

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.

**DEFENDANTS' RESPONSE TO PLAINTIFF'S
REQUEST FOR PRODUCTION OF DOCUMENTS**

Defendants, Lyndonville Central School District and Lyndonville Elementary School (collectively the "District"), by their attorneys Webster Szanyi LLP, for their Response to Plaintiff's Request for Production of Documents dated May 17, 2021, respond as follows:

PRELIMINARY STATEMENT

These responses are prepared solely for the purposes of this action, the specific circumstances of the subject incidents and the allegations made herein. The District reserves all objections, including without limitation, as to competence, materiality, relevance, or other objections as to admissibility. Objection is made to the extent Plaintiff purports to enlarge or misstates the discovery obligations of the District under applicable law.

Objection is respectfully made to the demands contained in Plaintiff's request on the grounds that they are overly broad, vague and/or ambiguous. Objection is also respectfully made to Plaintiff's demands to the extent they seek privileged and/or

confidential information and/or material prepared in anticipation of litigation and/or attorney work product and/or attorney client privileged information. If Plaintiff means to refer in certain of his requests to materials researched, obtained or prepared in anticipation of, or pursuant to litigation, such a request invades the attorney client and/or the attorney work product and/or the material prepared for litigation and/or attorney and consultant privileges and objection is made to such requests.

In the spirit of cooperation in the discovery process, counsel for the District will respond to these requests using the normal and generally accepted meaning of the words and phrases contained therein, and the District will provide information within its possession and control, subject to more specific objections, which may be appropriate for the individual discovery requests. The responses to each of these requests incorporate these preliminary statements and objections as though fully set forth therein.

Any of the above and below objections, when specifically typed out in certain responses below, are intended to merely clarify or emphasize said objections and their inclusion does not waive the applicability of these preliminary statements and objections to all of the requests Plaintiff has propounded and to all the responses below as though fully set forth therein verbatim.

Objection is made to the extent the requests purport to seek inappropriate or premature discovery of consultants or experts retained or consulted by counsel for defendant before such time as they are selected, elected and identified to the extent appropriate under the law, by counsel to testify upon the trial of this matter, pursuant to the applicable rules or court schedules.

Objection is made to these requests on the grounds they are overly broad, all inclusive, vague and ambiguous and seek to obtain information not reasonably calculated to lead to discovery of admissible evidence.

Some and/or all of the Plaintiff's requests seek documents that are subject to the records retention policy and schedule of the District, the University of the State of New York, the State Education Department, and/or applicable New York State rules and regulations (collectively the "District's Retention Policy").

The production of certain documents which may or may not have been covered by the District's Retention Policy, does not indicate the existence or the District's continued possession of any other document or category of documents that may be covered by the District's Retention Policy.

To the extent any of the requests are unlimited in time, the District limits its responses to the documents in its possession from the following time period: 1986-1987. This time period will control unless the District specifies in its responses to certain requests that a different time frame is being used.

Because the District has not completed discovery, investigation or preparation for trial, these responses are based on information presently available and are given without prejudice to the District's right to supplement or modify them based on the discovery of additional or different information.

1. Attach copies of all documents identified or referred to in your answers to plaintiff's Interrogatories, whether referenced by plaintiff or the above-named defendant.

RESPONSE: The District incorporates the Preliminary Statement as if fully set forth herein. The District has not responded to Plaintiff's Interrogatories given they do not comply with Uniform Civil Rules, therefore, at this time the District has no documents responsive to this request.

2. All documents that reflect defendants' current policies and procedures regarding boundaries, student safety, sexual misconduct, harassment, discrimination, bullying, and policies regarding same that were in effect in 1986 through to the present.

RESPONSE: The District incorporates the Preliminary Statement as if fully set forth herein. The District objects to Plaintiff's request as overly broad and unduly burdensome to the extent it seeks documents that post-date the alleged abuse and seeks documents that do not pertain to the issues in this matter, as such documents are irrelevant and immaterial to the subject matter or claims and issues of this action, and are therefore not proportionate to the needs of this case. Subject to and without waiving the foregoing objections, to the extent this request seeks documents from 1986 through 1987, the District is performing a reasonable search for documents and will provide the responsive, non-privileged, documents, if any, upon completion of its search.

3. All documents that reflect names of the students, teachers, school officials, principals, coaches, staff, and other school employees attending or employed by

the above-named defendants during the period of Terry Houseman's (hereinafter "Houseman") employment. This request includes but is not limited to full copies of each yearbook during relevant years.

RESPONSE: The District incorporates the foregoing Preliminary Statement as if fully set forth herein. The District objects to this request as vague, ambiguous, overly broad, and unduly burdensome because it requires the District to respond by acquiring or supplying documents which are irrelevant and immaterial to the subject matter or claims and issues of this action, and are therefore not proportionate to the needs of this case. The District further objects to the extent the documents include confidential information of individuals not party to this action. Subject to and without waiving the foregoing objections, the District refers Plaintiff to the Lyndonville Central School District yearbooks from 1980 through 1990, which the Plaintiff may examine at the District's counsel's office at a mutually agreed upon date and time. The District reserves the right to supplement and/or modify this response as more information becomes available through the course of discovery.

4. All documents that reflect any written, stenographic, recorded, oral, or other type of statement by the plaintiff, the above-named defendants, or any other person, agency, company, or institution relevant to this action.

RESPONSE: The District incorporates the foregoing Preliminary Statement as if fully set forth herein. The District objects to this request as vague and ambiguous. The District further objects to this request as overly broad and unduly burdensome, because it has no temporal limitation and the unlimited scope

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