

# **EXHIBIT E**

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DAVID FLOYD, LALIT CLARKSON, DEON DENNIS,  
and DAVID OURLICHT, individually and on  
behalf of a class of all others similarly  
situated,

PLAINTIFFS,

-against-

Case No:  
08 CIV 01034

THE CITY OF NEW YORK, NEW YORK CITY POLICE  
COMMISSIONER RAYMOND KELLY, in his  
individual and official capacity, et al,

DEFENDANTS.  
-----X

DATE: July 16, 2009

TIME: 10:13 A.M.

EXAMINATION BEFORE TRIAL of the  
Defendant, THE CITY OF NEW YORK, by a  
witness, POLICE OFFICER MICHAEL COUSIN  
HAYES, taken by the Plaintiffs, pursuant to  
Notice and to the Federal Rules of Civil  
Procedure, held at the offices of Covington  
& Burling LLP, 620 Eighth Avenue, New York,  
New York 10018, before Robert X. Shaw, CSR,  
a Notary Public of the State of New York.

1 P.O. HAYES

2 Q. Do you like the work you are  
3 doing now better?

4 A. They are about the same.

5 Q. When you were in the Anti-Crime  
6 Unit, were you ever directed to complete a  
7 certain number of UF-250s on a tour?

8 A. Not to my knowledge. I don't  
9 think so.

10 Q. Were you ever told to complete  
11 two on a tour?

12 MR. HAZAN: Objection. He just  
13 answered this question.

14 MR. CHARNEY: No, he did not.

15 A. I don't recall.

16 Q. Is there anything that would  
17 help to refresh your recollection?

18 A. No.

19 Q. Were you ever told to use the  
20 stop, question and frisk as a deterrent for  
21 crime?

22 MR. HAZAN: Objection.

23 A. Told to use stop, question and  
24 frisk as a deterrent to crime?

25 Not that I remember, no. I

1 P.O. HAYES

2 don't recall.

3 Q. Were you ever told to complete  
4 three UF-250s on a tour?

5 MR. HAZAN: Objection.

6 A. I don't recall.

7 Q. Were you ever told to complete  
8 four on a tour?

9 A. I don't recall.

10 MR. HAZAN: Objection.

11 Q. You don't recall ever being  
12 told any number; is that right?

13 A. Yes.

14 Q. I just want to look back at  
15 Exhibit Number 7.

16 You said, for the caption it  
17 says, what circumstances led to the stop.

18 A. Yes.

19 Q. You said that there were many  
20 circumstances. Can you tell me what some  
21 of them are?

22 MR. HAZAN: Objection.

23 A. They could be any penal law,  
24 felony or misdemeanor.

25 Q. So, is it your understanding