

Exhibit "35"

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

- - - - - x

CITY OF NEW ROCHELLE,
Plaintiffs,

Index No.
541 90/2016

-against-

FLAVIO LAROCCA, MARIA LAROCCA, FLAVIO LAROCCA
& SONS, a.k.a. F. LAROCCA & SONS, INC. And
FMLR REALTY MANAGEMENT LLC,
Defendants.

- - - - - x

March 29, 2021
10:07 a.m.

VIDEO CONFERENCE EXAMINATION BEFORE TRIAL
of ELIOT SENOR, a non-party witness herein,
taken by MR. MENDELSON in the above-entitled
action, held at the above time and place,
pursuant to Subpoena, taken before CHRISTA M.
MILOSCIA, a Shorthand Reporter and Notary
Public within and for the State of New York.

Magna Legal Services
(866) 624-6221
www.MagnaLS.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A P P E A R A N C E S:

WILSON ELSER

Attorneys for Defendant
1133 Westchester Avenue
White Plains, New York 10604

BY: SCOTT MENDELSON, ESQ.

SILVERBERG ZALANTIS

Attorneys for Defendant
120 White Plains Road
Tarrytown, New York 10591

BY: KATHERINE ZALANTIS, ESQ.

1

2

S T I P U L A T I O N S

3

IT IS STIPULATED AND AGREED by and between

4

the attorneys for the respective parties

5

herein, and in compliance with Rule 221 of the

6

Uniform Rules for the Trial Courts:

7

THAT the parties recognize the provision of

8

Rule 3115 subdivisions (b), (c) and/or (d).

9

All objections made at a deposition shall be

10

noted by the officer before whom the

11

deposition is taken, and the answer shall be

12

given and the deposition shall proceed subject

13

to the objections and to the right of a person

14

to apply for appropriate relief pursuant to

15

Article 31 of the CPLR;

16

THAT every objection raised during a

17

deposition shall be stated succinctly and

18

framed so as not to suggest an answer to the

19

deponent and, at the request of the

20

questioning attorney, shall include a clear

21

statement as to any defect in form or other

22

basis of error or irregularity. Except to the

23

extent permitted by CPLR Rule 3115 or by this

24

rule, during the course of the examination

25

persons in attendance shall not make

1
2 statements or comments that interfere with the
3 questioning.

4 THAT a deponent shall answer all questions
5 at a deposition, except (i) to preserve a
6 privilege or right of confidentiality, (ii) to
7 enforce a limitation set forth in an order of
8 a court, or (iii) when the question is plainly
9 improper and would, if answered, cause
10 significant prejudice to any person. An
11 attorney shall not direct a deponent not to
12 answer except as provided in CPLR Rule 3115 or
13 this subdivision. Any refusal to answer or
14 direction not to answer shall be accompanied
15 by a succinct and clear statement on the basis
16 therefore. If the deponent does not answer a
17 question, the examining party shall have the
18 right to complete the remainder of the
19 deposition.

20 THAT an attorney shall not interrupt the
21 deposition for the purpose of communicating
22 with the deponent unless all parties consent
23 or the communication is made for the purpose
24 of determining whether the question should not
25 be answered on the grounds set forth in

1
2 Section 221.2 of these rules, and, in such
3 event, the reason for the communication shall
4 be stated for the record succinctly and
5 clearly.

6 THAT the failure to object to any question
7 or to move to strike any testimony at this
8 examination shall not be a bar or waiver to
9 make such objection or motion at the time of
10 the trial of this action, and is hereby
11 reserved; and

12 THAT this examination may be signed and
13 sworn to by the witness examined herein before
14 any Notary Public, but the failure to do so or
15 to return the original of the examination to
16 the attorney on whose behalf the examination
17 is taken, shall not be deemed a waiver of the
18 rights provided by Rules 3116 and 3117 of the
19 C.P.L.R, and shall be controlled thereby; and

20 THAT the certification and filing of the
21 original of this examination are hereby
22 waived; and

23 THAT the questioning attorney shall provide
24 counsel for the witness examined herein with a
25 copy of this examination at no charge.

1 E. SENOR
2 E L I O T S E N O R, the Witness
3 herein, having been first duly sworn by
4 a Notary Public of the State of
5 New York, was examined and testified as
6 follows:

7 EXAMINATION

8 BY MR. MENDELSON:

9 THE REPORTER: Ms. Zalantis,
10 would you like a copy of today's
11 transcript?

12 MS. ZALANTIS: Yes, please

13 Q. State your name for the record,
14 please.

15 A. Eliot Senior.

16 Q. State your address for the
17 record, please.

18 A. 90 North Central Avenue,
19 Hartsdale, New York 10530.

20 Q. Good morning, Mr. Senior. My
21 name is Scott Mendelsohn. I'm with
22 Wilson Elser and we represent the
23 Plaintiffs in this case, the City of
24 New Rochelle. I'm going to ask you
25 some questions today about the action

1 E. SENOR
2 entitled the City of New Rochelle
3 versus Flavio LaRocca et al, and
4 specifically some work, which I believe
5 your business performed on a certain
6 property located at 436 Fifth Avenue,
7 which I'm just going to refer to as
8 "436" for the rest of this deposition;
9 is that okay?

10 A. Yes.

11 Q. Now, Mr. Senor, you received a
12 subpoena to testify here today; is that
13 right?

14 A. Correct.

15 Q. I'm going to now share my
16 screen, and before I continue --

17 MR. MENDELSON: Kathy, do
18 you consent to this being done
19 over Zoom?

20 MS. ZALANTIS: Yes, I do.

21 Q. And, Mr. Senor, do you consent
22 to your deposition being taken over
23 Zoom, virtually?

24 A. Sure, yes.

25 Q. I'm going to share my screen,

1 E. SENOR
2 now, Mr. Senor, are you able to see
3 what's on my screen?

4 A. Yes.

5 Q. And I'm going to scroll down to
6 Page 3 and Zoom out a bit of this
7 document and I'm going to mark this
8 exhibit that I'm sharing now as
9 Plaintiff's 1.

10 (Whereupon, Subpoena was
11 marked as Plaintiff's Exhibit 1 for
12 identification as of this date.)

13 Q. Mr. Senor, do you recognize what
14 I marked as Plaintiff's 1? And if at
15 any time you need me to zoom in, it can
16 become a bit hard to see, so I am happy
17 to do so.

18 A. Looking at the papers that I
19 have here, the papers that I have
20 don't -- I don't know -- I don't have
21 anything that has my name on the top
22 like you had there. Well, let's see --
23 no, I'm not sure. I mean I have --
24 1916. Yeah, the one I have has Gabriel
25 Senor PC, not the Elliot --

1 E. SENOR

2 Q. Now, Mr. Senor, did you receive
3 multiple subpoenas, more than one
4 subpoena from my office?

5 A. I'm not sure, I only have one in
6 my file envelope here.

7 Q. Did you receive one subpoena
8 approximately in January for documents?

9 A. We did receive a request for
10 documents and we sent them out.

11 Q. All right.

12 And then did you receive an
13 additional subpoena to testify here
14 today?

15 A. I guess so, yes. May not have
16 printed it out I guess, I don't know.

17 Q. If you can take a look at what's
18 on my screen, Page 3.

19 A. Yes.

20 Q. Can you see where it says
21 subpoena at testificandum, where my
22 cursor is?

23 A. Yes.

24 Q. And do you see it says to Eliot
25 Senor at 90 North Central Avenue?

1 E. SENOR

2 A. Yes.

3 Q. And it has the date March 29th,
4 2001, at 10:00?

5 A. All right.

6 Q. And on Page 4 of this exhibit,
7 it's dated February 18th, 2021?

8 A. All right. Yes.

9 Q. It's signed, you see the
10 signature at the bottom?

11 A. Yes.

12 Q. And you're here today pursuant
13 to a subpoena to give your testimony?

14 A. Yes, so I guess I must have
15 received it because I'm here today at
16 the right date and time.

17 Q. If you don't -- Mr. Senor, just
18 a few ground rules. If you don't
19 understand a question that myself or
20 Ms. Zalantis may ask, then please let
21 us know, and we'll try to rephrase the
22 question and accommodate your request.
23 If you need to take any breaks, I only
24 ask that if you -- if there's a
25 question pending that you answer the

1 E. SENOR
2 question and then you're free to take
3 any break you need. We have a court
4 reporter here, she is taking down
5 everything you say, she cannot take
6 down any head nods or shakes of the
7 head, so please respond verbally to any
8 questions that we have.

9 Lastly, although you may know
10 what my question is going to be, please
11 let me finish asking my question before
12 you answer it, so that we have a clear
13 record; is that fair?

14 A. Yes.

15 Q. Is there anybody else in the
16 room with you?

17 A. No.

18 Q. Are you in your office
19 currently?

20 A. Yes.

21 Q. Did you and I speak prior to
22 this deposition?

23 A. I think so.

24 Q. Did you have a phone call with
25 an attorney from Wilson Elser and

1 E. SENOR
2 various e-mails with an attorney from
3 Wilson Elser about this deposition or
4 about 436?

5 A. Yes.

6 Q. And what was discussed on those
7 phone calls?

8 A. It's mostly about producing
9 records and being available for a
10 deposition.

11 Q. And did you produce any Wilson
12 Elser records in response to a
13 Subpoena; did you produce records
14 regarding 436 5th Avenue?

15 A. Yes.

16 Q. And after producing an initial
17 response to this Subpoena, were
18 additional communications or documents
19 located by you or your office and were
20 those also produced?

21 A. I remember a conversation about
22 additional information, but I don't
23 think that we found any additional
24 information subsequent to the initial
25 request.

1 E. SENOR

2 Q. We'll go through everything that
3 you've produced. Did we go through
4 some of the documents that you did
5 produce?

6 A. Yes.

7 Q. Other than the documents that
8 you provided in response to the
9 Subpoenas, did you review any documents
10 prior to your testimony here today?

11 A. Just the documents in the file
12 that we sent out.

13 Q. Okay. And could you just let us
14 know what those are?

15 A. It's some various field notes
16 and sketches that were done when we did
17 the original stakeout of the property.

18 Q. And when you say "property,"
19 you're referring to 436?

20 A. Yes.

21 Q. Did you review any pictures in
22 preparation for this testimony?

23 A. I don't think we had any
24 pictures from that time.

25 Q. Did you have any conversation

1 E. SENOR
2 prior to this -- this deposition, other
3 than with the attorney from Wilson
4 Elser regarding the property in the --
5 withdrawn.

6 In preparation for this
7 deposition, have you had any
8 conversations other than with me
9 regarding the property?

10 A. No.

11 Q. Mr. Senor, do you work for a
12 business?

13 A. Yes.

14 Q. And what is that business?

15 A. The company is Gabriel E. Senor
16 P.C.

17 Q. And what is the general -- what
18 does Gabriel E. Senor P.C. do?

19 A. We're engineers and land
20 surveyors.

21 Q. What is your title with Gabriel
22 E. Senor P.C.?

23 A. President.

24 Q. How many -- withdrawn.

25 Is that the highest position in

1 E. SENOR

2 the company?

3 A. Yes.

4 Q. Do you own the company?

5 A. Yes.

6 Q. How long has the company been
7 around?

8 A. Originally in 1954, but I think
9 it was created as a P.C. in 1971 or
10 1972.

11 Q. How many employees, and I'm just
12 going to refer to the P.C. as "the
13 company," how many employees does the
14 company have?

15 A. About 10.

16 Q. And what are your
17 responsibilities, Mr. Senior, for the
18 company?

19 A. I'm -- I do everything. I talk
20 to clients, I take orders, I review
21 work, sign surveys and engineering
22 plans.

23 Q. I'm just going to stop my
24 sharing here. Do you have -- well,
25 generally what is "land surveying" and

1 E. SENOR

2 "staking"?

3 A. Well, "land surveying" is the
4 measurement of items physically on the
5 ground. "Staking" is to reproduce the
6 deed lines from -- on a particular
7 property.

8 Q. And do you have any education,
9 Mr. Senor?

10 A. Yes, and it's licensed -- I
11 require licenses by the State Education
12 Department.

13 Q. Did you graduate from college?

14 A. Manhattan College in 1984, I
15 suppose.

16 Q. And what was your degree that
17 you received from Manhattan College?

18 A. Bachelor of Science and
19 Engineering.

20 Q. And did you have any
21 post-college education?

22 A. No.

23 Q. Do you have any licenses,
24 currently?

25 A. Right, I'm a licensed land

1 E. SENOR
2 surveyor and licensed professional
3 engineer.

4 Q. Let's start with the licensed
5 land surveyor, what, if anything, did
6 you have to accomplish to become a
7 licensed land surveyor?

8 A. You have to have the education
9 and you have to have so many years of
10 experience, then you apply for and sit
11 through state tests through the
12 Licensing Board.

13 Q. Did you have the requisite
14 education to become a licensed land
15 surveyor?

16 A. Yes, I had a license some time
17 in the 80's as land surveyor.

18 Q. I would assume that means you
19 sat and passed the exam?

20 A. It's ongoing education,
21 continuing education that's required
22 every three years that I keep up on.

23 Q. What is the agency that issues
24 that certification?

25 A. New York State Certification

1 E. SENOR

2 Department.

3 Q. And your license is current --
4 or your certification is currently
5 active?

6 A. My license is currently active,
7 yes.

8 Q. And regarding the professional
9 engineer, what, if anything, did you
10 have to accomplish to become a
11 professional engineer?

12 A. Same thing, have your education,
13 have experience, you'll apply for a
14 license, take a couple of days of
15 testing, and as long as you pass, you
16 get a license and then you have, again,
17 continuing education.

18 Q. Do you currently have a license
19 as a professional engineer?

20 A. Yes.

21 Q. And what is the organization or
22 part of the government that issued that
23 license?

24 A. New York State Department of
25 Education.

1 E. SENOR

2 Q. What aspects of your work with
3 the company requires a professional
4 engineer and land surveyor sort of
5 license?

6 A. Everything we do requires a
7 license, every survey that we prepare
8 or survey that we do is required to be
9 licensed and we're required to be
10 licensed to do that, and same thing
11 with engineering, any engineering that
12 we do has to be signed by a licensed
13 professional.

14 Q. Are those survey engineering
15 plans?

16 A. It's a subcategory of land
17 surveying, but not every engineer can
18 be land surveying, they have to be
19 separately licensed.

