

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

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RAYA TAKHALOVA,

Plaintiff,

-against-

**RESPONSE TO PLAINTIFF'S
COMBINED DISCOVERY
DEMANDS**

APPLE BANCORP, INC.,
doing business under the firm name and style of
APPLE BANK FOR SAVINGS,

Index No.: 500001/13

Defendant

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Defendant, APPLE BANCORP, INC., upon information and belief, responds to plaintiff's Combined Notices and Demands for Discovery dated May 19, 2014 and Preliminary Conference Order dated August 8, 2014 as follows:

1. Annexed hereto as **Exhibit "A"** is the ABS Security Manual.
2. Defendant objects to this demand for oral, written and/or recorded statements as to privileged, confidential and beyond the scope of discovery in that defendant is only required to produce adverse party statements. Notwithstanding and without waiving said objection, defendants are not in possession of any type of statements made by or taken from or on behalf of the plaintiff in this action other than the Examination Before Trial.
3. Please refer to Response No.2 above.
4. Defendant is not in possession of information responsive to this demand.
5. Defendant has not yet retained an expert witness for trial, but will supply expert witness information in accordance with CPLR §3101 (d) if defendant retains an expert witness for trial.

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6. Defendant has not yet determined what evidence will be produced at time of trial as investigation and discovery are ongoing. Defendant reserves the right to supplement this response.

7. Defendant objects to the demand for “correspondence, notes, letters, memoranda, emails or other written or oral communication” as vague, ambiguous, overly broad, unduly burdensome, palpably improper, and not reasonably calculated to lead to the discovery of admissible evidence or material necessary in the prosecution or defense of this litigation. Defendant further objects as this demand also calls for information protected from disclosure by operation of the attorney-client privilege, the attorney work-product doctrine and privilege accorded to material prepared in anticipation of litigation or for trial

PRELIMINARY CONFERENCE ORDER

1. The defendant is afforded liability coverage through Liberty Mutual Insurance Company under the policy number TB2Z1126026302. The limits associated with said policy are \$1,000,000 per occurrence. This office has been advised the defendant is not afforded excess insurance/umbrella coverage. The defendant reserves the right to amend/supplement its' response.

2. Defendant is not aware of the names and addresses of any witnesses to the occurrence, acts, or conditions listed in plaintiff's demand with the exception of the employees that worked at the Apple Bank located on 4519 13th Avenue, Borough Park, NY 11219 the day of the subject occurrence as follows:

Michael Benefeld Manager, 1320 Avenue of the Americas, New York, NY 10019
Rosemary Forde Assistant Manager, 1320 Avenue of the Americas, New York, NY 10019
Cecilia Hernandez Assistant Manager, 1320 Avenue of the Americas, New York, NY 10019

TRAINING

Director of Security/Assistant Security Officer

In order to reasonably assure that this financial institution's security program is effective and meets current industry standards, and to ensure that the institution's Director of Security and Assistant Security Officer are knowledgeable in fulfilling their assigned responsibilities under the program, it is the policy of the Board of Directors of Apple Bank for Savings that the Director of Security and Assistant Security Officer receive and document proper periodic training. This shall consist of, but not limited to, the following:

1. Meetings with, and instructions or guidance given by, the Board, Chief Executive Officer or other members of Senior Management.
2. Annual attendance at a security seminar(s).
3. Membership in and attendance at meetings of, professional security associations.
4. Meetings and discussions with financial institution security officers in the area.
5. Subscription to and review of at least two monthly security publications.

Banking Floor Personnel

All personnel hired for banking floor positions must be trained in the proper procedures to be followed during and after a robbery, burglary or larceny. Personnel hired as tellers will receive the appropriate training for these situations while they attend the bank's Teller Training Program, from the Teller Trainers and Security Department personnel.

Each branch manager must schedule a quarterly security, anti-money laundering, and fraud prevention meeting for all members of their branch staff to provide continuing training of all employees in their duties and responsibilities under the Bank's Security, BSA /AML, and Anti-Fraud Programs. This branch training will include the proper use of security devices and appropriate conduct during and after a robbery, burglary or larceny. A memo detailing the topics reviewed at these quarterly meetings will be forwarded to the Training Department following these meetings including attendance sheets.

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