

**JASON SMITH**

STATE OF NEW YORK  
SUPREME COURT : COUNTY OF ORLEANS

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AB 511 DOE,

Plaintiff,

- vs - Index Number  
20-46602

LYNDONVILLE CENTRAL SCHOOL DISTRICT  
and LYNDONVILLE ELEMENTARY SCHOOL,

Defendants.  
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AB 524 DOE,

Plaintiff,

- vs - Index Number  
21-47386

LYNDONVILLE CENTRAL SCHOOL DISTRICT  
and LYNDONVILLE ELEMENTARY SCHOOL,

Defendants.  
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Examination before trial of **JASON SMITH**,  
taken pursuant to Notice under Article 31 of the  
Civil Practice Law and Rules, in the ALBION  
COURTHOUSE, 1 South Main Street, Albion, New York,

ERIN MOWREY COURT REPORTING

1 on June 16, 2022, commencing at 12:53 p.m., before  
2 ERIN K. DESTINO, Notary Public.

3  
4 APPEARANCES: LAW OFFICES OF STEVE BOYD & JOHN ELMORE  
5 BY LEAH COSTANZO, ESQ.  
6 2969 Main Street  
7 Suite 100  
8 Buffalo, New York 14214  
9 lcostanzo@steveboyd.com  
10 Appearing for the Plaintiffs

11 WEBSTER SZANYI, LLP  
12 BY SHANNON O'NEILL, ESQ.  
13 1400 Liberty Building  
14 Buffalo, New York 14202  
15 soneill@websterszanyi.com  
16 Appearing for the Defendants

17 (STIPULATIONS: Waive filing of  
18 the transcript, waive Oath of the Referee,  
19 reserve all objections until trial, with  
20 exception of objections as to form.)  
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ERIN MOWREY COURT REPORTING

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EXAMINATIONS:

PAGE:

BY MS. COSTANZO:

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12:53:15 1           **THE REPORTER:** Usual stipulations.

12:53:16 2           **MS. O'NEILL:** Yes, and same thing with the  
12:53:18 3 60-day read and sign.

12:53:20 4  
12:53:22 5   **J A S O N   S M I T H,** 260 State Street, Batavia,  
12:54:01 6 New York 14020, after being duly called and sworn,  
12:54:07 7 testified as follows:

12:54:07 8

12:54:07 9           **EXAMINATION BY MS. COSTANZO:**

12:54:07 10

12:54:09 11           **Q.** Good morning, Mr. Smith.

12:54:10 12           **A.** Good morning.

12:54:11 13           **Q.** Or good afternoon. I'm sorry.

12:54:13 14           **A.** Yeah.

12:54:13 15           **Q.** My name is Leah Costanzo. We met  
12:54:16 16 briefly off the record. I'm the attorney that  
12:54:18 17 represents the plaintiffs in the actions that have  
12:54:21 18 been brought against the Lyndonville Central School  
12:54:21 19 District.

12:54:23 20           I'm just going to ask you a series of  
12:54:25 21 questions. Have you ever given a deposition  
12:54:28 22 before, sir?

12:54:28 23           **A.** I do not think so, but it's possible.

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5

12:54:32 1 I don't remember.

12:54:32 2 Q. So I'll just remind you some of the  
12:54:34 3 rules going into the deposition that maybe you're  
12:54:37 4 already aware of.

12:54:40 5 At some point I'm going to ask you a few  
12:54:41 6 questions and you're going to give me responses.  
12:54:43 7 If at any point you don't understand a question I'm  
12:54:46 8 asking, let me know. I will be happy to rephrase  
12:54:47 9 it for you.

12:54:49 10 Also, I just ask that all of your responses  
12:54:51 11 are verbal. Yeses and nos, no head nods or  
12:54:53 12 uh-huhs, because she won't be able to take that  
12:54:57 13 down for the record.

12:54:58 14 Also, I just ask that you wait until my  
12:55:00 15 question's completely finished before you provide  
12:55:02 16 an answer, and then we should be all set.

12:55:05 17 A. Okay.

12:55:05 18 Q. Sir, did you review any documents in  
12:55:07 19 preparation of your testimony today?

12:55:08 20 A. I just reviewed -- just the  
12:55:15 21 interrogatories stuff that I've seen. Yeah.

12:55:19 22 Q. We had a document that was previously  
12:55:22 23 marked in the last deposition as Plaintiff's

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