20 Q. What about staking?

21 A. That's part of land surveying.

22 Q. Are you a member of any
23 professional associations?

24 A. Yeah, I'm a member of the New
25 York State Association of Professional

1 E. SENOR

2 Land Surveyors, as well as some
3 national and local engineering sites.

4 Q. Could you give us just a -- if
5 you recall some of the national
6 associations that you're a part of or
7 local associations?

8 A. National Association of
9 Professional Engineers, New York
10 Association of Professional Engineers,
11 New York Association of Civil
12 Engineers, National Fire Association,
13 and like he said, the State Surveyors
14 Association, New York State Association
15 of Professional Land Surveyors.

16 Q. Other than the licenses that we
17 already discussed, do you have any
18 other professional licenses?

19 A. No.

20 Q. Would you say or -- withdrawn.

21 Do you specialize in any certain
22 field of land surveying or engineering?

23 A. I mean, I -- as far as, yeah,
24 surveying, there's no specialization,
25 it's not like we do one particular

1 E. SENOR
2 style of land surveying; we work across
3 the entire spectrum.

4 Q. And have you ever testified
5 before?

6 A. Yes.

7 Q. Have you ever testified at
8 depositions before?

9 A. Yes.

10 Q. In what -- withdrawn.
11 Have you ever testified about
12 land surveying or staking prior to
13 today?

14 A. Yes.

15 Q. Approximately how many times?

16 A. A dozen or more.

17 Q. Have -- were those all at
18 depositions or have they been at trials
19 as well?

20 A. They've been at trials as well.
21 I mean I've been hired as an expert
22 witness on surveying before as well as
23 depositions for other reasons.

24 Q. Approximately how many times
25 have you been hired or retained as an

1 E. SENOR

2 expert witness?

3 A. I don't know, another dozen, I
4 don't keep track, so I don't have the
5 specific number.

6 Q. Have you ever been qualified as
7 an expert witness?

8 A. Yes.

9 Q. And do you recall in what courts
10 you were qualified as an expert
11 witness?

12 A. Mostly White Plains, I guess
13 it's the Supreme.

14 Q. Is that the Westchester County
15 Supreme Court?

16 A. Yes.

17 Q. Approximately how many times
18 have you been qualified as an expert?

19 A. I don't know the exact number,
20 many times, or several times.

21 Q. Is it more than one?

22 A. More than one.

23 Q. And what was the quality -- what
24 was the expertise that you were
25 qualified?

1 E. SENOR

2 A. In land surveying and
3 engineering, I guess.

4 Q. And does that involve staking?

5 A. In terms of what, I don't
6 understand.

7 Q. Is staking a subset of land
8 surveying and engineering?

9 A. Staking is part of land
10 surveying.

11 Q. Have you worked -- have you
12 previously worked at any other company
13 other than your current company?

14 A. No.

15 Q. When you or your company perform
16 a survey for staking, what processes do
17 you undergo?

18 A. The process is the same for all
19 survey work, we go and -- first we do
20 our research inhouse, we're trying to
21 find out vinyl maps, deeds, records,
22 we, you know, prior surveys, surveys of
23 adjacent properties, monumentation that
24 may be shown in maps that are found in
25 the County Register's Office.

1 E. SENOR

2 We collect that information in
3 the office, we send the field crew out
4 to then collect that information and
5 the physical presence of that
6 information in the field. We do some
7 computations to ascertain where we can
8 produce the deed lines on the earth and
9 if we're staking, we go back and we put
10 the stakes or the marks on those
11 corners, or whatever corner the client
12 asks us to do it. We don't necessarily
13 stake the entire property in all
14 instances.

15 Q. Is one of the purposes for
16 staking to determine where the boundary
17 lines of the property are?

18 A. The purpose of staking is to
19 reproduce those boundary lines
20 physically on a property. You don't
21 need to physically stake the property
22 for us to draw a map relative --
23 improvement relative to the property
24 lines.

25 Q. Is there a benefit to staking

1 E. SENOR

2 versus a survey?

3 A. There is for different items,
4 staking is -- like I said, we don't
5 always stake the property corners when
6 we do a survey, so in this case, we did
7 not do a survey, we only staked the
8 property lines so the client can see
9 where the corners are relative -- in
10 the field, relative to what's there.

11 Q. If, like, you just testified to
12 in this case, you just do a staking and
13 not produce a survey, is it fair to say
14 that the boundaries that the staking
15 would depict are the same boundaries
16 that a survey would depict of a
17 property?

18 A. Yes.

19 Q. Are there any special machines
20 or technology that you use for your
21 work?

22 A. Just typical equipment used by
23 every surveyor. It's our -- it's our
24 (inaudible) in measuring distances and
25 all that. Nothing specifically

1 E. SENOR
2 specialized for our office, just
3 typical equipment.

4 Q. And the process that you
5 described, is that the same process
6 that's used every time when you're
7 doing a survey or staking?

8 A. Yes.

9 Q. What is a "stake"?

10 A. Well, when you talk about
11 "stake," you're really talking about
12 marking the property line. A stake is
13 generally recognized as a wooden peg,
14 they sit flush with the ground, but in
15 substance to this, we can't use a
16 wooden peg or a wooden wedge, we either
17 put cross cuts or iron pins or some
18 other marking that would physically
19 mark it.

20 A nail and a piece of pavement
21 would be a stake, so to speak. We
22 can't put a stake in because of
23 pavement or concrete or what have you.

24 Q. Now, in those times that you've
25 been qualified as an expert, have you

1 E. SENOR
2 testified about boundary lines?

3 A. Yes.

4 Q. I'm going to share my screen.

5 (Whereupon, Document was
6 marked as Plaintiff's Exhibit 2 for
7 identification as of this date.)

8 Q. Mr. Senor, are you able to
9 identify what this 13-page document is?
10 And if you need me to scroll, I will.

11 A. Yeah, if you can scroll. The
12 job order, the paid bill, all right,
13 and some other information that we use.
14 So I guess this is a set of what we
15 sent to you in terms of what we did to
16 do the survey or do the stakeout.

17 Q. Okay. And is it fair to say,
18 I'm looking at page one, it reads -- is
19 that you are -- is that the company,
20 Gabriel E. Senor P.C. at the top?

21 A. Yes.

22 Q. And it's dated January 31, 2021;
23 is that right?

24 A. Yes.

25 Q. And it's e-mailed to me?

1 E. SENOR

2 A. Yes.

3 Q. This action is located in the
4 grey and I'm going to read below there;
5 it states, "Information from our files
6 regarding the stakeout performed at the
7 436 Fifth Avenue in New Rochelle"?

8 A. Yes.

9 Q. Are you able to identify where
10 these documents came from?

11 A. The documents that we sent, the
12 copies are all from our file of -- at
13 the time we performed the work.

14 Q. And is this -- this
15 Plaintiff's 2, this document I'm
16 showing you, is this a fair and
17 accurate depiction of the documents
18 that you sent to Wilson Elser in
19 response to a document subpoena you
20 sent in this case?

21 A. Yes.

22 Q. And for the record, we also
23 provided this to Defense Counsel with a
24 notice. Are you familiar, Mr. Senor,
25 with the property located at 436 Fifth

1 E. SENOR

2 Avenue in New Rochelle?

3 A. Yes, somewhat.

4 Q. How did you become familiar with
5 that job?

6 A. Well, they called us to do -- in
7 2009 to do a stakeout of property as
8 you see from the job order there.
9 Yeah, that.

10 MR. MENDELSON: For the
11 record, I'm on Page 2 of
12 Plaintiff's 2 now.

13 Q. What is this document,
14 Mr. Senor?

15 A. That's our job order that we
16 create when we start a job.

17 Q. Do you recall when this job was
18 created?

19 A. Well, I assume August 10th of
20 2009.

21 Q. Do you, personally, recall
22 speaking to anybody about this job
23 before it was performed?

24 A. I don't remember speaking before
25 it was performed, not necessarily.

1 E. SENOR

2 Q. Are you familiar with
3 individuals named Flavio LaRocca or
4 Maria LaRocca?

5 A. Yes.

6 Q. Have you previously spoken to
7 either one of those individuals?

8 A. I remember going to the site
9 after we performed our stakeout to talk
10 to them.

11 Q. Do you know if you spoke to
12 either one of them -- withdrawn.

13 Do you recall if you spoke to
14 either of the LaRoccas prior to the
15 stakeout?

16 A. I don't remember necessarily if
17 I talked to them when they originally
18 called for the work or -- yeah. No
19 recollection.

20 Q. Based on the documents that
21 you -- that were in your files
22 regarding 436, do you know the reason
23 why the stakeout was requested?

24 A. Not necessarily, they wanted us
25 to mark out the eastside of

1 E. SENOR

2 (inaudible).

3 Q. Do you -- just based on your
4 knowledge of 436 and that area, do you
5 know what the side of the 436 abuts?

6 A. I think it was some sort of
7 right of way or something leading back
8 to a town park or a town property, I
9 don't remember.

10 Q. Does East Street sound right?

11 A. Yeah, I mean I think I would
12 say, yes. I don't know if I have that
13 or any documentation, but I certainly
14 have seen the right of way.

15 Q. I'm going to go to Page 3 of
16 Plaintiff's 2. Do you -- can you --
17 can you see that Page 3?

18 A. Yes.

19 Q. What is this?

20 A. That's the paid bill that we
21 sent out after the work was complete.

22 Q. And what is the amount that this
23 job costs?

24 A. \$900, paid.

25 Q. Is -- what is more expensive, a

1 E. SENOR

2 survey or stakeout?

3 A. It's a hard question to answer.

4 It's not necessarily a -- one or the

5 other. It depends on how many stakes

6 or how big a property they are. Not

7 necessarily -- if we're doing a survey

8 in stakes, we don't charge a base fee

9 for the stakeout, it's not cut and dry.

10 Q. Okay. Do you see up here on the

11 top left there's a Bill to portion of

12 this Page 3?

13 A. Yes.

14 Q. Who was billed for this job?

15 A. I guess it's FMLR and Flavio

16 LaRocca.

17 Q. Okay. And does this document

18 reflect what the job was?

19 A. Stakeout on the east side Lot

20 224. It's the same as the job order on

21 the previous page.

22 Q. And based on these documents,

23 Lot 224 is 436?

24 A. Yes.

25 Q. I'm going to Page 4, can you --

1 E. SENOR

2 on this document can you see Lot 224
3 reflected?

4 A. Yes.

5 Q. On this document?

6 A. Yes.

7 Q. And is it reflected where I'm --

8 A. Yes.

9 Q. Putting my cursor around where
10 there's a 224 with a circle and then
11 there's boundary lines in the middle of
12 this drawing?

13 A. Yes.

14 Q. Do you know when or --
15 withdrawn.

16 What is this Page 4?

17 A. That's a survey done by somebody
18 else, the date looks like in 2002,
19 maybe, but that's maybe some of the
20 data that we collect. Like I said, we
21 did some research, we try and collect
22 other surveys of the property and
23 surrounding properties, and that's one
24 of the pieces of information we had in
25 our file for our stakeout, our marking.

1 E. SENOR

2 Q. Is it fair to say that this
3 survey was done prior -- or was drawn
4 prior to your stakeout of 436?

5 A. Yeah, I mean the date is sort of
6 hard to read, but it looks like maybe
7 it's 1, 2, or 06, it's 0-something. I
8 wouldn't say it's 09, so that's prior
9 to us.

10 Q. So it was in your file, and as
11 you testified, you used it for data,
12 what would be the purpose of gathering
13 this data prior to doing the stakeout?

14 A. Some of it has to do with just
15 the property line information, we also
16 had chosen other information in terms
17 of fence locations and things, so looks
18 like it's 06, so it's just data that we
19 try and -- and you see I'm not -- on
20 the corner in the upper left, it says
21 "Prepared By," it says "Monument," so
22 that's the kind of thing we try and
23 find. If it says "Monument," it's a
24 corner marker, not necessarily on the
25 corner of the property, sometimes it

1 E. SENOR
2 shows up on the -- creating when the
3 subdivision is filed or billed, they
4 put the -- the original surveyor puts
5 in monuments so that other surveyors
6 can go back and have a starting point.

7 So monuments, so he probably
8 used this information to find that
9 monument.

10 Q. You just testified that you were
11 able to determine that page 4 of
12 Plaintiff's 2 was prepared in 2006?

13 A. Yeah, I think the original, I
14 could read the original a little better
15 and -- yeah, November 13th, I think
16 it's looking like an 06, again, it's
17 still just almost as bad, but it was
18 0-something in 2000 and -- so.

19 Q. But this document would have
20 been something you used to aide in the
21 preparation of the stakeout?

22 A. Yes.

23 Q. Based on this document, are you
24 able to tell -- and who was this
25 prepared by?

1 E. SENOR

2 A. Rob Irpoly.

3 Q. Are you familiar with Rob
4 Irpoly?

5 A. I was. I haven't heard or seen
6 him in quite a number of years. Not
7 really sure what happened to him, but I
8 knew of him or knew him at that time.

9 Q. Do you know what his profession
10 was when you knew them?

11 A. He was a land surveyor and he
12 was licensed by the State of New York.

13 Q. Are you able to identify based
14 on this document the boundary lines
15 that were determined for Lot 224, which
16 is lot 436?

17 A. Yeah, it's the heavy line around
18 the outside. This map includes 224,
19 and Lot 223.

20 Q. Are you able -- based on this,
21 determine what the right of way is that
22 you're discussing east of 436?

23 A. Yeah, it says there's a street
24 called East Street that's 30 feet wide.

25 Q. Based on this drawing of a

1 E. SENOR
2 survey, are you able to determine
3 whether or not 436 is encroaching on
4 East Street?

5 A. Well, I see a gate and a
6 chain-link fence in the street right
7 away. I mean as far as defining
8 "encroachment," it's who put it up and
9 who's using that property, but I do
10 see -- this does depict a sliding gate
11 and a chain-link fence that's east of
12 the right of way line between 10 and 12
13 feet and/or 10.7 on one side and 10.9
14 on the other.

15 Q. And how are you able to
16 determine that gate that's on
17 East Street? Are those measurements on
18 East Street?

19 A. Well, they say after each corner
20 and say on the left side, it says "East
21 12.9," it looks like. Right where it
22 says "Sliding Gate," it says "East
23 12.3," and subsequently continues onto
24 10.7 on the right side.

