NYSCEF DOC. NO. 53

INDEX NO. 20-46602

RECEIVED NYSCEF: 08/02/2022

JOE J. DIPASSIO, JR.

Plaintiff,

- vs - Index Number 20-46602

LYNDONVILLE CENTRAL SCHOOL DISTRICT and LYNDONVILLE ELEMENTARY SCHOOL,

Defendants.
-----AB 524 DOE,

,

Plaintiff,

- vs - Index Number 21-47386

LYNDONVILLE CENTRAL SCHOOL DISTRICT and LYNDONVILLE ELEMENTARY SCHOOL,

Defendants.

Examination before trial of JOE J.

DIPASSIO, JR., taken pursuant to Notice under

Article 31 of the Civil Practice Law and Rules, in
the ALBION COURTHOUSE, 1 South Main Street, Albion,

ERIN MOWREY COURT REPORTING



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1
   New York, on June 16, 2022, commencing at 10:10
2
   a.m., before ERIN K. DESTINO, Notary Public.
3
4
   APPEARANCES:
                    LAW OFFICES OF STEVE BOYD & JOHN ELMORE
5
                    BY LEAH COSTANZO, ESQ.
                    2969 Main Street
                    Suite 100
 6
                    Buffalo, New York 14214
7
                    lcostanzo@steveboyd.com
                    Appearing for the Plaintiffs
8
                    WEBSTER SZANYI, LLP
9
                    BY SHANNON O'NEILL, ESQ.
                    1400 Liberty Building
                    Buffalo, New York 14202
10
                    soneill@websterszanyi.com
11
                    Appearing for the Defendants
12
13
14
            (STIPULATIONS: Waive filing of
15
            the transcript, waive Oath of the Referee,
16
            reserve all objections until trial, with
17
            exception of objections as to form.)
18
19
20
21
22
23
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FILED: ORLEANS COUNTY CLERK 08/02/2022 08:40 PM

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4 1 The following was marked for Identification: 2 PLAINTIFF EXHIBIT 1 Defendants' Response to 3 Plaintiff's Interrogatories, AB 511 Doe. 4 5 10:10:39 6 THE REPORTER: Usual stipulations? MS. O'NEILL: I just want to reserve and 10:10:39 10:10:42 8 read and sign in 60 days. 10:10:49 J O E DIPASSIO, JR., 19 Whittier 10:11:00 10 J. 10:11:26 11 Road, Rochester, New York 14624, after being duly called and sworn, testified as follows: 10:11:31 12 10:11:31 13 10:11:31 14 **EXAMINATION BY MS. COSTANZO:** 10:11:31 15 Good morning, Mr. DiPassio. This is --10:11:32 16 0. 10:11:34 17 | my name is Leah Costanzo. I'm the attorney that represents the plaintiffs in the action that has 10:11:37 18 been brought against the Lyndonville Central School 10:11:39 19 10:11:43 20 District. 10:11:43 21 Okay. I'm going to ask you some questions 10:11:44 22 Q.

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10:11:44 23 | today. If at any point you don't understand my



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DiPassio - Costanzo - 6/16/22

10:11:47 question, just let me know, I would be happy to 1 rephrase it for you. 10:11:49 2 10:11:49 Okay. I just ask that you wait until my 10:11:50 question is completely finished before you give 10:11:52 5 10:11:54 6 your answer. Okay? 10:11:55 Α. Sure. 10:11:56 You're doing very well right now. 8 make sure all of your responses are verbal; yeses, 10:12:01 9 nos, or some other response. I can see you nodding 10:12:03 10 10:12:06 11 your head, but she won't be able to take that down for the record. Okay? 10:12:10 12 10:12:10 13 Well, I sometimes nod my head. It is Α. 10:12:12 14 | for my neck and my back, which is all a mess just 10:12:16 15 so you know.

- We'll remind you if you --10:12:16 16 0.
 - I normally am verbal too with the nods so, yes.
 - Perfect. Q.
 - Dual communication. Α.
- 10:12:22 21 Sir, you gave an address of 19 Whittier Q. Road in Rochester; is that your personal home 10:12:27 22 10:12:29 23 address?

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