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April 28, 2025

VIA Email and NYSCEF

Hon. Maria S. Vazquez-Doles
Orange County Supreme Court
Orange County Government Center, Courtroom 5
285 Main Street
Goshen, NY 10924

Re: *Oral Clarke et al. v. Town of Newburgh et al.*, Index No. EF002460-2024

Dear Justice Vazquez-Doles:

This firm represents plaintiffs in the above-referenced action and writes regarding two issues that have arisen since the Court issued its pre-trial order (NYSCEF Doc. No. 168).

First –

As this Court is aware, the parties have agreed to conduct a trial deposition of Deputy Supervisor Manley on May 7, 2025. Unfortunately, plaintiffs did not confer with the Court's schedule before agreeing to this date and therefore, may need to change that date to a date when the Court would be available to rule on objections made during the examination. Based upon Deputy Supervisor Manley's assertion of privilege throughout his deposition, there may very well likely be the assertion of such privileges (Legislative and First Amendment Associational) during his trial deposition (plaintiffs could provide the Court with a memorandum regarding these asserted privileges). During Deputy Supervisor Manley's trial examination, plaintiffs would seek to obtain court rulings on objections and privilege assertions.

Defendants object to rescheduling Mr. Manley's deposition for any day other than May 7.

Plaintiffs are respectfully seeking information as to whether the date of May 7, 2025 is a date convenient for the Court to be available to make rulings if needed and if not, the Court's availability as to other dates when such trial deposition of Deputy Supervisor Manley can take place.

Second –

Defendants notified plaintiffs on April 24 that they would provide a supplemental report of Dr. Lockerbie this week. Given that the plaintiffs will not have that report to review in advance

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of the May 1 deadline for Trial Notebooks, the parties jointly request that the deadline for providing the Trial Notebook for each side be moved from May 1 to May 5, 2025.

Respectfully,



Amy Marion
Ruth Greenwood on behalf of
The Election Law Clinic at Harvard Law School

cc: All Counsel of record via Email and NYSCEF