

EXHIBIT C

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 -----X
4 DAVID FLOYD, LALIT CLARKSON, DEON DENNIS,
5 and DAVID OURLICHT, individually and on
6 behalf of a class of all others similarly
7 situated;

8 PLAINTIFF,

9 -against-

10 Case No:
11 08 Civ. 01034 (SAS)

12 THE CITY OF NEW YORK; NEW YORK CITY POLICE
13 COMMISSIONER RAYMOND KELLY, in his
14 individual and official capacity;
15 MAYOR MICHAEL BLOOMBERG, in his individual and
16 official capacity; NEW YORK CITY POLICE
17 OFFICER RODRIGUEZ, in his individual
18 capacity; NEW YORK CITY POLICE OFFICER
19 GOODMAN, in his individual capacity; NEW
20 YORK CITY POLICE OFFICER JANE DOE, in her
21 individual capacity; NEW YORK CITY POLICE
22 OFFICER ERIC HERNANDEZ, Shield #15957,
23 in his individual capacity; NEW YORK CITY
24 POLICE OFFICER CORMAC JOYCE, Shield
25 #31274, in his individual capacity; NEW
YORK CITY POLICE SERGEANT JAMES KELLY,
Shield #92145, in his individual capacity;
NEW YORK CITY POLICE OFFICER LUIS PICHARDO,
Shield #00794, in his individual capacity;
NEW YORK CITY POLICE OFFICER ANGELICA
SALMERON, Shield #7116, in her individual
capacity; NEW YORK CITY POLICE OFFICER
MICHAEL COUSIN HAYES, Shield #3487, in his
individual capacity; NEW YORK CITY POLICE
OFFICER CHRISTOPHER MORAN, in his
individual capacity; and NEW YORK CITY
POLICE OFFICERS JOHN DOES #1 through #11,
in their individual capacities ,

DEFENDANTS.

-----X
DATE: August 4, 2009
TIME: 10:18 A.M.

(Caption continued on next page.)

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DATE: August 4, 2009
TIME: 10:18 A.M.

EXAMINATION BEFORE TRIAL of the Plaintiff,
DEON DENNIS, taken by the Defendants, pursuant to a Notice
and to the Federal Rules of Civil Procedure, held at the
NEW YORK CITY LAW DEPARTMENT, 100 Church Street, New York,
New York 10007, before Jamie Newman, a Notary Public of the
State of New York.

DENNIS

1 positioned on the passenger side.

2 Q. What type of car were you driving?

3 A. I was driving a Chevy Trailblazer.

4 Q. Were the windows tinted?

5 A. Lightly tinted.

6 Q. What color was the Trailblazer?

7 A. Black.

8 Q. Was it your vehicle?

9 A. No.

10 Q. Whose vehicle was it?

11 A. Cory Peterson (phonetic).

12 Q. Who is Cory Peterson?

13 A. A friend.

14 Q. Does he know about this lawsuit?

15 A. No.

16 MR. HELLERMAN: Object to the form.

17 Q. Have you spoken to him about this lawsuit?

18 A. No.

19 Q. Have you spoken to Cory Peterson about your

20 arrest in January of 2008?

21 A. No.

22 Q. Did you pull to the side of the road when the

23 police officers put the siren on their car?

24 A. Yes.

25 Q. And did you roll down the window of your car when

DENNIS

1 the police officers approached?

2 A. It wasn't my car.

3 Q. Of the car you were in?

4 A. Yes.

5 Q. And what, if anything, did the police officers
6 say to you, when they approached your vehicle?

7 A. They asked me to step out the vehicle.

8 Q. Did they say anything else?

9 A. And we stepped to the back while one searched me
10 and the other one searched the vehicle.

11 Q. Did you say anything to the police officers?

12 A. No.

13 Q. Did you step out of your car?

14 A. Yes.

15 Q. Which officer searched you, the one who
16 approached the driver's side or the one who approached the
17 passenger side of the vehicle can?

18 A. The passenger -- driver's.

19 Q. And the one who approached the passenger side is
20 the one that searched your car?

21 MR. HELLERMAN: Object to the form.

22 Q. Not your car, the car you had been driving in;
23 correct?

24 A. Yes.

25 Q. When you say, "the officer searched you," can you

DENNIS

1 describe how he searched you?