25 Q. Based on your expertise of

1 E. SENOR
2 understanding surveys, you understand
3 that number, "East 12.9," "East 12.3,"
4 "East 11.9," and "East 10.7," as you
5 follow the sliding gate, to be the
6 number of feet that that gate is
7 encroaching onto East Street?

8 MS. ZALANTIS: Objection.

9 Q. I'll phrase it in another way,
10 based on your expertise on -- in
11 interpreting and reading surveys, do
12 you understand those numbers that you
13 just referred to, the "East 12.9," the
14 "East 12.3," the "East 11.9," and "East
15 10.7," as you follow the sliding gate
16 up this page, do you understand those
17 numbers to be the distance between the
18 date and the boundary line of 436?

19 A. Yeah, a gate and a chain-link
20 fence. It's not a gate the whole way,
21 but it's the difference from --
22 generally when the survey is prepared,
23 those measurements are from the
24 property line to the physical
25 apprentice.

1 E. SENOR

2 Q. I want to go to page 5 of
3 Plaintiff's 2. Are you able to
4 recognize this?

5 A. Yes.

6 Q. What is there, it's another
7 survey of the same property, this one
8 was done, and I read the date in
9 December of '86, by Richard Spinelli,
10 and was this page five -- was this also
11 a document that you received and looked
12 at prior to the staking of 436?

13 A. Yes.

14 Q. And are you -- do you know
15 Richard Spinelli?

16 A. Yes.

17 Q. And what is Richard Spinelli's
18 occupation?

19 A. He's a land surveyor, currently
20 operating.

21 Q. Is he also licensed by the State
22 of New York?

23 A. Yes, as far as I know.

24 Q. I'm going to go to page 6 of
25 this document; do you recognize this?

1 E. SENOR

2 A. Yes.

3 Q. What is this?

4 A. It's a coordinate file of
5 information we collected. I guess it's
6 the -- it looks like some baseline, a
7 cross cut set, monument, some property
8 line information.

9 Q. Now, at the top it says "Fifth
10 Avenue and East Street," are those the
11 streets that abut 436?

12 A. Yes.

13 Q. And is it fair to say that these
14 measurements are measurements that were
15 taken with regard to the work that your
16 company performed on 436?

17 A. Yes.

18 Q. Are these -- the rightmost
19 column where it says "CC Set," what
20 does that refer to?

21 A. Cross cut that we physically
22 placed on the ground some place.

23 Q. So is that referring to a stake?

24 A. In this case there's probably
25 baseline -- probably our reference

1 E. SENOR

2 points, not necessarily marks on the
3 corner. The coordinate or the PL's
4 property line, that is probably the
5 coordinate for the property corners.

6 Q. Okay. Are you -- you've been to
7 436 before?

8 A. I have.

9 Q. Okay.

10 A. Not recently, I was there, I
11 guess, in -- after the survey was done
12 or after the stakeout was done.

13 Q. Generally, can you describe that
14 property?

15 A. From what I remember, it was a
16 construction yard enclosed by the gate
17 that shows on that survey.

18 Q. Now, going back up to Page 4,
19 the gate that you're speaking of that
20 encloses that construction yard, is
21 that referenced here as the sliding
22 gate?

23 A. Yeah.

24 Q. And that goes up East Street?

25 A. Yes.

1 E. SENOR

2 Q. I'm going to go to page 7 of
3 Plaintiff's 2. Do you recognize this?

4 A. Yeah, it's our -- plotting of
5 our field work that was done.

6 Q. Now, when you say "field work,"
7 is that on 436?

8 A. Well, 436 is that lower
9 property. This also includes the
10 property to the right of it or to the
11 back of it.

12 Q. Now, when you say 436 is the
13 lower property, is that the property
14 enclosed by the dark lines that reads
15 "our job"?

16 A. Yes.

17 Q. All right.

18 So what does this drawing
19 depict?

20 A. It's just a plotting of our
21 field work that we used to mark the
22 corners.

23 Q. And who, if you know, who
24 created this document?

25 A. It was done in our office.

1 E. SENOR

2 Personally, I don't know.

3 Q. Do you review all of the
4 measurements that are taken?

5 A. Yes.

6 Q. Would you have reviewed the
7 measurements that are taken here on
8 this job?

9 A. Yes.

10 Q. And before they are sent to the
11 client, do you approve all of the
12 measurements and conclusions that are
13 drawn?

14 A. The conclusions that are drawn,
15 I don't know if I -- I'm, you know,
16 review the particular measurements. I
17 review the information that is
18 collected and come up to a conclusion
19 whether it's sufficient to mark the
20 property lines.

21 Q. On this property in this job,
22 436, were the measurements sufficient
23 and accurate to perform a measurement
24 of the property line of 436?

25 A. Yes, as far as I'm concerned.

1 E. SENOR

2 Q. On this page 7 at the bottom of
3 the document it says "East Street"; do
4 you see that?

5 A. Yes.

6 Q. And just to the left of that, it
7 says 505 PL?

8 A. Right.

9 Q. What does that mean?

10 A. Well, that's a previous page
11 where you had the coordinates, that
12 references that same coordinate, so the
13 coordinate list that you had is the
14 coordinate of Plan 504.

15 Q. Is it fair to say that
16 coordinate .4 or 4 and 505 make up the
17 eastern boundary of 436?

18 A. Yes.

19 Q. And are those the locations at
20 504 and 505 where stakes were done?

21 A. Or where points were marked,
22 yes.

23 Q. And are those two points the
24 points that you were hired to perform
25 on 536 -- 436, excuse me?

1 E. SENOR

2 A. Yes.

3 Q. What is the significance of all
4 these other points to come to the
5 measurements that you need to
6 accurately measure a border?

7 A. Just out of collection of
8 adjacent, you know, it says we had DRC,
9 that's a Donald Calabry survey that we
10 had in our file, and it must have
11 talked about the building corners, the
12 dimensions of building corners. I see
13 building corners were located and some
14 garage corners, well, at least one was
15 -- a pile of three was a garage on an
16 adjacent property it looks like.

17 Q. 503, you're --

18 A. Up a little bit.

19 Q. Okay. And that's where it says
20 "GARCAL"?

21 A. Yeah, "GARCAL N51" is the actual
22 location of the garage.

23 Q. So prior to Gabriel Senor
24 marking the eastern-most boundary of
25 436, are you aware if there were other

1 E. SENOR

2 markings there before that?

3 A. I wasn't aware, we didn't find

4 any at the time, I guess.

5 Q. I'm going to go to Page 8; do

6 you recognize this?

7 A. Yes.

8 Q. And what is this?

9 A. That's a stakeout sketch that we

10 did to mark the line -- in the eastern

11 boundary line. Now, I guess there was

12 something in the way of each particular

13 corner because the stakes aren't

14 actually on a corner, the stake is on

15 the top of the page, one foot outside

16 of the property and the one on the

17 bottom, the wooden stake is four feet

18 off of the property line.

19 Q. Okay. I want to get to that,

20 but at the top, do you know who

21 prepared this sketch?

22 A. Racage Pahel (phonetic), yes.

23 Q. And who is Mr. and Mrs. Pahel?

24 A. Racage -- he's a man. He was my

25 employee at the time. He is now a

1 E. SENOR

2 licensed land surveyor on his own.

3 Q. And did he -- was that somebody
4 who reported to you in 2009?

5 A. Yes.

6 Q. And did you -- what is the date
7 of this sketch?

8 A. September 10, 2009.

9 Q. And you see it says "Scale NTS";
10 what does that mean?

11 A. Not the scale, just the sketch.

12 Q. How many stakes were placed by
13 your company on 436?

14 A. Two.

15 Q. And it says "two markers on
16 property line, extension as shown,"
17 what does that mean "extension as
18 shown"?

19 A. Extension of the property line.
20 We didn't actually put it on a corner,
21 so the dimensions -- so the stakes are
22 as shown with the dimensions up and
23 down from the property line extensions.

24 Q. So when you said earlier that
25 the stakes were not actually put on the

1 E. SENOR
2 corner, if you go to the bottom of this
3 sketch on the Fifth Avenue -- you see
4 it says Fifth Avenue down there, did
5 that -- indicating that the stake is
6 four feet to the south of the corner of
7 the property --

8 A. Four feet into the Fifth Avenue
9 bridal wave [sic]. There's no north
10 area on here, we don't generally -- it
11 doesn't necessarily mean the top of the
12 page is north, but it's four feet into
13 the right of way, four feet into Fifth
14 Avenue.

15 Q. And because 436 is the corner
16 lot on East Street and Fifth Avenue, is
17 it fair to say the top stake is placed
18 one foot onto the adjacent neighboring
19 property on East Street?

20 A. It's one foot on the right of
21 way line of each street. I mean it's
22 not -- it's dividing East Street from
23 the private property, so it's not
24 necessarily into the neighboring
25 property, is's along the dividing line

1 E. SENOR

2 of East Street.

3 Q. But it's one foot off of the
4 corner of 136.

5 A. Yes.

6 Q. What is the signature, when you
7 put those two stakes down or two
8 markings, what is the significance of
9 that, as to the boundary line of 436?

10 A. Well, it's marking the division
11 line before 436 and East Street.

12 Q. Is the division line the same
13 thing as the property boundary line of
14 436?

15 A. The boundary line between 436
16 and East Street, yes.

17 Q. Did you review this sketch on
18 Page 8 prior -- withdrawn.

19 Did you review this sketch?

20 A. Yes.

21 Q. Would that review have been done
22 prior to accepting it to your client,
23 Flavio LaRocca?

24 A. Yes.

25 Q. And did you agree with the

1 E. SENOR

2 placement of the sketches, I mean the
3 stakes?

4 A. Yes.

5 Q. Going to page 9, do you
6 recognize this?

7 A. Yes.

8 Q. What is this?

9 A. That's the field notes, the
10 angle and distances collected to the
11 various points that we were
12 researching, which goes to the point
13 numbers on one of the previous plots.

14 Q. And who prepared this document?

15 A. That's prepared by the field
16 crew, Racage, the initials are RB and
17 K.A.

18 Q. Do you know who K.A. is?

19 A. K.A., I can't figure out. I
20 don't remember his name, he was an
21 employee.

22 Q. And are these the same
23 measurements that were reflected on
24 page 6?

25 A. Some of them, one and two and 56

1 E. SENOR
2 are there, but if you go to the next
3 page, so you see the plotting is 52,
4 53, 54, 55, those are the same numbers
5 on page 9.

6 Q. So page 7 of this document has
7 all of the same calculations and
8 numbers that are reflecting page 9?

9 A. Yes.

10 Q. How are those measurements
11 taken -- how were those measurements
12 taken?

13 A. Surveying practices with the
14 equipment to measure angles and
15 distances.

16 Q. And do you see below there's a
17 sketch here?

18 A. Yes.

19 Q. What is that?

20 A. That's just a field sketch
21 showing depiction of the point that
22 they've taken on the house corners and
23 that garage, and some reference points
24 and showing some general information in
25 the office for us to prepare the

1 E. SENOR
2 plotting that you had in page 7.

3 Q. Did you review these
4 measurements here on page 9?

5 A. I seen them. I mean, I don't
6 know; physically look at each
7 measurement and make sure they're
8 right. I mean that's information
9 collected from the field.

10 Q. What is the training of the
11 individuals that go out and take the
12 measurements?

13 A. It's basically experience. You
14 start at the bottom and you work your
15 way through.

16 Q. Now, are -- is it fair that R.B.
17 and K.A. took the measurements here?

18 A. Yes.

19 Q. And were they trained to take
20 these measurements?

21 A. Yes.

22 Q. And who were they trained by?

23 A. Well, K.A. was trained by R.B.,
24 R.B. was trained by a previous
25 employee, and you just move through the

1 E. SENOR

2 process, the ranks.

3 Q. And were they ultimately under
4 your supervision?

5 A. Yes.

6 Q. Page 10 of Plaintiff's 2, what,
7 if anything, does this show?

8 A. It just -- the top part is a
9 print out of the coordinates, an
10 extension of a -- or a more complete
11 print out of coordinates that you had
12 in the previous pages. It also -- this
13 is what they took out in the field to
14 set out the corners and then you have
15 some more information about what they
16 did and what they found when they put
17 the stakes in. Just some additional
18 reference information.

19 Q. Now, do you see at the -- in the
20 coordinates part -- the top half of
21 this page, there's some stars across
22 two rows; can you see that?

23 A. Yes.

24 Q. It's 504 and 505?

25 A. Yep.

1 E. SENOR

2 Q. What does that reference?

3 A. Those are the two property
4 corners of the property.

5 Q. And is that the two eastern-most
6 corners?

7 A. Yes.

8 Q. And is that the -- the important
9 or -- withdrawn.

10 Is this significant for your job
11 because it represented the eastern
12 boundary of 436?

13 A. Yes.

14 Q. And I see there's a calculation
15 underneath -- handwritten in --
16 underneath the typewritten part; what
17 does that reference?

18 A. Those are the two reference
19 points that you saw in the previous
20 print out as well. I guess they didn't
21 show up on this print out, so they
22 hand-write them in. It's on a previous
23 print out I think.

24 Q. Do you know who created this
25 document?

1 E. SENOR

2 A. As far as the handwritten, no,
3 that's Racage. I know by the
4 handwriting.

5 Q. And there's a hand-drawn sketch
6 underneath all of these coordinates,
7 what does that represent?

8 A. That's a sketch of what they
9 found when they were actually doing the
10 marking the of the property line.

11 Q. What were the findings of the
12 marking of the property line?

13 A. Well, according to this, there
14 was a -- on the bottom of the page
15 shows a piece of wall one-foot wide,
16 approximately four feet outside off the
17 property. The right side of it is
18 about four and a half feet -- no, eight
19 feet on the right into East Street,
20 right?

21 Q. Are you referring to there, this
22 bottom part that I'm putting my cursor
23 around?

24 A. Yes.

25 Q. It looks like an upside down,

1 E. SENOR

2 sideways "L"?

3 A. Yes.

4 Q. On the very bottom part?

5 A. Yes.

6 Q. Okay.

7 A. And above that we found the
8 chain-link fence. It shows that it's
9 about 12 and a half feet to the right
10 of the property line and then at the
11 top of the page, the dimension is 10
12 and a half feet off the property line.

