

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ORLEANS

AB 511 DOE,

Plaintiff,

v.

Index No.: 20-46602

LYNDONVILLE CENTRAL SCHOOL DISTRICT;
LYNDONVILLE ELEMENTARY SCHOOL.

Defendants.

ORDER

WHEREAS, Defendants Lyndonville Central School District and Lyndonville Elementary School (collectively the “District”) filed an Order to Show Cause seeking an order (1) quashing Plaintiff’s trial subpoenas duces tecum directed to Dr. Jeglic and Dr. Sorrentino in their entirety or deeming them unenforceable; (2) quashing all requests that seek financial records unrelated to the case at hand, all requests seeking draft expert reports, all requests seeking communications between the experts and Defendants’ counsel, and all requests seeking information as to opposed to records; (3) limiting all trial subpoena duces tecum requests to all experts to those items set forth in the District’s counsel’s January 23, 2024 email to Plaintiff’s counsel (see Smith Aff., Ex. B, pg. 1) or, in the alternative, directing that all experts produce the same items in response to trial subpoenas duces tecum; and (4) such other or additional relief deemed appropriate by the Court; and

WHEREAS, in support of that application, the District, by and through its attorneys Webster Szanyi LLP, filed an Order to Show Cause that was signed by the Hon. Deborah A. Chimes on February 6, 2024 (Doc. 171, 181), along with a supporting Affirmation of Ryan G. Smith dated February 5, 2024, with Exhibits A-D (Doc. 172, 173,

174, 175, 176), supporting Affirmation of Dr. Elizabeth Jeglic dated February 2, 2024, with exhibit (Doc. 177, 178), and supporting memorandum of law dated February 5, 2024; and

WHEREAS, Plaintiff AB 511 Doe opposed the application by Affirmation of Leah Costanzo dated February 13, 2024, with exhibit (Doc. 220, 221); and

WHEREAS, the Court having heard oral argument on this matter on February 15, 2024; and

NOW, upon consideration of all the papers, pleadings, and materials submitted by the parties, and due deliberation having been had, it is hereby:

ORDERED, that all experts served with trial subpoenas duces tecum shall disclose: (1) 1099s, billings, invoices or other statements that reflect all compensation paid or owed to the expert in connection with the engagement of expert witness services in litigation of child sex abuse cases only, and specifically excluding child and family matters, for the years 2020 through 2023; (2) any draft reports prepared by the expert; and (3) a list of all child sex abuse litigation cases in which the expert has been retained, if the expert is in possession of same; and it is further

ORDERED, that any requests that seek or encompass correspondence exchanged between the expert and legal counsel are hereby quashed; and it is further

ORDERED, that to the extent that any trial subpoena duces tecum served upon an expert seeks information that is contrary to or inconsistent with the foregoing, such requests are hereby quashed; and otherwise, the requests contained in the subpoena shall remain in force;

ORDERED, that service of trial subpoenas duces tecum on experts may be effectuated by personal service, regardless of where the expert resides; and it is further

ORDERED, that counsel shall be allowed the opportunity to serve expert witnesses with a trial subpoena duces tecum that is consistent with this Order, and it is further

ORDERED, that all materials responsive to trial subpoenas duces tecum on expert witnesses shall be forwarded to and received by the Hon. Deborah A. Chimes, Orleans County Courthouse, 1 South Main Street, Suite 3, Albion, NY 14411, at least seven (7) days prior to jury selection.

GRANTED:

Hon. Deborah A. Chimes

ENTERED: