

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DAVID FLOYD, et al.,

Plaintiffs,

-against-

**DECLARATION OF
ROBERT M. PURTELL**

08 Civ. 1034 (SAS)

CITY OF NEW YORK, et al.,

Defendants.
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ROBERT M. PURTELL declares, pursuant to 28 U.S.C. 1746, under penalty of perjury, that the following is true and correct:

1. I am an Assistant Professor of Finance and Director of the MPA Program at the University at Albany, Nelson A. Rockefeller College of Public Affairs & Policy. A copy of my curriculum vitae is attached hereto as Exhibit A. I submit this declaration in support of Defendants' motion to preclude all expert reports and opinions of Jeffrey Fagan, Ph. D. ("Fagan").

2. In collaboration with Dennis C. Smith, I have conducted statistical analyses and supervised statistical analyses conducted by members of my team that formed the basis of:

a. the Report of Dennis C. Smith, Ph.D, dated November 15, 2010 ("11/15/10 Report");

b. the Declaration of Dennis C. Smith, dated December 19, 2011, submitted in support of Defendants' motion to preclude all expert reports and opinions of Fagan ("Smith Declaration"); and

c. the Reply Declaration of Dennis C. Smith, dated February 16, 2012, in further support of Defendants' motion to preclude all expert reports and opinions of Fagan ("Smith Reply Declaration").

3. I have personal knowledge of the facts contained in the 11/15/10 Report, Smith Declaration and Smith Reply Declaration based on my review of various documents that include, but are not limited to, all analyses submitted by Fagan in this case, including: the Report of Jeffrey Fagan, Ph.D, of October 15, 2010, the Supplemental Report of Jeffrey Fagan, Ph.D, of December 3, 2010, Fagan's Affidavit of September 28, 2011, Fagan's Declaration of November 6, 2011, and Fagan's Declaration of February 2, 2012. I also have reviewed the transcript of Fagan's deposition taken on February 9, 2011.

4. Based on such review, I agree with the contents and analyses contained in the 11/15/10 Report, the Smith Declaration and the Smith Reply Declaration.

I declare under penalty of perjury that the foregoing is true and correct. Executed in
Albany, New York, on February 16, 2012.

Dated: Albany, New York
February 16, 2012

A handwritten signature in dark ink, appearing to read "Robert M. Purtell", is written over a horizontal line.

Robert M. Purtell