13 Q. Now, when you say "property
14 line," you're referring to the property
15 line of 436?

16 A. Yes.

17 Q. And then when you refer to that
18 chain-link fence is 12 and a half feet,
19 and then 10 and a half feet, you used
20 the word "off," are you referring to
21 the chain-link fence as those distances
22 past the eastern-most -- our boundary
23 line of 436 and onto East Street?

24 A. Yes.

25 Q. Now, were those measurements --

1 E. SENOR
2 were they similar to the measurements
3 that were reflected on the earlier
4 survey that we went through on page 4
5 here?

6 A. Yeah, within a couple of inches.

7 Q. Is it fair to say that both
8 reflected, that the chain-link fence
9 that we're referring to was over 10
10 feet at all points onto East Street
11 past the boundary line of 436?

12 A. Yes.

13 Q. I'm going to go to page 11; do
14 you recognize this?

15 A. Yes.

16 Q. And what is this?

17 A. It's a survey done by Worth
18 Barbender (phonetic), but the title is
19 not there. I recognize the style of
20 the survey. It's a copy of the survey
21 that was done in 2016, after our work.
22 I'm not sure where I got it or why.

23 Q. That was my next question. Do
24 you know how you got this?

25 A. I don't remember.

1 E. SENOR

2 Q. It's purported to be a survey
3 after your staking of the property?

4 A. Yes.

5 Q. And I will zoom in, is this
6 showing that same property, 436?

7 A. Yes.

8 Q. Are the boundary lines of 436
9 shown on this survey?

10 A. Yes.

11 Q. What are those boundary lines;
12 how are they depicted?

13 A. It's a heavy line, outlines
14 property.

15 Q. I missed that -- part of that.

16 A. It's a heavy line where your
17 cursor is, it's the division line
18 between East Street and the property.

19 Q. And is that the heavy line that
20 starts under the S252931?

21 A. Yes.

22 Q. And it runs to the 12611?

23 A. Yes.

24 Q. And is that heavy line that we
25 just described, is that the

1 E. SENOR

2 eastern-most border of 436?

3 A. Yes.

4 Q. Does this survey show that the
5 gate that you described enclosing 436?

6 A. Yes.

7 Q. Does this survey show whether or
8 not this gate is located to the east of
9 the eastern-most boundary line of 436?

10 A. Yes.

11 Q. And is it?

12 A. I don't understand.

13 Q. Is the gate located on
14 East Street passed the boundary line of
15 436?

16 A. That's what the survey shows.

17 Q. Are you able to tell based on
18 this survey how much or how far that
19 gate is onto East Street past the
20 boundary line of 436?

21 A. No dimensions are shown, no.

22 Q. Going to page 12, do you
23 recognize this?

24 A. Yes.

25 Q. What is this?

1 E. SENOR

2 A. This is a Schedule A, probably
3 taken from the deed of the property,
4 describing the boundary of the
5 property, 436. I think, wait a minute,
6 not 436 -- yes, it's the same property.

7 Q. And that's 436?

8 A. I believe so.

9 Q. Do you know if they had this
10 prior to performing the stakes or
11 after?

12 A. Generally this is part of their
13 research to get boundaries.

14 Q. So that would be before?

15 A. Yes, most likely.

16 Q. And on page 13, do you recognize
17 this?

18 A. Yes, it's the same -- it's
19 probably something we did prior to
20 sending them out because this one is an
21 earlier version of that other map that
22 doesn't have the locations that you
23 gave, those numbers in the 50's.

24 Q. Now, based on what's present on
25 Page 3 of this, is it fair to say that

1 E. SENOR

2 this -- your findings as to the
3 stakeout of the east side of 436 was
4 conveyed to the LaRoccas?

5 A. Yes.

6 Q. And prior to that conveyance of
7 the information, did you review that
8 information?

9 A. I did.

10 Q. And do you know how it was sent
11 to the LaRocca's?

12 A. Not necessarily, sometimes we
13 e-mail it, you know, it depends. We
14 used to fax it and then e-mail it, but
15 I don't know if we e-mailed it or sent
16 it to the post office.

17 Q. Do you recall if you spoke to
18 anyone, either of the LaRocca's or
19 anyone from FMLR Realty Management LLC?

20 A. Yeah, after the stakeout was
21 done, I visited the site at their
22 request and met them there.

23 Q. What was the purpose --
24 withdrawn.

25 What was the substance of that

1 E. SENOR

2 conversation?

3 A. To review the location of the
4 point that we put in.

5 Q. And did you have that meeting?

6 A. Yes.

7 Q. Do you recall when that meeting
8 was?

9 A. Shortly thereafter the work was
10 done, I don't have a particular date.

11 Q. Is it fair to say it would have
12 been approximately September of 2009?

13 A. September, the beginning of
14 October, shortly after the work was
15 done.

16 Q. Do you recall who was present at
17 that meeting?

18 A. I think -- I know that it was
19 Flavio. It may have been his wife
20 there as well, I'm not sure. I don't
21 necessarily -- I don't recall.

22 Q. And what was discussed at that
23 meeting?

24 A. Generally I don't go to a site
25 to point this out unless there's some

1 E. SENOR
2 sort of a question about why the points
3 are where they are, but it was to point
4 out and discuss our work.

5 Q. Do you know what the reason was
6 that the LaRoccas requested that you
7 point out where the stakes were?

8 A. I guess it's somebody who
9 surprised us to where the location is.

10 Q. At that meeting, did you tell
11 them that their -- that gate that --
12 that sliding gate that we've been
13 referring to was encroaching onto
14 East Street?

15 MS. ZALANTIS: Objection.

16 A. Particularly --

17 THE WITNESS: I didn't hear
18 you.

19 Q. She objected, you can answer.

20 A. I don't remember. I remember
21 pointing out the location of the
22 complaints and you can clearly see
23 where the fence was. I don't if it
24 was -- if the fence was in the right of
25 way or not. I don't remember the

1 E. SENOR

2 conversation from that time.

3 Q. Did you tell them that the gate
4 was at least 10 feet tall on that
5 eastern-most side past the boundary
6 lines and onto East Street?

7 A. Again, I know I pointed out the
8 location of the corners relative to the
9 gates, but I didn't necessarily -- I
10 don't remember if I said that the gate
11 was 10 feet or more or whatever.

12 Q. Now, the locations of those
13 corners that you're referring to, those
14 would have been accurate as to the
15 calculations that that gate was 10 feet
16 onto East Street passed the boundary
17 line; is that fair?

18 A. Yes.

19 Q. Did you ever tell anybody from
20 FMLR Realty Management or the LaRoccas
21 that the gate was only inches onto
22 East Street and past the boundary line
23 of 436?

24 A. I would never say it was only
25 inches, no, but I don't remember --

1 E. SENOR

2 necessarily the conversation.

3 Q. Were you ever aware that the
4 City of New Rochelle and that 436 was
5 encroaching onto East Street?

6 A. I'm aware of it, but I don't
7 remember at what point I became aware
8 of it.

9 Q. Did you become aware of that
10 prior to Wilson Elser reaching out to
11 you?

12 A. I don't remember.

13 Q. After that meeting in 2009 --
14 withdrawn.

15 Did you ever meet with any city
16 officials regarding the findings of
17 your stakeout?

18 A. No.

19 Q. Other than meeting with the
20 LaRoccas, you said you believe it was
21 Flavio and possibly his wife in 2009
22 after the stakeout, have you had
23 conversations regarding the
24 eastern-most boundary line of 436 with
25 anybody else other than that?

1 E. SENOR

2 A. No.

3 Q. After that meeting in 2009, did
4 you have any further conversations, or
5 you or your company, with the LaRoccas?

6 A. Not that I remember.

7 Q. Okay. I'm going to -- let's
8 show you -- I'm going to show you
9 what's been marked at a previous
10 deposition, actually the deposition
11 of --

12 MR. MENDELSON: For the
13 record, Maria LaRocca.

14 Q. This is Plaintiff's 26. I'm
15 going to go to the bottom, page two and
16 it's an e-mail that starts on page 1
17 and leads over into page 2 and it says
18 from Flavio, Maria LaRocca,
19 casalarocca@aol.com, sent on July 6th,
20 2016, to info@gabrielesenorpc.com, and
21 subject "Surveys, Deed, and Info on 436
22 Fifth Avenue, New Rochelle." It reads,
23 "Attached please find the info we spoke
24 about earlier. You will find our
25 original survey, deed, stakeout, (from

1 E. SENOR
2 your company) and latest survey done by
3 city of New Rochelle. Please advise
4 ASAP, your findings. We can also meet
5 on the property to view stakeout.
6 Thanks," and it's e-signed Maria
7 LaRocca. Do you recognize any of the
8 e-mail addresses there?

9 A. Yes, the e-mail -- the
10 info@gabrielesenorpc, is the general
11 mailbox here, and that's the one I
12 recognize.

13 Q. Was this document an additional
14 document that you provided to our
15 office as part of the document
16 Subpoena?

17 A. It doesn't look like it came
18 from us.

19 Q. Okay. We're going to the top of
20 the document.

21 A. Yep.

22 Q. You see it says my name at the
23 top?

24 A. Yes.

25 Q. And I'm representing it says my

1 E. SENOR
2 name because I printed it out from my
3 Outlook account.

4 A. Okay.

5 Q. And do you see it says from
6 "Eileen and Gabriel E. Senor P.C."?

7 A. Yes.

8 Q. And the date is Tuesday, January
9 26, 2021?

10 A. Yes.

11 Q. And does that refresh your
12 recollection about how we received
13 that?

14 A. Sure.

15 Q. And is this a document that we
16 received from you as part of the
17 document Subpoena?

18 A. I would say so. Eileen is our
19 front office person and it has her
20 e-mail address.

21 Q. Okay. Do you recall getting
22 this e-mail on July 6th, 2016?

23 A. Not necessarily, no.

24 Q. Okay.

25 A. That may be why we got that

1 E. SENOR
2 survey from Ward Carpenter because it
3 corresponds to the similar date. The
4 Ward Carpenter was dated April 13th,
5 2016, and this was a couple of months
6 later.

7 Q. Okay.

8 A. Because they included the latest
9 survey by New Rochelle, and the title
10 of that Ward Carpenter survey is
11 prepared for the City of New Rochelle,
12 so since 2016, that's how we received
13 that Ward Carpenter map.

14 Q. And then do you see right above
15 the e-mail address reads From:
16 Info@gabrielesenor to them -- to Maria
17 and Flavio LaRocca. It says, "Maria,
18 nothing was attached," and then
19 Maria -- Flavio and Maria right back,
20 "Sorry."

21 A. Right.

22 Q. Now, showing you what's been
23 previously marked as 26A. It's a
24 four-page document. I'm scrolling
25 through it. Are you able to see that?

1 E. SENOR

2 A. Yes.

3 Q. What are these documents?

4 A. It's the survey by Richard
5 Spinelli, and then our -- the Schedule
6 A of the property, the stakeout sketch,
7 and then the survey by Ward Carpenter.

8 Q. Are those the same documents
9 that Maria LaRocca was referring to
10 that she was attaching?

11 A. I would assume so.

12 Q. To that July 6th e-mail?

13 A. Yes.

14 Q. Do you know what the purpose of
15 Ms. LaRocca reaching out to you in July
16 of 2016 was?

17 A. I don't recall.

18 Q. Do you know if you spoke to
19 anybody in your company about that
20 e-mail in 2016?

21 A. I don't recall again.

22 Q. Okay. I'm going to show you
23 what's been previously marked as
24 Plaintiff's 27. It's a two-page
25 document. We're going to the top first

1 E. SENOR

2 you'll see my name is there and it says
3 from Eileen at Gabriel E. Senor P.C.,
4 sent Tuesday, January 26th, to you.

5 Can you see that?

6 A. Yes.

7 Q. Is this another document that
8 was provided by your office in response
9 to our Subpeona?

10 A. Yes.

11 Q. And going down to the bottom,
12 you'll see the same e-mail that we just
13 read, July 6th, 2016, and, again,
14 nothing attached to the e-mail from
15 your office, a story back from the
16 Casalarocca address, and then above
17 that there's an e-mail on July 6th,
18 2016, from info@gabrielesenorpc.com to
19 casalarocca@aol.com, sent July 6th,
20 2016, to an IPM. Could you read that
21 e-mail?

22 A. "Maria, the fence is
23 approximately 10 feet on the outside of
24 the property line, as indicated on our
25 original field sketch. If you have any

1 E. SENOR
2 questions please contact our office
3 at," -- our phone number -- "Kathy."

4 Q. Who is Kathy?

5 A. Kathy is somebody we had at the
6 front office at the time.

7 Q. Now, do you know how from this
8 conversation the property line and the
9 fence became an issue?

10 A. I mean, I guess, I'm not sure --
11 I would assume at that time we informed
12 there was something going on with the
13 city, but I don't -- I don't know what
14 was going on.

15 Q. Is Kathy's e-mail accurate about
16 the property line in the fence?

17 A. Yeah, to the extent,
18 approximately. We know it's 10 to 23
19 feet, but, yeah, at least 10 feet off
20 the property line.

21 Q. And I would have dictated that
22 to Kathy to write in the e-mail; would
23 that have been your interpretation of
24 your company's work on 436?

25 A. Yes.

1 E. SENOR

2 Q. Okay. And lastly, I'm going to
3 show you what's been previously marked
4 as Plaintiff's 28. Are you able to see
5 this document?

6 A. Yes.

7 Q. And do you see at the top again,
8 it has my name and it says "From
9 eileen@gabrielesenorpc," sent on
10 January 26th, 2001, to Eliot Senor.
11 "Subject: Survey and stakeout 436 Fifth
12 Avenue." Is it fair to say this is an
13 additional document provided by your
14 office in response to this subpoena?

15 A. Yes.

16 Q. Okay. And you'll see there's
17 one e-mail, it says "Original message
18 from casalarocca@aol.com, sent
19 Wednesday August 10th, 2016, to
20 (inaudible) "Subject: Survey stakeout
21 436 Fifth Avenue," and it reads, "Hi,
22 please let us know what price it is for
23 survey and stakeout of 436 Fifth
24 Avenue, New Rochelle, New York. If
25 there are any questions, please call

1 E. SENOR

2 us," and the phone number. And it
3 says, "Thanks, Maria LaRocca"; do you
4 recall this e-mail?

