

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF RENSSELAER

-----X  
T.T.,

**PLAINTIFF’S FIRST  
REQUEST FOR  
PRODUCTION TO  
DEFENDANT**

Plaintiff,

-against-

Index No.: EF2021-269598

HOOSIC VALLEY CENTRAL SCHOOL DISTRICT,

Defendant.  
-----X

PLEASE TAKE NOTICE that Plaintiff requires Defendant HOOSIC VALLEY CENTRAL SCHOOL DISTRICT to produce for inspection and copying the following documents within twenty (20) days at the offices of Herman Law Firm, P.A., 1800 N. Military Trail, Suite 140, Boca Raton, Florida 33431.

This request for production of documents is to be deemed continuing. If you, your counsel, or anyone representing your interests obtains any documents or takes any statements within the scope of this document request at any time prior to the commencement entry of final judgment in this action, you are hereby requested and directed to furnish those documents or statements to the undersigned attorneys.

**GENERAL INSTRUCTIONS AND DEFINITIONS**

Unless the context indicates otherwise, the following definitions apply to each category of documents listed below and are incorporated by reference into each specific request for documents:

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 of 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 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. The term “employee” means any officer, director, employee, agent, attorney, accountant or other person acting or purporting to act on behalf of an entity, whether currently or at any time employed by that entity.

17. 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.

18. 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.

19. 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.

20. 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.

21. 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.

22. 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.

23. 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.

### **IDENTIFICATION OF DESTROYED DOCUMENTS**

If any document referenced in an answer has been destroyed, erased, or otherwise discarded, please identify the document in the same manner as you have been requested to identify documents that you claim are privileged, to the extent that such identification is possible.

### **DOCUMENTS REQUESTED**

1. All documents relating, referring, or otherwise pertaining to JACK SCERBO including, but not limited to, his personnel file, employment file, and any and all documents referring or relating to suspicions, disciplinary actions, complaints, claims, charges, allegations or information that he engaged in misconduct, sexual misconduct and/or boundary violations.
2. All confidential, secondary confidential files created or maintained by any agent, employee, or official of Defendant referring or relating to JACK SCERBO that are kept separate and apart from the main personnel file.
3. The documents concerning JACK SCERBO's applications to school districts, or places of employment, including but not limited to information concerning applications, references, and interviews.
4. The documents concerning JACK SCERBO's education, training, licenses, certificates, memberships, honors, or awards.

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.