

STATE OF NEW YORK  
SUPREME COURT : COUNTY OF ORLEANS

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AB 511 DOE,

Plaintiff,

Index No.: 20-46602

v.

LYNDONVILLE CENTRAL SCHOOL  
DISTRICT AND LYNDONVILLE  
ELEMENTARY SCHOOL,

Defendants.

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**AFFIRMATION OF CARLOS A. SANTOS, ESQ.**


CARLOS A. SANTOS, ESQ., an attorney licensed to practice in the State of New York, hereby affirms the truth of the following statements under penalty of perjury:

1. I am an attorney with the law firm of Steve Boyd, P.C.
2. On July 11, 2022, I appeared at a pre-trial conference on behalf of plaintiff AB 511 Doe in the above matter. I am not the primary attorney assigned to AB 511 Doe's matter and appeared because the attorney assigned to AB 511 Doe's case, Leah Costanzo, Esq., was not available to appear on that date.
3. Ms. Costanzo shared an email with me received from defense attorney Shannon B. O'Neill, Esq., dated July 22, 2022. This email claims that at the pre-trial conference, I "mentioned the only outstanding item was completing the inspection" of the school and further claimed that I "said there would be no issues with filing a note of issue on August 5."
4. According to my contemporaneous notes regarding this conference, it was Ms. O'Neill, not me, who represented that the site inspection was the only outstanding item of

discovery. I specifically recall discussing that multiple depositions had just been held, and it was possible that post-deposition discovery demands would need to be made in addition to completion of the site inspection. The filing of a note of issue on or before August 5, 2022 was premised on the opportunity to conduct a site inspection of the school prior to that date and there being no additional need for discovery arising from the recent depositions.

5. Because I am not the primary attorney handling this matter, I was unable to state at the pre-trial conference whether additional discovery arising from the depositions would be necessary or not. It is my recall, however, that I clearly informed defense counsel that additional demands may be forthcoming. Additional demands would, obviously, have the potential to delay the filing of the Note of Issue.

DATED: July 28, 2022

  
Carlos A. Santos, Esq.