5 A. No.

6 Q. Do you know what was the purpose
7 of this e-mail was?

8 A. They're asking for a price to
9 form additional work.

10 Q. Do you know if that additional
11 work was ever ordered?

12 A. I would say it was not ordered.

13 Q. Okay. One of the -- can we take
14 a two-minute break.

15 A. No problem.

16 Q. Okay. Great, just two minutes.
17 Thank you.

18 (Whereupon, a discussion was
19 held off the record.)

20 Q. Okay. I'm back on. I'm sharing
21 again what we previously showed you as
22 27 and you identified as a document
23 that came from your office as part of
24 the subpoena and we talked about this
25 e-mail that you testified you

1 E. SENOR
2 transcribed -- had transcribed about
3 the feet. On top of that, there's
4 another e-mail, and it's from
5 casalarroca@aol.com, it's sent
6 Wednesday July 20th, 2016, to
7 info@gabrielesenor. "Good morning,
8 Kathy and Elliott. We spoke with our
9 attorney as mentioned on our
10 conversation over the phone, and she
11 would like to set up a meeting for
12 August 3rd at it 10:30 a.m. at Fifth
13 Avenue to discuss and look over our
14 copies and what you have. Please let
15 me know if this will work with you, as
16 I do need to confirm with her. She
17 will be going on vacation week after
18 and would to at least meet before she
19 leaves," and it's signed "Thanks,
20 Maria," do you recall receiving that
21 e-mail, Mr. Senor?

22 A. Not necessarily, I mean -- I
23 don't recall -- I see that it says
24 "Sent to the office," but I don't
25 necessarily remember seven years ago or

1 E. SENOR

2 whatever.

3 Q. Does that refresh your
4 recollection as to whether or not you
5 had a conversation with the LaRoccas
6 after 2009, about this property?

7 A. Well, like I said, I know that I
8 met them at some point. Maybe my
9 recollection of the timing of the
10 meeting is a little off. I thought it
11 was shortly after the stakeout, but
12 maybe it was later in time.

13 I can't say, I know I went down
14 there, but I don't know, I don't know
15 if I could look back at our calendar
16 even that long ago.

17 Q. Do you know if there was an
18 attorney present when you were speaking
19 with the LaRoccas?

20 A. I don't remember an attorney
21 being present when I was there.

22 Q. Do you recall ever speaking with
23 an attorney of the LaRoccas about 436?

24 A. I don't recall.

25 Q. Do you know if anybody from your

1 E. SENOR

2 office did that?

3 A. I don't know.

4 Q. Do you recall the substance of
5 any conversation you had in 2016 with
6 them?

7 A. No.

8 Q. One moment. I think I'm done.
9 I have no further questions.

10 EXAMINATION BY

11 MS. ZALANTIS:

12 MS. ZALANTIS: I just have a
13 few questions.

14 A. Can I just clarify -- never
15 mind.

16 MR. MENDELSON: You're free
17 to clarify anything.

18 THE WITNESS: About the
19 timing of when I met on the site.
20 At this point, I remember I
21 pulled into the driveway next
22 door, and called from my car to
23 see where they were and I was at
24 the wrong address, and I backed
25 into something and broke my

1 E. SENOR
2 taillight when I was coming out
3 of the driveway, and the
4 taillight is on my current
5 vehicle which is a 2011 car, so I
6 would say that it was originally
7 in 2009 when I met with them. It
8 had to be after 2011, but as far
9 as 2016, I couldn't tell you.

10 MR. MENDELSON: Off the
11 record.

12 (Whereupon, a discussion was
13 held off the record.)

14 MR. MENDELSON: Thank you
15 for that clarification.

16 THE WITNESS: I was pissed
17 off that I backed into something,
18 you know.

19 MS. ZALANTIS: Sorry, I was
20 just saying that I have a few
21 questions, and, Scott, would you
22 be so kind to assist with pulling
23 up that first batch of documents
24 you showed?

25 MR. MENDELSON: Yeah,

1 E. SENOR

2 what --

3 MS. ZALANTIS: The 13-page
4 document.

5 MR. MENDELSON: I think we
6 marked that as Plaintiff's 1, so
7 you'll tell me if it's the right
8 one.

9 MS. ZALANTIS: Correct,
10 thank you.

11 MR. MENDELSON: Yep. One
12 second. This one?

13 MS. ZALANTIS: Yes. Thank
14 you.

15 Q. Before we start. Good morning,
16 Kathy Zalantis, from Silverberg and
17 Zalantis. I represent the Defendants,
18 the LaRocca entities in this
19 litigation. Everything that Scott said
20 goes equally for what I'm going to ask
21 you and, again, I'll just be very
22 brief.

23 MS. ZALANTIS: If you can go
24 to page 10 of this document.

25 MR. MENDELSON: Sure.

1 E. SENOR

2 Q. Would this particular page of
3 this document have been shared with
4 clients or, in particular, my clients?

5 A. Not necessarily, no.

6 MS. ZALANTIS: And if you
7 can go back a few pages to
8 page 6, please -- I'm sorry, not
9 page 6, page 8.

10 Q. Would this document have been --
11 page 8 of 13 has been shared with the
12 clients?

13 A. Yes.

14 Q. Is there any way from this
15 document, and I'm referring to page 8
16 of 13, that you could tell the distance
17 from 436 East Street property line, to
18 any point in East Street?

19 A. Repeat that.

20 Q. Is there any way to tell by
21 looking at this document, the distance
22 from 436 East Street property line, to
23 any point in East Street?

24 A. Well, it shows that the property
25 line is dividing East Street from the

1 E. SENOR

2 property, so it's the line.

3 Q. Okay. So is there anything on
4 this document that shows the fence is
5 10 feet outside of the property?

6 A. No, except for physically going,
7 standing on the line and seeing where
8 everything is located.

9 Q. Right, but I'm asking about this
10 document in particular, is there any
11 way --

12 A. No, it's not a survey, it
13 doesn't show physical information.

14 Q. Okay. So what it's potentially
15 showing is that the -- where you marked
16 the marking on Fifth Avenue, is four
17 feet away from the corner property
18 line; is that correct?

19 A. Yes.

20 Q. And on the other side, it shows
21 that it's one foot away?

22 A. Correct.

23 Q. Is there any markings that show
24 any points on East Street extending
25 from the property line?

1 E. SENOR

2 A. No.

3 Q. I withdraw that, that's not
4 clear. Can you tell just from looking
5 at this document if there's any part of
6 the property line -- any part of the
7 property that extends onto East Street?

8 A. This doesn't show any physical
9 improvements to the property.

10 Q. And there's no way from looking
11 at this document, page 8 of 13, to see
12 whether any portion of the property is
13 physically on East Street; is that
14 correct?

15 MR. MENDELSON: Objection.

16 Q. You can answer.

17 A. No, the whole point of this
18 document is to show physically a sketch
19 of where the points are. The reason
20 for the staking at the points is so
21 that everything on one side or the
22 other is inside or outside the
23 property.

24 Q. Okay. So in that e-mail that
25 you read before, you said that you

1 E. SENOR
2 dictated that the fence is 10 feet
3 outside of the property line, you
4 couldn't tell -- you couldn't come up
5 with this information -- that
6 information by looking solely at this
7 document, page 8 of 13; is that
8 correct?

9 A. That's correct.

10 Q. Are you familiar with
11 subdivision maps?

12 A. Yes.

13 Q. Are you familiar that some
14 subdivision maps depict streets as part
15 of the subdivision map?

16 A. Yes.

17 Q. Do you know what a "paper
18 street" is?

19 MR. MENDELSON: I'm going
20 to object to this line of
21 questioning. You can answer.

22 A. A "paper street" is a street
23 that it unapproved, generally.

24 Q. When you first started
25 testifying, you referred to East Street

1 E. SENOR

2 as a right of way, why?

3 A. All streets are right of ways as
4 I know.

5 Q. Do you recall a meeting at the
6 property in August of 2016 in which you
7 met with Flavio LaRocca and myself?

8 A. I remember being at the site at
9 some point, yes.

10 Q. Was the purpose of that meeting
11 to point out the marking that you had
12 done for the LaRoccas?

13 A. Yes, I don't remember who it was
14 -- like I said before, who it was with,
15 I guess -- you say it was with you,
16 then I would say okay.

17 Q. But you don't recall that,
18 independently?

19 A. I don't recall.

20 Q. And when you previously said you
21 were there in 2009, it could have
22 actually been in 2016?

23 A. Yeah, because of my recollection
24 of my taillight.

25 MS. ZALANTIS: Could we just

1 E. SENOR

2 scroll through this batch of
3 documents?

4 Q. Aside from page 8 of 13, are
5 there any other of these documents that
6 would have been shared with the
7 clients?

8 A. Certainly with (inaudible) Dill
9 --

10 Q. The invoice?

11 A. The invoice. I'm not sure where
12 I got the other information, it was in
13 our file, but some of it is our
14 creation. The only thing that we would
15 have sent would have been the bill and
16 the stakeout sketch.

17 Q. Okay. So of the documents that
18 you prepared, your office, the only
19 thing that would have been shared with
20 the client is the bill and the stakeout
21 sketch; is that correct?

22 A. Yes.

23 Q. Okay. I have nothing further.

24 MR. MENDELSON: I don't
25 have anything further either.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

E. SENOR

(Time noted: 11:44 a.m.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INSTRUCTIONS TO WITNESS

Please read your deposition over carefully and make any necessary corrections. You should state the reason in the appropriate space on the errata sheet for any corrections that are made.

After doing so, please sign the errata sheet and date it.

You are signing same subject to the changes you have noted on the errata sheet, which will be attached to your deposition.

It is imperative that you return the original errata sheet to the deposing attorney within thirty (30) days of receipt of the deposition transcript by you. If you fail to do so, the deposition transcript may be deemed to be accurate and may be used in court.

1

2

- - - - -

E R R A T A

3

- - - - -

4

PAGE LINE CHANGE

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A C K N O W L E D G E M E N T

STATE OF NEW YORK)

:SS

COUNTY OF _____)

I, ELIOT SENOR, hereby certify that I have read the transcript of my testimony taken under oath on March 29, 2021, that the transcript is a true, complete and correct record of what was asked, answered and said during my testimony under oath, and that the answers on the record as given by me are true and correct, except for the corrections or changes in form or substance, if any, noted in the attached Errata Sheet.

ELIOT SENOR

Signed and subscribed to
before me, this ____ day
of _____, _____.

Notary Public

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X O F W I T N E S S E S

WITNESS: ELIOT SENOR

EXAMINATION BY	PAGE
MR. MENDELSON	6
MS. ZALANTIS	77

I N D E X O F E X H I B I T S

EXHIBIT	DESCRIPTION	PAGE
1	Subpoena	8
2	Document	27

PAGE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

I, CHRISTA M. MILOSCIA, a shorthand reporter and Notary Public within and for the State of New York, do hereby certify:

That the Witness(es) whose testimony is hereinbefore set forth was duly sworn by me, and the foregoing transcript is a true record of the testimony given by such Witness(es).

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Christa Miloscia



Christa M. Miloscia, a Court Reporter and Notary Public
Date:

	LAWYER'S NOTES	
	PAGE/LINE	NOTE
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

A	AGREED 3:3	19:23 20:6,7	36:13,20,25	business 7:5
a.k.a 1:8	aide 35:20	assume 17:18	37:25 38:10	14:12,14
a.m 1:11 75:12	al 7:3	29:19 70:11	59:17 60:24	C
86:2	amount 31:22	72:11	baseline 40:6,25	c 2:2 3:8 89:2
able 8:2 27:8	and/or 3:8 37:13	attached 66:23	basically 52:13	91:2,2
28:9 35:11,24	angle 50:10	69:18 71:14	basis 3:22 4:15	C.P.L.R 5:19
36:13,20 37:2	angles 51:14	87:13 89:15	batch 78:23 85:2	Calabry 45:9
37:15 39:3	answer 3:11,18	attaching 70:10	beginning 62:13	calculation 54:14
59:17 69:25	4:4,12,13,14,16	attendance 3:25	behalf 5:16	calculations 51:7
73:4	10:25 11:12	attorney 3:20	believe 7:4 60:8	64:15
above-entitled	32:3 63:19	4:11,20 5:16,23	65:20	calendar 76:15
1:14	82:16 83:21	11:25 12:2 14:3	benefit 24:25	call 11:24 73:25
abut 40:11	answered 4:9,25	75:9 76:18,20	better 35:14	called 29:6 30:18
abuts 31:5	89:10	76:23 87:15	big 32:6	36:24 77:22
accepting 49:22	answers 89:12	attorneys 2:3,7	bill 27:12 31:20	calls 12:7
accommodate	anybody 11:15	3:4	32:11 85:15,20	car 77:22 78:5
10:22	29:22 64:19	August 29:19	billed 32:14 35:3	carefully 87:5
accompanied	65:25 70:19	73:19 75:12	bit 8:6,16 45:18	Carpenter 69:2,4
4:14	76:25	84:6	blood 91:11	69:10,13 70:7
accomplish 17:6	apply 3:14 17:10	available 12:9	Board 17:12	Casalarocca
18:10	18:13	Avenue 2:4 6:18	border 45:6 59:2	71:16
account 68:3	apprentice 38:25	7:6 9:25 12:14	bottom 10:10	casalarocca@a...
accurate 28:17	appropriate 3:14	28:7 29:2 40:10	44:2 46:17 48:2	66:19 71:19
43:23 64:14	87:6	48:3,4,8,14,16	52:14 55:14,22	73:18
72:15 87:19	approve 43:11	66:22 73:12,21	56:4 66:15	casalarocca@a...
accurately 45:6	approximately	73:24 75:13	71:11	75:5
action 1:14 5:10	9:8 21:15,24	81:16	boundaries 25:14	case 6:23 25:6,12
6:25 28:3 91:11	22:17 55:16	aware 45:25 46:3	25:15 60:13	28:20 40:24
active 18:5,6	62:12 71:23	65:3,6,7,9	boundary 24:16	cause 4:9
actual 45:21	72:18	B	24:19 27:2	CC 40:19
additional 9:13	April 69:4	b 3:8 90:6	33:11 36:14	Central 6:18
12:18,22,23	area 31:4 48:10	Bachelor 16:18	38:18 44:17	9:25
53:17 67:13	Article 3:15	back 24:9 31:7	45:24 46:11	certain 7:5 20:21
73:13 74:9,10	ASAP 67:4	35:6 41:18	49:9,13,15	certainly 31:13
address 6:16	ascertain 24:7	42:11 69:19	54:12 56:22	85:8
68:20 69:15	Aside 85:4	71:15 74:20	57:11 58:8,11	certification 5:20
71:16 77:24	asked 89:10	76:15 80:7	59:9,14,20 60:4	17:24,25 18:4
addresses 67:8	asking 11:11	backed 77:24	64:5,16,22	certify 89:6 91:5
adjacent 23:23	74:8 81:9	78:17	65:24	91:10
45:8,16 48:18	asks 24:12	bad 35:17	break 11:3 74:14	chain-link 37:6
advise 67:3	aspects 19:2	bar 5:8	breaks 10:23	37:11 38:19
against- 1:7	assist 78:22	Barbender 57:18	bridal 48:9	56:8,18,21 57:8
agency 17:23	Association	base 32:8	brief 79:22	CHANGE 88:4
ago 75:25 76:16	19:25 20:8,10	based 30:20 31:3	broke 77:25	changes 87:12
agree 49:25	20:11,12,14,14	32:22 35:23	building 45:11	89:14
	associations		45:12,13	

