yeah. The one with the Orange  
25 County, would delegate be part of that, a

1 ERNESTO TIRADO s/h/a ERNEST TIRADO  
2 judicial delegate?

3 MR. IMAMURA: Counsel, can I  
4 weigh in? Would it be helpful for me  
5 to explain what a judicial delegate  
6 is, for your purposes?

7 MS. JACCARD: Sure.

8 MR. IMAMURA: Yeah. So a  
9 judicial delegate -- so State Supreme  
10 Court Judges in New York State are  
11 elected via convention. And delegates  
12 are elected by the -- the delegates  
13 run similar to other party offices;  
14 right? So, it's a one-time thing.

15 It's not like it's a standing  
16 thing. You go to the convention, and  
17 then you vote for judicial nominees  
18 that day.

19 MS. JACCARD: Got it.

20 Q. Mr. Tirado, when did you act as a  
21 delegate for the Orange County Democratic  
22 Committee?

23 A. Just when during conventions.

24 Q. When is the last convention that  
25 you participated in, as a delegate?

1 ERNESTO TIRADO s/h/a ERNEST TIRADO

2 A. Two years ago.

3 Q. Would that be in 2022?

4 A. Yes.

5 Q. Okay. And the same question:

6 Did you hold any official position with  
7 the Latino Democratic Committee?

8 A. No.

9 Q. And circling back to your  
10 position as Treasurer for the Town of  
11 Newburgh Democratic Committee, when did  
12 you assume that position?

13 A. Off and on, 2016.

14 Q. Okay. Are you currently  
15 Treasurer for the Town of Newburgh  
16 Democratic Committee?

17 A. Yes.

18 Q. Then I think my last question is:  
19 Did you receive a litigation hold  
20 instructing you to preserve documents  
21 related to this litigation?

22 MR. IMAMURA: Objection.

23 Attorney-client privilege.

24 Don't answer that.

25 A. I'm not answering.

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ERNESTO TIRADO s/h/a ERNEST TIRADO

MS. JACCARD: I think that's all  
I have at this time.

MR. IMAMURA: I have no redirect.

MS. JACCARD: Thank you.

(TIME NOTED: 1:40 P.M.)

1 ORAL CLARKE, et al v. TOWN OF NEWBURGH, et al.  
2 8/6/2024 - ERNESTO TIRADO

3 ACKNOWLEDGEMENT OF DEPONENT

4 I, ERNESTO TIRADO, 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 ERNESTO TIRADO Date

14 \*If notary is required

15  
16 SUBSCRIBED AND SWORN TO BEFORE ME THIS  
17 \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

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I N D E X

WITNESS		
ERNESTO TIRADO		
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MS. JACCARD:		5

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Exhibit 2	Abrams Fensterman, LLP letter, dated 01/26/2024, to Lisa M. Vance-Ayers, Newburgh Town Clerk, Re: "Violation of the New York State Voting Rights Act"	99
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The documents marked at this deposition are available to all parties and their counsel in Exhibit Share.

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CERTIFICATION

I, GRETCHEN A. MILTON, a Notary Public for and within the State of New York, do hereby certify:

That the witness whose testimony as herein set forth, was duly sworn by me; and that the within transcript is a true record of the testimony given by said 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 11th day of August, 2024.

-----  
GRETCHEN A. MILTON

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

2 8/6/2024 - ERNESTO TIRADO

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

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24 ERNESTO TIRADO Date

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[01/26/2024 - ability]

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## New York Code

## Civil Practice Law and Rules

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