

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF RENSSELAER

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T.T.,

Plaintiff,

**PLAINTIFF’S FIRST SET OF
INTERROGATORIES TO
DEFENDANT.**

-against-

Index No.: EF2021-269598

HOOSIC VALLEY CENTRAL SCHOOL DISTRICT,

Defendants.
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PLEASE TAKE NOTICE that Plaintiff demands separate and complete answers under oath to each of these interrogatories within twenty days of service as prescribed by the New York Civil Practice Law and Rules. Pursuant to subdivision (h) of CPLR 3101 you are required to amend or supplement an answer previously given to an interrogatory promptly upon you thereafter obtaining information that an answer was incorrect or incomplete when made, or that the answer, though correct and complete when made, no longer is correct and complete, and the circumstances are such that a failure to amend or supplement the response would be materially misleading.

GENERAL INSTRUCTIONS AND DEFINITIONS

Except as otherwise expressly indicated:

1. As used herein, the terms “you,” “your,” “Defendant,” and “HOOSIC VALLEY CSD” refer to Defendant HOOSIC VALLEY CENTRAL SCHOOL DISTRICT including, any of its subsidiaries and any of its employees, agents, contractors or representatives. This includes, but is not limited to, secretaries, schools, principals, teachers, coaches, employees, boards, directors, subsidiaries, counselors, associates, investigators, independent contractors, agents, representatives, accountants, volunteers, attorneys, and affiliated business entities, schools, any affiliated or parent entities of any form.
2. As used herein, the term “Complaint” means the Child Victims Act Litigation Complaint served in the matter with the above-referenced Index Number.
3. As used herein, the term “Plaintiff” means the plaintiff identified in the Complaint.

4. As used herein, the term “employee” shall refer to any employee of Defendant and includes, but is not limited to, employees, volunteers, independent contractors, agents, janitors, custodians, teachers, coaches, staff, directors, officers, board members, and the like.

5. The term “or” is not exclusive and shall be construed both conjunctively and disjunctively in each request.

6. The term “and” is not exclusive and shall be construed both conjunctively and disjunctively in each request.

7. As used herein the term “position of authority” as that term is used above includes, but is not limited to: any person who is charged with any duty or responsibility for the education, guidance, counseling, welfare, health, or supervision of a child under the age of eighteen, either independently or through another, no matter how brief, at the time of the act.

8. As used herein, the term “sexual misconduct” means any of the misconduct referred to in CPLR 208 (b) or CPLR 214-g, including, but not limited to:

- a. The actor touching a minor’s intimate parts; the touching by the minor of the actor’s, the minor’s, or another’s intimate parts effected by the use of a position of authority, or by the inducement of the actor;
- b. The actor otherwise inappropriately touching a minor; including, but not limited to, massaging parts of the minor’s body or kissing the minor on the lips;
- c. Sexual intercourse, cunnilingus, fellatio, anal intercourse, or an intrusion, however slight, into the genital or anal openings:
 - i. Of the complainant’s body by any part of the actor’s body or any object used by the actor for this purpose;
 - ii. Of the complainant’s body by any part of the body of the complainant, by any part of the body of another person, or by any object used by the complainant or another person for this purpose, when effected by the use of a position of authority or by the inducement of the actor;
 - iii. Of the body of the actor or another person by any part of the body of the complainant or by any object used by the complainant for this purpose, when effected by use of a position of authority or by the inducement of the actor.
- d. The actor talking, writing or communicating in any way with a minor regarding anything of a sexual nature; and

e. The actor having a minor in the actor's private living quarters, including the actor's bedroom.

f. The actor engaging in unconsented to sexual activity with an adult; or the actor otherwise sexually touching the adult without consent.

9. As used herein the term "boundary violation" shall mean communications, observations, rumors, suspicions, patterns of behavior, course of conduct, or activity by an adult with a minor child that might be an indicator of inappropriate behavior by that adult, including, but not limited to, buying gifts for a child, giving money to a child, touching a child in a way that makes the child uncomfortable, giving a child extra or special attention, spending time with a child alone without other adult supervision, kissing a child on the lips, sharing a bed with a child, viewing pornography with a child, being alone with a child in a meeting, being alone with a child in a classroom, close physical contact with a child such as lap sitting, knee touching and hugging, tickling a child, massaging a child or having a child massage the adult, commenting on a child's body or appearance, physically disciplining a child, wrestling with a child, giving a child alcohol or drugs, violating the boundaries of a child, allowing a child to spend the night in the rectory, or taking overnight trips with a child that are unrelated to an official event or function.