charge 5:25 32:8	company's 72:24	57:20	16:24 18:4,6,18	deposing 87:15
chosen 34:16	complaints 63:22	corner 24:11	39:19	deposition 3:9,11
Christa 1:15 91:3	complete 4:18	34:20,24,25	cursor 9:22 33:9	3:12,17 4:5,19
91:24	31:21 53:10	37:19 41:3	55:22 58:17	4:21 7:8,22
circle 33:10	89:9	46:13,14 47:20	cut 32:9 40:7,21	11:22 12:3,10
city 1:4 6:23 7:2	compliance 3:5	48:2,6,15 49:4	cuts 26:17	14:2,7 66:10,10
65:4,15 67:3	computations	81:17		87:4,13,17,18
69:11 72:13	24:7	corners 24:11	D	depositions 21:8
Civil 20:11	concerned 43:25	25:5,9 41:5	d 3:8 89:2 90:2,6	21:18,23
clarification	conclusion 43:18	42:22 45:11,12	dark 42:14	describe 41:13
78:15	conclusions	45:13,14 51:22	data 33:20 34:11	described 26:5
clarify 77:14,17	43:12,14	53:14 54:4,6	34:13,18	58:25 59:5
clear 3:20 4:15	concrete 26:23	64:8,13	date 8:12 10:3,16	describing 60:4
11:12 82:4	CONFERENCE	correct 7:14 79:9	27:7 33:18 34:5	DESCRIPTION
clearly 5:5 63:22	1:13	81:18,22 82:14	38:18 39:8 47:6	90:7
client 24:11 25:8	confidentiality	83:8,9 85:21	62:10 68:8 69:3	determine 24:16
43:11 49:22	4:6	89:9,13	87:10 91:25	35:11 36:21
85:20	confirm 75:16	corrections 87:5	dated 10:7 27:22	37:2,16
clients 15:20 80:4	consent 4:22 7:18	87:7 89:13	69:4	determined
80:4,12 85:7	7:21	corresponds 69:3	day 89:21	36:15
collect 24:2,4	construction	costs 31:23	days 18:14 87:16	determining 4:24
33:20,21	41:16,20	counsel 5:24	December 39:9	dictated 72:21
collected 40:5	contact 72:2	28:23	deed 16:6 24:8	83:2
43:18 50:10	continue 7:16	County 1:2 22:14	60:3 66:21,25	difference 38:21
52:9	continues 37:23	23:25 89:5	deeds 23:21	different 25:3
collection 45:7	continuing 17:21	couple 18:14	deemed 5:17	Dill 85:8
college 16:13,14	18:17	57:6 69:5	87:18	dimension 56:11
16:17	controlled 5:19	course 3:24	defect 3:21	dimensions 45:12
column 40:19	conversation	court 1:2 4:8	Defendant 2:3,7	47:21,22 59:21
come 43:18 45:4	12:21 13:25	11:3 22:15	Defendants 1:9	direct 4:11
83:4	62:2 64:2 65:2	87:19 91:24	79:17	direction 4:14
coming 78:2	72:8 75:10 76:5	courts 3:6 22:9	Defense 28:23	discuss 63:4
comments 4:2	77:5	CPLR 3:15,23	defining 37:7	75:13
communicating	conversations	4:12	degree 16:16	discussed 12:6
4:21	14:8 65:23 66:4	create 29:16	Department	20:17 62:22
communication	conveyance 61:6	created 15:9	16:12 18:2,24	discussing 36:22
4:23 5:3	conveyed 61:4	29:18 42:24	depends 32:5	discussion 74:18
communications	coordinate 40:4	54:24	61:13	78:12
12:18	41:3,5 44:12,13	creating 35:2	depict 25:15,16	distance 38:17
company 14:15	44:14,16	creation 85:14	37:10 42:19	80:16,21
15:2,4,6,13,14	coordinates	crew 24:3 50:16	83:14	distances 25:24
15:18 19:3	44:11 53:9,11	cross 26:17 40:7	depicted 58:12	50:10 51:15
23:12,13,15	53:20 55:6	40:21	depiction 28:17	56:21
27:19 40:16	copies 28:12	current 18:3	51:21	dividing 48:22,25
47:13 66:5 67:2	75:14	23:13 78:4	deponent 3:19	80:25
70:19	copy 5:25 6:10	currently 11:19	4:4,11,16,22	division 49:10,12

58:17	15:1 16:1 17:1	37:11,17,18,20	15:13	18:13 52:13
document 8:7	18:1 19:1 20:1	37:22 38:3,3,4	enclosed 41:16	expert 21:21 22:2
27:5,9 28:15,19	21:1 22:1 23:1	38:4,7,13,14,14	42:14	22:7,10,18
29:13 32:17	24:1 25:1 26:1	38:14 40:10	encloses 41:20	26:25
33:2,5 35:19,23	27:1,20 28:1	41:24 44:3	enclosing 59:5	expertise 22:24
36:14 39:11,25	29:1 30:1 31:1	48:16,19,22	encroaching 37:3	37:25 38:10
42:24 44:3	32:1 33:1 34:1	49:2,11,16	38:7 63:13 65:5	extending 81:24
50:14 51:6	35:1 36:1 37:1	55:19 56:23	encroachment	extends 82:7
54:25 67:13,14	38:1 39:1 40:1	57:10 58:18	37:8	extension 47:16
67:15,20 68:15	41:1 42:1 43:1	59:8,14,19 61:3	enforce 4:7	47:17,19 53:10
68:17 69:24	44:1 45:1 46:1	63:14 64:6,16	engineer 17:3	extensions 47:23
70:25 71:7 73:5	47:1 48:1 49:1	64:22 65:5	18:9,11,19 19:4	extent 3:23 72:17
73:13 74:22	50:1 51:1 52:1	80:17,18,22,23	19:17	
79:4,24 80:3,10	53:1 54:1 55:1	80:25 81:24	engineering	F
80:15,21 81:4	56:1 57:1 58:1	82:7,13 83:25	15:21 16:19	F 1:8 90:2,6 91:2
81:10 82:5,11	59:1 60:1 61:1	eastern 44:17	19:11,11,14	fail 87:17
82:18 83:7 90:9	62:1 63:1 64:1	46:10 54:11	20:3,22 23:3,8	failure 5:6,14
documentation	65:1 66:1 67:1	eastern-most	engineers 14:19	fair 11:13 25:13
31:13	68:1,6 69:1	45:24 54:5	20:9,10,12	27:17 28:16
documents 9:8	70:1 71:1,3	56:22 59:2,9	entire 21:3 24:13	34:2 40:13
9:10 12:18 13:4	72:1 73:1 74:1	64:5 65:24	entities 79:18	44:15 48:17
13:7,9,11 28:10	75:1 76:1 77:1	eastside 30:25	entitled 7:2	52:16 57:7
28:11,17 30:20	78:1 79:1 80:1	education 16:8	envelope 9:6	60:25 62:11
32:22 70:3,8	81:1 82:1 83:1	16:11,21 17:8	equally 79:20	64:17 73:12
78:23 85:3,5,17	84:1 85:1 86:1	17:14,20,21	equipment 25:22	familiar 28:24
doing 26:7 32:7	88:2 89:2,2,2	18:12,17,25	26:3 51:14	29:4 30:2 36:3
34:13 55:9 87:9	90:2,2,2,6,6	eight 55:18	errata 87:7,10,12	83:10,13
Donald 45:9	91:2,2	Eileen 68:6,18	87:15 89:15	far 20:23 37:7
door 77:22	e-mail 61:13,14	71:3	error 3:22	39:23 43:25
dozen 21:16 22:3	66:16 67:8,9	eileen@gabriel...	ESQ 2:5,8	55:2 59:18 78:8
draw 24:22	68:20,22 69:15	73:9	et 7:3	fax 61:14
drawing 33:12	70:12,20 71:12	either 26:16 30:7	event 5:3	February 10:7
36:25 42:18	71:14,17,21	30:12,14 61:18	exact 22:19	fee 32:8
drawn 34:3	72:15,22 73:17	85:25	exam 17:19	feet 36:24 37:13
43:13,14	74:4,7,25 75:4	Eliot 1:13 6:15	examination 1:13	38:6 46:17 48:6
DRC 45:8	75:21 82:24	9:24 73:10 89:6	3:24 5:8,12,15	48:8,12,13
driveway 77:21	e-mailed 27:25	89:18 90:3	5:16,21,25 6:7	55:16,18,19
78:3	61:15	Elliot 8:25	77:10 90:4	56:9,12,18,19
dry 32:9	e-mails 12:2	Elliott 75:8	examined 5:13	57:10 64:4,11
duly 6:3 91:7	e-signed 67:6	Elser 2:3 6:22	5:24 6:5	64:15 71:23
E	earlier 47:24	11:25 12:3,12	examining 4:17	72:19,19 75:3
E 2:2,2 6:1,2,2	57:3 60:21	14:4 28:18	excuse 44:25	81:5,17 83:2
7:1 8:1 9:1 10:1	66:24	65:10	exhibit 8:8,11	fence 34:17 37:6
11:1 12:1 13:1	earth 24:8	employee 46:25	10:6 27:6 90:7	37:11 38:20
14:1,15,18,22	east 31:10 32:19	50:21 52:25	expensive 31:25	56:8,18,21 57:8
	36:22,24 37:4	employees 15:11	experience 17:10	63:23,24 71:22

72:9,16 81:4 83:2 field 13:15 20:22 24:3,6 25:10 42:5,6,21 50:9 50:15 51:20 52:9 53:13 71:25 Fifth 7:6 28:7,25 40:9 48:3,4,8 48:13,16 66:22 73:11,21,23 75:12 81:16 figure 50:19 file 9:6 13:11 28:12 33:25 34:10 40:4 45:10 85:13 filed 35:3 files 28:5 30:21 filing 5:20 find 23:21 34:23 35:8 46:3 66:23 66:24 findings 55:11 61:2 65:16 67:4 finish 11:11 Fire 20:12 first 6:3 23:19 70:25 78:23 83:24 five 39:10 Flavio 1:8,8 7:3 30:3 32:15 49:23 62:19 65:21 66:18 69:17,19 84:7 flush 26:14 FMLR 1:9 32:15 61:19 64:20 follow 38:5,15 follows 6:6 foot 46:15 48:18 48:20 49:3 81:21 foregoing 91:8	form 3:21 74:9 89:14 forth 4:7,25 91:7 found 12:23 23:24 53:16 55:9 56:7 four 46:17 48:6,8 48:12,13 55:16 55:18 81:16 four-page 69:24 framed 3:18 free 11:2 77:16 front 68:19 72:6 further 66:4 77:9 85:23,25 91:10 <hr/> G G 89:2 Gabriel 8:24 14:15,18,21 27:20 45:23 68:6 71:3 garage 45:14,15 45:22 51:23 GARCAL 45:20 45:21 gate 37:5,10,16 37:22 38:5,6,15 38:19,20 41:16 41:19,22 59:5,8 59:13,19 63:11 63:12 64:3,10 64:15,21 gates 64:9 gathering 34:12 general 14:17 51:24 67:10 generally 15:25 26:13 38:22 41:13 48:10 60:12 62:24 83:23 getting 68:21 give 10:13 20:4 given 3:12 89:12 91:9	go 13:2,3 23:19 24:9 31:15 35:6 39:2,24 42:2 46:5 48:2 51:2 52:11 57:13 62:24 66:15 79:23 80:7 goes 41:24 50:12 79:20 going 6:24 7:7,15 7:25 8:5,7 11:10 15:12,23 27:4 28:4 30:8 31:15 32:25 39:24 41:18 42:2 46:5 50:5 57:13 59:22 66:7,8,15 67:19 70:22,25 71:11 72:12,14 73:2 75:17 79:20 81:6 83:19 Good 6:20 75:7 79:15 government 18:22 graduate 16:13 Great 74:16 grey 28:4 ground 10:18 16:5 26:14 40:22 grounds 4:25 guess 9:15,16 10:14 22:12 23:3 27:14 32:15 40:5 41:11 46:4,11 54:20 63:8 72:10 84:15 <hr/> H H 90:6 half 53:20 55:18 56:9,12,18,19 hand-drawn 55:5	hand-write 54:22 handwriting 55:4 handwritten 54:15 55:2 happened 36:7 happy 8:16 hard 8:16 32:3 34:6 Hartsdale 6:19 head 11:6,7 hear 63:17 heard 36:5 heavy 36:17 58:13,16,19,24 held 1:14 74:19 78:13 hereinbefore 91:7 Hi 73:21 highest 14:25 hired 21:21,25 44:24 house 51:22 <hr/> I identification 8:12 27:7 identified 74:22 identify 27:9 28:9 36:13 ii 4:6 iii 4:8 imperative 87:14 important 54:8 improper 4:9 improvement 24:23 improvements 82:9 inaudible 25:24 31:2 73:20 85:8 inches 57:6 64:21 64:25 include 3:20 included 69:8 includes 36:18	42:9 independently 84:18 Index 1:5 indicated 71:24 indicating 48:5 individuals 30:3 30:7 52:11 info 66:21,23 info@gabrieles... 69:16 75:7 info@gabrieles... 67:10 info@gabrieles... 66:20 71:18 information 12:22,24 24:2,4 24:6 27:13 28:5 33:24 34:15,16 35:8 40:5,8 43:17 51:24 52:8 53:15,18 61:7,8 81:13 83:5,6 85:12 informed 72:11 inhouse 23:20 initial 12:16,24 initials 50:16 inside 82:22 instances 24:14 INSTRUCTIO... 87:2 interested 91:12 interfere 4:2 interpretation 72:23 interpreting 38:11 interrupt 4:20 invoice 85:10,11 involve 23:4 IPM 71:20 iron 26:17 Irpoly 36:2,4 irregularity 3:22 is's 48:25
---	--	---	---	---