2 A. He went into my pockets, back pockets and pulled
3 out my wallet. From head to toe.

4 Q. You said they went into your pockets, which
5 pocket did they go in?

6 A. Both, I had on pants, so they went in both
7 pockets.

8 Q. Did you have any weapons on you?

9 A. No.

10 Q. Any drugs on you?

11 A. No.

12 Q. Did the officers tell you why they were stopping
13 you ?

14 A. No.

15 Q. Did either of the officers ask your permission to
16 search your vehicle?

17 A. No.

18 Q. I'm sorry, I keep saying your vehicle, I mean the
19 vehicle that you were driving?

20 A. Yes.

21 Q. How long, in total, were you detained by the
22 officers?

23 A. I don't remember.

24 Q. Was it more than ten minutes?

25 A. Yes.

DENNIS

1 Q. More than twenty minutes?

2 A. No.

3 Q. So between ten and twenty minutes?

4 A. Yes.

5 Q. Did any other police vehicles arrive at the scene
6 of your stop?

7 A. No.

8 Q. After your car was searched and after you were
9 searched, what happened?

10 A. They let me go.

11 Q. Did they issue you a ticket?

12 A. No.

13 Q. Did they, at any point, tell you why they had
14 stopped you?

15 A. No.

16 Q. Were both officers male?

17 A. Yes.

18 Q. Could you identify what race they were?

19 A. Yes.

20 Q. What race were they?

21 A. One was Hispanic and one was Caucasian.

22 Q. You said you saw their badges, where were their
23 badges located?

24 A. On a chain.

25 Q. Around their neck?

DENNIS

- 1 A. Yes.
- 2 Q. What color were their badges?
- 3 A. Silver.
- 4 Q. Did you get either of the officers names?
- 5 A. No.
- 6 Q. Did either of the officers have facial hair?
- 7 A. One of them did.
- 8 Q. Which one?
- 9 A. The Hispanic one.
- 10 Q. What kind of facial hair did he have?
- 11 A. He had a trim.
- 12 Q. A trim beard?
- 13 A. A trim beard, yes.
- 14 Q. Did you ever report the incident to the police
- 15 department?
- 16 A. No.
- 17 Q. Are you familiar with what the Civilian Complaint
- 18 Review Board is?
- 19 A. Yes.
- 20 Q. Have you ever reported an incident to the
- 21 Civilian Complaint Review Board?
- 22 A. No.
- 23 Q. Why didn't you report the incident you just
- 24 described, to the Civilian Complaint Review Board?
- 25 A. Because it happened so many times.

DENNIS

1 Q. Would you say it happened more than ten times?

2 A. Yes.

3 Q. More than twenty times?

4 A. Yes.

5 Q. More than thirty times?

6 A. Yes.

7 Q. More than forty times?

8 A. Yes.

9 Q. More than a 100 times?

10 A. Yes.

11 Q. More than 200 times?

12 A. No.

13 Q. More than 150 times?

14 A. About that.

15 Q. About 150?

16 A. Yes.

17 Q. In each of the times, not including the incident
18 where you were arrested in January 2008, in each of the
19 other times that you were stopped by police officers in New
20 York City, were you in a vehicle?

21 A. Yes.

22 MR. HELLERMAN: Object to the form.

23 MR. HAZAN: What is the basis of your
24 objection?

25 MR. HELLERMAN: It has an undefining legal

DENNIS

1 term.

2 MR. HAZAN: Which term?

3 MR. HELLERMAN: Can I hear the question back
4 please.

5 (Whereupon, the referred to question was
6 read back by the reporter.)

7 MR. HELLERMAN: He said he was stopped three
8 days earlier and detained, that could be an
9 arrest. That's the undefining term.

10 MR. HAZAN: Okay.

11 Q. In each of the, approximately, 150 times you say
12 you were stopped by New York City police officers, were you
13 stopped while riding in a vehicle --

14 A. Yes.

15 Q. In each of those times were you in the same Chevy
16 Trailblazer?

17 A. No.

18 Q. What other vehicles were you stopped while
19 driving?

20 MR. HELLERMAN: Object to the form.

21 A. 2006 Dodge Magnum.

22 Q. What other vehicles?

23 A. And a 2005 Dodge Durango.

24 Q. What other vehicles?

25 A. That's it.

DENNIS

1 Q. So all of the, approximately, 150 times that you
2 were stopped by police officers, you were either driving a
3 2006 Dodge Magnum, a 2005 Durango or a Chevy Trailblazer?

4 MR. HELLERMAN: Object to the form.

5 A. Yes.

6 Q. Who does the 2006 Dodge Magnum belong to?

7 A. My mother.

8 Q. What color is it?

9 A. White.

10 Q. Does it have tinted windows?

11 A. Yes.

12 Q. Approximately, how many times were you stopped
13 while driving that vehicle?

14 A. About 80 times.

15 Q. Did all of these stops occur in Manhattan?

16 A. Yes.

17 Q. Did all of these stops occur in Harlem?

18 A. Yes.

19 Q. And I am not familiar with what type of vehicle a
20 Dodge Magnum is actually, is it an SUV or is it a car?

21 A. It's a car.

22 Q. Four door?

23 A. Four door.

24 Q. Who does the 2005 Durango belong to?

25 A. It had belonged to me.

DENNIS

- 1 Q. When did you buy that car?
- 2 A. I don't remember the exact date.
- 3 Q. What year?
- 4 A. 2005.
- 5 Q. Was it new when you bought it?
- 6 A. No, pre-owned.
- 7 Q. And did you sell the car eventually?
- 8 A. Traded.
- 9 Q. When did you trade it?
- 10 A. 2006.
- 11 Q. What color was the Durango?
- 12 A. Black.
- 13 Q. Did it have tinted windows?
- 14 A. Yes.
- 15 Q. Were you ever issued a ticket for the tints on
- 16 the windows?
- 17 A. On the Durango, yes.
- 18 Q. How many?
- 19 A. I don't remember.
- 20 Q. More than fifty?
- 21 A. Tickets?
- 22 Q. Yes.
- 23 A. No.
- 24 Q. More than ten?
- 25 A. No.

DENNIS

1 Q. More than five?

2 A. No.

3 Q. More than two?

4 A. One ticket.

5 Q. After you were issued that ticket, did you have
6 the tint on the windows lessened?

7 A. No, I traded the vehicle in.

8 Q. When you bought the vehicle, were the windows
9 tinted?

10 A. No.

11 Q. When did you have them tinted?

12 MR. HELLERMAN: Object to the form.

13 Q. Did you have them tinted at some point?

14 A. Yes.

15 Q. When did you have them tinted?

16 A. I don't remember.

17 Q. Was it in 2005?

18 A. No, 2006.

19 Q. How many times were you stopped while driving in
20 the Durango?

21 A. Once.

22 Q. You were only stopped one time in the Durango?

23 A. Yes.

24 Q. And that was the time you were issued a ticket
25 for the tinted windows?