10. "Person" means any natural person or any business, legal or governmental entity or association.

11. "Concerning" means relating to, referring to, describing, evidencing or constituting.

12. The term "communication" means the transmittal of information (in the form of facts, opinions, ideas, inquiries, or otherwise).

13. The term "document" means, regardless of origin or location, any book, pamphlet, periodical, letter, memorandum, writing, telegram, email, text message, report, record, study, note, working paper, graph, drawing, chart, photograph, image, film, video recording, audio recording, index, tape, disk, data sheet or data processing card, electronically stored information, or any other written, recorded, transcribed, punched, taped, filmed or graphic matter, however produced or reproduced, to which you have or have had access. "Document" shall include originals (or copies if originals are not available) and nonidentical copies (whether different from the original because of handwritten notes or underlining or otherwise) and any translations of any document.

14. "Electronically Stored Information" or "ESI" includes any electronically stored information stored in any medium from which such information can be obtained, either directly or after translation by the responding party into a reasonably usable form.

15. Any word written in the singular shall also be construed as plural and any word written in the plural shall also be construed in the singular.

16. Reference to any entity includes each of its officials, officers, directors, employees, agents, attorneys, or other persons acting or purporting to act on behalf of the foregoing, whether currently or formerly employed or retained in these capacities.

17. When referring to a natural person, stating the “identity” means to give, to the extent known, the person’s (a) full name, (b) present or last known address, and (c) the present or last known place of employment. Once a person has been identified in accordance with this paragraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.

18. When referring to an entity, stating the “identity” means to give, to the extent known, (a) the entity’s full name, including (when not apparent from the name) the nature of the entity, e.g. corporation, limited liability corporation, partnership, professional corporation, religious organization, religious institute, religious society, religious house, religious order, juridic person, or moral person, (b) present or last known address of its headquarters or principal place of business, and (c) the state in which the entity is incorporated or otherwise created. Once an entity has been identified in accordance with this paragraph, only the name of that entity need be listed in response to subsequent discovery requesting the identification of that entity.

19. When referring to documents, to “identify” means to give, to the extent known, (a) the type of document; (b) the general subject matter; (c) the date of the document; (d) the author or authors, according to the document; (e) the persons to whom, according to the document (or a copy) was to have been sent; and (f) the current location of the document.

20. As used herein, the term “describe” means to state fully and with particularity a description responsive to the interrogatory, including but not limited to, stating each date, fact, event, occurrence, allegation, claim or defense; stating the identity of each individual who can testify, or who could have testified, as to each date, fact, event, occurrence, allegation, claim or defense; and identifying the documents concerning each date, fact, event, occurrence, allegation, claim or defense.

21. If any document, or any portion of any document, is withheld under claim of attorney-client privilege or upon any other ground, the respondent withholding the document shall furnish a list, signed by the person supervising the response to this request, identifying each document withheld and stating with respect to each:

- a. the legal ground for withholding such document;
- b. the type of document;
- c. the general subject matter of the document;
- d. the date of the document; and
- e. the number of pages of the document, the identities of the document’s author, addressee, and each person to whom copies were sent or were to be sent, including the identity of each person to whom the document, its contents, or any portion thereof is known or has been disclosed, and any other information as is sufficient to identify the document for a subpoena duces tecum.

22. The term “relevant time period” refers to, unless otherwise specified, the period to the present from the first date JACK SCERBO was considered for employment with Defendant.

INTERROGATORIES

1. Identify all persons answering these interrogatories, the interrogatories they answered and their association and/or position with Defendant.
2. Describe the relationship between JACK SCERBO and the Defendant, including, but not limited to, the following:
 - a. The circumstances surrounding the initial association between or among them, including the relationship between Defendant and JACK SCERBO;
 - b. Each assignment of JACK SCERBO at or with the Defendant and set forth the years he served in each position, his title and duties, and the reasons for any reassignments, transfers, retirement, leaves of absence, periods of restriction, periods of psychological, physical, or other medical treatment lasting more than one week;
 - c. The method by which JACK SCERBO was compensated by Defendant for each position to which he was assigned by Defendant, including the amount, nature, source and frequency of his compensation;
 - d. The specific duties and responsibilities of JACK SCERBO for each position to which he was assigned by Defendant;
 - e. If JACK SCERBO had specific duties and responsibilities outside of his assigned positions, but during his association with Defendant, then please also state those specific duties and responsibilities;
 - f. State the identities of JACK SCERBO’s supervisor(s) during his association with Defendant, including his supervisors at each assigned position with Defendant.

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