issue 72:9	74:6,10 75:15	17:2,4,7,14	44:19 60:22	43:19 46:10
issued 18:22	76:7,13,14,14	19:9,10,12,19	64:12	marked 8:11,14
issues 17:23	76:17,25 77:3	36:12 39:21	long 15:6 18:15	27:6 44:21 66:9
items 16:4 25:3	78:18 83:17	47:2	76:16	69:23 70:23
<hr/>	84:4	licenses 16:11,23	look 9:17 52:6	73:3 79:6 81:15
J	knowledge 31:4	20:16,18	67:17 75:13	marker 34:24
<hr/>	<hr/>	Licensing 17:12	76:15	markers 47:15
January 9:8	L	lift 44:13	looked 39:11	marking 26:12
27:22 68:8 71:4	L 3:2 6:2 56:2	limitation 4:7	looking 8:18	26:18 33:25
73:10	89:2	line 26:12 34:15	27:18 35:16	45:24 49:10
job 27:12 29:5,8	land 14:19 15:25	36:17 37:12	80:21 82:4,10	55:10,12 81:16
29:15,16,17,22	16:3,25 17:5,7	38:18,24 40:8	83:6	84:11
31:23 32:14,18	17:14,17 19:4	41:4 43:24	looks 33:18 34:6	markings 46:2
32:20 42:15	19:16,18,21	46:10,11,18	34:17 37:21	49:8 81:23
43:8,21 54:10	20:2,15,22 21:2	47:16,19,23	40:6 45:16	marks 24:10 41:2
July 66:19 68:22	21:12 23:2,7,9	48:21,25 49:9	55:25	marriage 91:12
70:12,15 71:13	36:11 39:19	49:11,12,13,15	lot 32:19,23 33:2	matter 91:13
71:17,19 75:6	47:2	55:10,12 56:10	36:15,16,19	mean 8:23 20:23
<hr/>	LaRocca 1:8,8,8	56:12,14,15,23	48:16	21:21 31:11
K	1:8 7:3 30:3,4	57:11 58:13,16	lower 42:8,13	34:5 37:7 44:9
K 89:2	32:16 49:23	58:17,19,24	<hr/>	47:10,17 48:11
K.A 50:17,18,19	66:13,18 67:7	59:9,14,20	M	48:21 50:2 52:5
52:17,23	69:17 70:9,15	64:17,22 65:24	M 1:15 89:2 91:3	52:8 72:10
KATHERINE	74:3 79:18 84:7	71:24 72:8,16	91:24	75:22
2:8	LaRocca's 61:11	72:20 80:17,22	machines 25:19	means 17:18
Kathy 7:17 72:3	61:18	80:25 81:2,7,18	Magna 1:17	measure 45:6
72:4,5,22 75:8	LaRoccas 30:14	81:25 82:6 83:3	mailbox 67:11	51:14
79:16	61:4 63:6 64:20	83:20 88:4	man 46:24	measurement
Kathy's 72:15	65:20 66:5 76:5	lines 16:6 24:8,17	Management 1:9	16:4 43:23 52:7
keep 17:22 22:4	76:19,23 84:12	24:19,24 25:8	61:19 64:20	measurements
kind 34:22 78:22	lastly 11:9 73:2	27:2 33:11	Manhattan 16:14	37:17 38:23
knew 36:8,8,10	latest 67:2 69:8	36:14 42:14	16:17	40:14,14 43:4,7
know 8:20 9:16	LAWYER'S	43:20 58:8,11	map 24:22 36:18	43:12,16,22
10:21 11:9	92:2	64:6	60:21 69:13	45:5 50:23
13:14 22:3,19	leading 31:7	litigation 79:19	83:15	51:10,11 52:4
23:22 30:11,22	leads 66:17	little 35:14 45:18	maps 23:21,24	52:12,17,20
31:5,12 33:14	leaves 75:19	76:10	83:11,14	56:25 57:2
36:9 39:14,23	left 32:11 34:20	LLC 1:9 61:19	March 1:11 10:3	measuring 25:24
42:23 43:2,15	37:20 44:6	local 20:3,7	89:8	meet 65:15 67:4
43:15 45:8	Legal 1:17	located 7:6 12:19	Maria 1:8 30:4	75:18
46:20 50:18	let's 8:22 17:4	28:3,25 45:13	66:13,18 67:6	meeting 62:5,7
52:6 54:24 55:3	66:7	59:8,13 81:8	69:16,17,19,19	62:17,23 63:10
57:24 60:9	license 17:16	location 45:22	70:9 71:22 74:3	65:13,19 66:3
61:10,13,15	18:3,6,14,16,18	62:3 63:9,21	75:20	75:11 76:10
62:18 63:5 64:7	18:23 19:5,7	64:8	mark 8:7 26:19	84:5,10
70:14,18 72:7	licensed 16:10,25	locations 34:17	30:25 42:21	member 19:22
72:13,18 73:22				

19:24 Mendelsohn 1:14 2:5 6:8,21 7:17 29:10 66:12 77:16 78:10,14 78:25 79:5,11 79:25 82:15 83:19 85:24 90:5 mentioned 75:9 message 73:17 met 61:22 76:8 77:19 78:7 84:7 middle 33:11 Miloscia 1:15 91:3,24 mind 77:15 minute 60:5 minutes 74:16 missed 58:15 moment 77:8 months 69:5 monument 34:21 34:23 35:9 40:7 monumentation 23:23 monuments 35:5 35:7 morning 6:20 75:7 79:15 motion 5:9 move 5:7 52:25 multiple 9:3	necessarily 24:12 29:25 30:16,24 32:4,7 34:24 41:2 48:11,24 61:12 62:21 64:9 65:2 68:23 75:22,25 80:5 necessary 87:5 need 8:15 10:23 11:3 24:21 27:10 45:5 75:16 neighboring 48:18,24 never 64:24 77:14 New 1:2,4,16 2:4 2:8 6:5,19,24 7:2 17:25 18:24 19:24 20:9,11 20:14 28:7 29:2 36:12 39:22 65:4 66:22 67:3 69:9,11 73:24 73:24 89:3 91:5 nods 11:6 non-party 1:13 north 6:18 9:25 48:9,12 Notary 1:15 5:14 6:4 89:25 91:4 91:24 NOTE 92:2 noted 3:10 86:2 87:12 89:14 notes 13:15 50:9 92:2 notice 28:24 November 35:15 NTS 47:9 number 22:5,19 36:6 38:3,6 72:3 74:2 numbers 38:12 38:17 50:13 51:4,8 60:23	<hr/> O O 3:2 6:2,2 89:2 90:2,6 oath 89:8,11 object 5:6 83:20 objected 63:19 objection 3:16 5:9 38:8 63:15 82:15 objections 3:9,13 occupation 39:18 October 62:14 office 9:4 11:18 12:19 23:25 24:3 26:2 42:25 51:25 61:16 67:15 68:19 71:8,15 72:2,6 73:14 74:23 75:24 77:2 85:18 officer 3:10 officials 65:16 okay 7:9 13:13 27:17 32:10,17 41:6,9 45:19 46:19 56:6 66:7 67:19 68:4,21 68:24 69:7 70:22 73:2,16 74:13,16,20 81:3,14 82:24 84:16 85:17,23 one-foot 55:15 ongoing 17:20 operating 39:20 order 4:7 27:12 29:8,15 32:20 ordered 74:11,12 orders 15:20 organization 18:21 original 5:15,21 13:17 35:4,13 35:14 66:25	71:25 73:17 87:15 originally 15:8 30:17 78:6 outcome 91:13 outlines 58:13 Outlook 68:3 outside 36:18 46:15 55:16 71:23 81:5 82:22 83:3	<hr/> P P 2:2,2 3:2 P.C 14:16,18,22 15:9,12 27:20 68:6 71:3 page 8:6 9:18 10:6 27:18 29:11 31:15,17 32:12,21,25 33:16 35:11 38:16 39:2,10 39:24 41:18 42:2 44:2,10 46:5,15 48:12 49:18 50:5,24 51:3,5,6,8 52:2 52:4 53:6,21 55:14 56:11 57:4,13 59:22 60:16,25 66:15 66:16,17 79:24 80:2,8,9,9,11 80:15 82:11 83:7 85:4 88:4 90:4,7,10 PAGE/LINE 92:2 pages 53:12 80:7 Pahel 46:22,23 paid 27:12 31:20 31:24 paper 83:17,22 papers 8:18,19 park 31:8	part 18:22 19:21 20:6 23:9 53:8 53:20 54:16 55:22 56:4 58:15 60:12 67:15 68:16 74:23 82:5,6 83:14 particular 16:6 20:25 43:16 46:12 62:10 80:2,4 81:10 Particularly 63:16 parties 3:4,7 4:22 91:11 party 4:17 pass 18:15 passed 17:19 59:14 64:16 pavement 26:20 26:23 PC 8:25 peg 26:13,16 pending 10:25 perform 23:15 43:23 44:24 performed 7:5 28:6,13 29:23 29:25 30:9 40:16 performing 60:10 permitted 3:23 person 3:13 4:10 68:19 personally 29:21 43:2 persons 3:25 phone 11:24 12:7 72:3 74:2 75:10 phonetic 46:22 57:18 phrase 38:9 physical 24:5 38:24 81:13
<hr/> N N 2:2 3:2 6:2 89:2,2 90:2,2,6 N51 45:21 nail 26:20 name 6:13,21 8:21 50:20 67:22 68:2 71:2 73:8 named 30:3 national 20:3,5,8 20:12					

82:8 physically 16:4 24:20,21 26:18 40:21 52:6 81:6 82:13,18 pictures 13:21,24 piece 26:20 55:15 pieces 33:24 pile 45:15 pins 26:17 pissed 78:16 PL 44:7 PL's 41:3 place 1:14 40:22 placed 40:22 47:12 48:17 placement 50:2 plainly 4:8 Plains 2:4,7 22:12 Plaintiff's 8:9,11 8:14 27:6 28:15 29:12 31:16 35:12 39:3 42:3 53:6 66:14 70:24 73:4 79:6 Plaintiffs 1:5 6:23 Plan 44:14 plans 15:22 19:15 please 6:12,14,17 10:20 11:7,10 66:23 67:3 72:2 73:22,25 75:14 80:8 87:4,9 plots 50:13 plotting 42:4,20 51:3 52:2 point 35:6 50:12 51:21 62:4,25 63:3,7 65:7 76:8 77:20 80:18,23 82:17 84:9,11 pointed 64:7	pointing 63:21 points 41:2 44:21 44:23,24 45:4 50:11 51:23 54:19 57:10 63:2 81:24 82:19,20 portion 32:11 82:12 position 14:25 possibly 65:21 post 61:16 post-college 16:21 potentially 81:14 practices 51:13 prejudice 4:10 preparation 13:22 14:6 35:21 prepare 19:7 51:25 prepared 34:21 35:12,25 38:22 46:21 50:14,15 69:11 85:18 presence 24:5 present 60:24 62:16 76:18,21 preserve 4:5 President 14:23 previous 32:21 44:10 50:13 52:24 53:12 54:19,22 66:9 previously 23:12 30:6 69:23 70:23 73:3 74:21 84:20 price 73:22 74:8 print 53:9,11 54:20,21,23 printed 9:16 68:2 prior 11:21 13:10 14:2 21:12 23:22 30:14	34:3,4,8,13 39:12 45:23 49:18,22 60:10 60:19 61:6 65:10 private 48:23 privilege 4:6 probably 35:7 40:24,25 41:4 60:2,19 problem 74:15 proceed 3:12 process 23:18 26:4,5 53:2 processes 23:16 produce 12:11,13 13:5 24:8 25:13 produced 12:20 13:3 producing 12:8 12:16 profession 36:9 professional 17:2 18:8,11,19 19:3 19:13,23,25 20:9,10,15,18 properties 23:23 33:23 property 7:6 13:17,18 14:4,9 16:7 24:13,17 24:20,21,23 25:5,8,17 26:12 28:25 29:7 31:8 32:6 33:22 34:15,25 37:9 38:24 39:7 40:7 41:4,5,14 42:9 42:10,13,13 43:20,21,24 45:16 46:16,18 47:16,19,23 48:7,19,23,25 49:13 54:3,4 55:10,12,17 56:10,12,13,14	58:3,6,14,18 60:3,5,6 67:5 70:6 71:24 72:8 72:16,20 76:6 80:17,22,24 81:2,5,17,25 82:6,7,9,12,23 83:3 84:6 provide 5:23 provided 4:12 5:18 13:8 28:23 67:14 71:8 73:13 provision 3:7 Public 1:16 5:14 6:4 89:25 91:4 91:24 pulled 77:21 pulling 78:22 purported 58:2 purpose 4:21,23 24:18 34:12 61:23 70:14 74:6 84:10 purposes 24:15 pursuant 1:15 3:14 10:12 put 24:9 26:17,22 35:4 37:8 47:20 47:25 49:7 53:16 62:4 puts 35:4 putting 33:9 55:22	questions 4:4 6:25 11:8 72:2 73:25 77:9,13 78:21 quite 36:6
				R
				R 2:2 6:2 88:2,2 91:2 R.B 52:16,23,24 Racage 46:22,24 50:16 55:3 raised 3:16 ranks 53:2 RB 50:16 reaching 65:10 70:15 read 28:4 34:6 35:14 39:8 71:13,20 82:25 87:4 89:7 reading 38:11 reads 27:18 42:14 66:22 69:15 73:21 really 26:11 36:7 Realty 1:9 61:19 64:20 reason 5:3 30:22 63:5 82:19 87:6 reasons 21:23 recall 20:5 22:9 29:17,21 30:13 61:17 62:7,16 62:21 68:21 70:17,21 74:4 75:20,23 76:22 76:24 77:4 84:5 84:17,19 receipt 87:16 receive 9:2,7,9,12 received 7:11 10:15 16:17 39:11 68:12,16 69:12 receiving 75:20
				Q
				qualified 22:6,10 22:18,25 26:25 quality 22:23 question 4:8,17 4:24 5:6 10:19 10:22,25 11:2 11:10,11 32:3 57:23 63:2 questioning 3:20 4:3 5:23 83:21

