

EXHIBIT B

1 UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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3 DAVID FLOYD, LALIT CLARKSON, DEON DENNIS
4 and DAVID OURLICHT, Individually and on
5 behalf of a class of all others similarly situated,

PLAINTIFFS,

5

6 -against-

Case No.
08 CIV 01034 (SAS)

7

8 THE CITY OF NEW YORK, et al.,,

DEFENDANTS.

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DATE: May 6, 2009

11

TIME: 10:15 a.m.

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13 EXAMINATION BEFORE TRIAL of the Plaintiff, LALIT
14 CLARKSON, taken by the Defendants, pursuant to a Notice and to
15 the Federal Rules of Civil Procedure, held at the office of
16 Michael A. Cardozo, 100 Church Street, New York, New York
17 10007, before JOANNE IBELLI, a Notary Public of the State of
18 New York.

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L. CLARKSON

1 incident?

2 A. Just for clarification, you mean by police officers
3 on the street and I'm walking, is that what you mean by
4 stopped?

5 Q. I mean stopped by police officers generally.

6 A. Okay. Three times.

7 Q. And have you been stopped by police officers since
8 this incident?

9 A. Yes.

10 Q. How many times?

11 A. One time.

12 Q. When was the most recent time that you were stopped
13 by police officers?

14 A. Summer 2007.

15 Q. Why were you -- or what was the circumstances
16 surrounding that stop?

17 A. Myself and my fiancée were sitting in the park
18 across from my house. And in the summer, probably about 11:00,
19 11:0 at night. Two officers came up to us and asked us for ID
20 saying that the park had been closed. My fiancée gave her ID
21 to the officer. He wrote down the information. And then he
22 went about his business.

23 Q. Do you know the name of the park?

24 A. We call it 145th Street park. I'm a little remiss
25 in the name. It's the park on 143rd and Malcolm X. So Malcolm
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L. CLARKSON

1 X between 143rd and 145th.

2 Q. Do you know whether the park was, in fact, supposed
3 to be closed?

4 A. Well, it's an open park. There's nowhere -- the
5 benches are open, so we didn't know that the park was closed
6 because there are benches sort of -- there's a fence, benches
7 and baseball field and path to walk down. And where the
8 benches are there's not any gates or anything, so we assumed
9 it was open.

10 Q. Did the police officers issue a ticket or anything
11 like that?

12 A. No. No.

13 Q. They just left?

14 A. They wrote down my wife's -- my fiancée's
15 information. They wrote down my fiancée's information and they
16 left.

17 Q. Did you give them ID?

18 A. No.

19 Q. Did they ask you for ID?

20 A. Yes.

21 Q. What did you say to them?

22 A. I didn't have -- my ID was in the apartment
23 building upstairs. So, I didn't give them anything.

24 Q. Okay. And they didn't ask you to go get it?

25 A. Huh-uh.

L. CLARKSON

1 Q. Prior to that stop, when was the time before that,
2 not including this incident that you were stopped?

3 A. Okay. In 1996 I was stopped by police officers. I
4 don't remember the exact -- I was going to McDonalds, and an
5 independent school I went to, they had a week off from school
6 that the public and Catholic schools didn't have off, so when I
7 was walking to McDonalds, the police officers sort of came out
8 and stopped me, you know, why aren't you in school, that kind
9 of thing, and I told them I went to an independent school that
10 they had off. The officers were kind of like no Catholic
11 schools and public schools are out, so that was an interaction
12 there.

13 Q. Was that in the City?

14 A. Yeah, that was in the Bronx.

15 Q. In that instance you know why they stopped you?

16 A. Uh-huh. Uh-huh.

17 Q. How old were you at the time?

18 A. Fifteen.

19 Q. Were they uniform officers?

20 A. Uh-huh.

21 MR. CHARNEY: You have to say --

22 A. Yes. Sorry. Yes.

23 Q. Yes. As we sit here today and look back at the
24 incident, do you have any -- do you believe those officers

25 behaved inappropriately in stopping you, why they were stopping

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L. CLARKSON

1 you and asking you why you weren't in school?

2 A. No.

3 Q. How about the officer stopping you when they
4 thought -- when the park was supposed to be closed? Looking
5 back, do you think this officer stopped you inappropriately?

6 A. No.

7 Q. Okay. And you said, I believe you said there's one
8 other time that you were stopped that we've not discussed yet?

9 A. Two other times.

10 Q. Two other times. Let's go back in time. The time
11 that you were stopped right before 1996. --

12 A. Uh-huh.

13 Q. -- prior to the stop outside the McDonalds --

14 A. Uh-huh.

15 Q. -- can you describe when that was?

16 A. The stop prior to McDonalds?

17 Q. Yes.

18 A. Was '94.

19 Q. And what were the circumstances surrounding that
20 stop?

21 A. I guess the one later in the year was, I was
22 walking to the Fulton and Saint James train station and I guess
23 the officer came out of the car and pointed guns at my --
24 pointed guns at me and came out the car and pointed guns at
25 me.

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L. CLARKSON

1 Q. At that time you were how old?

2 A. Thirteen.

3 Q. And what happened after they pointed guns?

4 A. They told me to put my hands up and they got out
5 the car and they asked me to pull my jacket up and turnaround.

6 Q. And did you listen?

7 A. Yes.

8 Q. And what happened?

9 A. I turned around. When I turned around. They came
10 over to me to pat me down. And I asked them, you know, why are
11 you stopping me. They said that the jacket I was wearing was
12 gang colors.

13 Q. Did they give any other reason?

14 A. No.

15 Q. After they pat you down, did they leave?

16 A. They patted me down. They went into my pockets. I
17 had stuff -- like I don't remember what was in my pockets, like
18 tissue or coins or something, they tapped my pocket, went
19 inside my pockets, patted me down and then they got back in the
20 car and went.

21 Q. Do you remember what colors you were wearing that
22 day?

23 A. I don't -- I just remember I had a black and yellow
24 bubble jacket.

25 Q. Did you file any complaint about that case?

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L. CLARKSON

1 A. No, I didn't.

2 Q. In that case do you believe that those officers
3 acted appropriately when they stopped you?

4 A. Ask me the question one more time; sorry.

5 Q. Related to the incident where you just described
6 where the officers came out of the car with the guns, do you
7 believe, in your opinion, did those officers act appropriately
8 toward you?

9 A. No.

10 Q. Why not?

11 A. For me I felt like there was no reason for four
12 officers to jump out on an individual just walking down the
13 street that posed no danger or no threat.

14 Q. Did you know whether those officers had any
15 information that would have lead them to believe you matched a
16 description?

17 A. No, I didn't.

18 Q. And you said there was one other incident where you
19 were stopped.

20 A. Uh-huh.

21 Q. That was earlier than 1994?

22 A. Earlier in 1994.

23 Q. What occurred during that incident?

24 A. It occurred in the Bronx. I was walking down the
25 street going toward the bus and officers in a car came on to
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