recognize 3:7 8:13 39:4,25 42:3 46:6 50:6 57:14,19 59:23 60:16 67:7,12	25:9,10 64:8 relief 3:14 remainder 4:18 remember 12:21 29:24 30:8,16 31:9 41:15 50:20 57:25 63:20,20,25 64:10,25 65:7 65:12 66:6 75:25 76:20 77:20 84:8,13	responsibilities 15:17 rest 7:8 retained 21:25 return 5:15 87:14 review 13:9,21 15:20 43:3,16 43:17 49:17,19 49:21 52:3 61:7 62:3 reviewed 43:6 Richard 39:9,15 39:17 70:4 right 3:13 4:6,18 7:13 9:11 10:5 10:8,16 16:25 27:12,23 31:7 31:10,14 36:21 37:6,12,21,24 42:10,17 44:8 48:13,20 52:8 55:17,19,20 56:9 63:24 69:14,19,21 79:7 81:9 84:2 84:3 rightmost 40:18 rights 5:18 Road 2:7 Rob 36:2,3 Rochelle 1:4 6:24 7:2 28:7 29:2 65:4 66:22 67:3 69:9,11 73:24	S252931 58:20 sat 17:19 saw 54:19 saying 78:20 says 9:20,24 34:20,21,23 36:23 37:20,22 37:22 40:9,19 44:3,7 45:8,19 47:9,15 48:4 66:17 67:22,25 68:5 69:17 71:2 73:8,17 74:3 75:23 scale 47:9,11 Schedule 60:2 70:5 Science 16:18 Scott 2:5 6:21 78:21 79:19 screen 7:16,25 8:3 9:18 27:4 scroll 8:5 27:10 27:11 85:2 scrolling 69:24 second 79:12 Section 5:2 see 8:2,16,22 9:20,24 10:9 25:8 29:8 31:17 32:10 33:2 34:19 37:5,10 44:4 45:12 47:9 48:3 51:3,16 53:19,22 54:14 63:22 67:22 68:5 69:14,25 71:2,5,12 73:4 73:7,16 75:23 77:23 82:11 seeing 81:7 seen 31:14 36:5 52:5 send 24:3 sending 60:20 Senor 1:13 6:1,15	6:20 7:1,11,21 8:1,2,13,25 9:1 9:2,25 10:1,17 11:1 12:1 13:1 14:1,11,15,18 14:22 15:1,17 16:1,9 17:1 18:1 19:1 20:1 21:1 22:1 23:1 24:1 25:1 26:1 27:1,8,20 28:1 28:24 29:1,14 30:1 31:1 32:1 33:1 34:1 35:1 36:1 37:1 38:1 39:1 40:1 41:1 42:1 43:1 44:1 45:1,23 46:1 47:1 48:1 49:1 50:1 51:1 52:1 53:1 54:1 55:1 56:1 57:1 58:1 59:1 60:1 61:1 62:1 63:1 64:1 65:1 66:1 67:1 68:1,6 69:1 70:1 71:1,3 72:1 73:1,10 74:1 75:1,21 76:1 77:1 78:1 79:1 80:1 81:1 82:1 83:1 84:1 85:1 86:1 89:6 89:18 90:3 sent 9:10 13:12 27:15 28:11,18 28:20 31:21 43:10 61:10,15 66:19 71:4,19 73:9,18 75:5,24 85:15 separately 19:19 September 47:8 62:12,13 Services 1:17 set 4:7,25 27:14
records 12:9,12 12:13 23:21 refer 7:7 15:12 40:20 56:17 reference 40:25 51:23 53:18 54:2,17,18 referenced 41:21 references 44:12 referred 38:13 83:25 referring 13:19 40:23 55:21 56:14,20 57:9 63:13 64:13 70:9 80:15 reflect 32:18 reflected 33:3,7 50:23 57:3,8 reflecting 51:8 refresh 68:11 76:3 refusal 4:13 regard 40:15 regarding 12:14 14:4,9 18:8 28:6 30:22 65:16,23 Register's 23:25 related 91:10 relative 24:22,23	reproduce 16:5 24:19 request 3:19 9:9 10:22 12:25 61:22 requested 30:23 63:6 require 16:11 required 17:21 19:8,9 requires 19:3,6 requisite 17:13 research 23:20 33:21 60:13 researching 50:12 reserved 5:11 respective 3:4 respond 11:7 response 12:12 12:17 13:8 28:19 71:8 73:14	room 11:16 rows 53:22 rule 3:5,8,23,24 4:12 rules 3:6 5:2,18 10:18 runs 58:22 <hr/> S <hr/> S 2:2 3:2,2 6:2 90:2,2,2,6		

40:7,19 53:14 75:11 91:7 seven 75:25 shakes 11:6 share 7:15,25 27:4 shared 80:3,11 85:6,19 sharing 8:8 15:24 74:20 sheet 87:7,10,12 87:15 89:15 shorthand 1:15 91:3 shortly 62:9,14 76:11 show 53:7 54:21 59:4,7 66:8,8 70:22 73:3 81:13,23 82:8 82:18 showed 74:21 78:24 showing 28:16 51:21,24 58:6 69:22 81:15 shown 23:24 47:16,18,22 58:9 59:21 shows 35:2 41:17 55:15 56:8 59:16 80:24 81:4,20 sic 48:9 side 31:5 32:19 37:13,20,24 55:17 61:3 64:5 81:20 82:21 sideways 56:2 sign 15:21 87:9 signature 10:10 49:6 signed 5:12 10:9 19:12 75:19 89:20 significance 45:3	49:8 significant 4:10 54:10 signing 87:11 Silverberg 2:6 79:16 similar 57:2 69:3 sit 17:10 26:14 site 30:8 61:21 62:24 77:19 84:8 sites 20:3 sketch 46:9,21 47:7,11 48:3 49:17,19 51:17 51:20 55:5,8 70:6 71:25 82:18 85:16,21 sketches 13:16 50:2 sliding 37:10,22 38:5,15 41:21 63:12 solely 83:6 somebody 33:17 47:3 63:8 72:5 somewhat 29:3 SONS 1:8,8 sorry 69:20 78:19 80:8 sort 19:4 31:6 34:5 63:2 sound 31:10 south 48:6 space 87:7 speak 11:21 26:21 speaking 29:22 29:24 41:19 76:18,22 special 25:19 specialization 20:24 specialize 20:21 specialized 26:2 specific 22:5	specifically 7:4 25:25 spectrum 21:3 Spinelli 39:9,15 70:5 Spinelli's 39:17 spoke 30:11,13 61:17 66:23 70:18 75:8 spoken 30:6 SS 89:4 stake 24:13,21 25:5 26:9,11,12 26:21,22 40:23 46:14,17 48:5 48:17 staked 25:7 stakeout 13:17 27:16 28:6 29:7 30:9,15,23 32:2 32:9,19 33:25 34:4,13 35:21 41:12 46:9 61:3 61:20 65:17,22 66:25 67:5 70:6 73:11,20,23 76:11 85:16,20 stakes 24:10 32:5 32:8 44:20 46:13 47:12,21 47:25 49:7 50:3 53:17 60:10 63:7 staking 16:2,5 19:20 21:12 23:4,7,9,16 24:9,16,18,25 25:4,12,14 26:7 39:12 58:3 82:20 standing 81:7 stars 53:21 start 17:4 29:16 52:14 79:15 started 83:24 starting 35:6	starts 58:20 66:16 state 1:2,16 6:4 6:13,16 16:11 17:11,25 18:24 19:25 20:13,14 36:12 39:21 87:6 89:3 91:5 stated 3:17 5:4 statement 3:21 4:15 statements 4:2 states 28:5 STIPULATED 3:3 stop 15:23 story 71:15 street 31:10 36:23,24 37:4,6 37:17,18 38:7 40:10 41:24 44:3 48:16,19 48:21,22 49:2 49:11,16 55:19 56:23 57:10 58:18 59:14,19 63:14 64:6,16 64:22 65:5 80:17,18,22,23 80:25 81:24 82:7,13 83:18 83:22,22,25 streets 40:11 83:14 84:3 strike 5:7 style 21:2 57:19 subcategory 19:16 subdivision 4:13 35:3 83:11,14 83:15 subdivisions 3:8 subject 3:12 66:21 73:11,20 87:11 Subpeona 71:9	subpoena 1:15 7:12 8:10 9:4,7 9:13,21 10:13 12:13,17 28:19 67:16 68:17 73:14 74:24 90:8 subpoenas 9:3 13:9 subscribed 89:20 subsequent 12:24 subsequently 37:23 subset 23:7 substance 26:15 61:25 77:4 89:14 succinct 4:15 succinctly 3:17 5:4 sufficient 43:19 43:22 suggest 3:18 supervision 53:4 suppose 16:15 Supreme 1:2 22:13,15 sure 7:24 8:23 9:5 36:7 52:7 57:22 62:20 68:14 72:10 79:25 85:11 surprised 63:9 surrounding 33:23 survey 19:7,8,14 23:16,19 25:2,6 25:7,13,16 26:7 27:16 32:2,7 33:17 34:3 37:2 38:22 39:7 41:11,17 45:9 57:4,17,20,20 58:2,9 59:4,7 59:16,18 66:25 67:2 69:2,9,10
--	--	--	--	--

70:4,7 73:11,20 73:23 81:12 surveying 15:25 16:3 19:17,18 19:21 20:22,24 21:2,12,22 23:2 23:8,10 51:13 surveyor 17:2,5,7 17:15,17 19:4 25:23 35:4 36:11 39:19 47:2 surveyors 14:20 20:2,13,15 35:5 surveys 15:21 23:22,22 33:22 38:2,11 66:21 sworn 5:13 6:3 91:7	80:20 82:4 83:4 terms 23:5 27:15 34:16 testificandum 9:21 testified 6:5 21:4 21:7,11 25:11 27:2 34:11 35:10 74:25 testify 7:12 9:13 testifying 83:25 testimony 5:7 10:13 13:10,22 89:7,11 91:6,9 testing 18:15 tests 17:11 thank 74:17 78:14 79:10,13 Thanks 67:6 74:3 75:19 thing 18:12 19:10 34:22 49:13 85:14,19 things 34:17 think 11:23 12:23 13:23 15:8 31:6,11 35:13,15 54:23 60:5 62:18 77:8 79:5 thirty 87:16 thought 76:10 three 17:22 45:15 time 1:14 5:9 8:15 10:16 13:24 17:16 26:6 28:13 36:8 46:4,25 64:2 72:6,11 76:12 86:2 times 21:15,24 22:17,20,20 26:24 timing 76:9 77:19 title 14:21 57:18	69:9 today 6:25 7:12 9:14 10:12,15 13:10 21:13 today's 6:10 top 8:21 27:20 32:11 40:9 46:15,20 48:11 48:17 53:8,20 56:11 67:19,23 70:25 73:7 75:3 town 31:8,8 track 22:4 trained 52:19,22 52:23,24 training 52:10 transcribed 75:2 75:2 transcript 6:11 87:17,18 89:7,9 91:8 trial 1:13 3:6 5:10 trials 21:18,20 true 89:9,12 91:8 try 10:21 33:21 34:19,22 trying 23:20 Tuesday 68:8 71:4 two 44:23 47:14 47:15 49:7,7 50:25 53:22 54:3,5,18 66:15 74:16 two-minute 74:14 two-page 70:24 typewritten 54:16 typical 25:22 26:3	unapproved 83:23 undergo 23:17 underneath 54:15,16 55:6 understand 10:19 23:6 38:2 38:12,16 59:12 understanding 38:2 Uniform 3:6 upper 34:20 upside 55:25 use 25:20 26:15 27:13	63:25 80:14,20 81:11 82:10 84:2 91:12 ways 84:3 we'll 10:21 13:2 we're 14:19 19:9 23:20 24:9 32:7 57:9 67:19 70:25 we've 63:12 wedge 26:16 Wednesday 73:19 75:6 week 75:17 went 57:4 76:13 Westchester 1:2 2:4 22:14 White 2:4,7 22:12 wide 36:24 55:15 wife 62:19 65:21 Wilson 2:3 6:22 11:25 12:3,11 14:3 28:18 65:10 withdraw 82:3 withdrawn 14:5 14:24 20:20 21:10 30:12 33:15 49:18 54:9 61:24 65:14 witness 1:13 5:13 5:24 6:2 21:22 22:2,7,11 63:17 77:18 78:16 87:2 90:3 Witness(es) 91:6 91:9 wooden 26:13,16 26:16 46:17 word 56:20 work 7:4 14:11 15:21 19:2 21:2 23:19 25:21 28:13 30:18
<hr/> T <hr/> T 3:2,2 6:2 88:2 89:2 90:2,6 91:2,2 taillight 78:2,4 84:24 take 9:17 10:23 11:2,5 15:20 18:14 52:11,19 74:13 taken 1:14,15 3:11 5:17 7:22 40:15 43:4,7 51:11,12,22 60:3 89:7 talk 15:19 26:10 30:9 talked 30:17 45:11 74:24 talking 26:11 tall 64:4 Tarrytown 2:8 technology 25:20 tell 35:24 59:17 63:10 64:3,19 78:9 79:7 80:16	<hr/> T <hr/> T 3:2,2 6:2 88:2 89:2 90:2,6 91:2,2 taillight 78:2,4 84:24 take 9:17 10:23 11:2,5 15:20 18:14 52:11,19 74:13 taken 1:14,15 3:11 5:17 7:22 40:15 43:4,7 51:11,12,22 60:3 89:7 talk 15:19 26:10 30:9 talked 30:17 45:11 74:24 talking 26:11 tall 64:4 Tarrytown 2:8 technology 25:20 tell 35:24 59:17 63:10 64:3,19 78:9 79:7 80:16	<hr/> U <hr/> U 3:2 ultimately 53:3	<hr/> V <hr/> vacation 75:17 various 12:2 13:15 50:11 vehicle 78:5 verbally 11:7 version 60:21 versus 7:3 25:2 VIDEO 1:13 view 67:5 vinyl 23:21 virtually 7:23 visited 61:21	<hr/> W <hr/> W 89:2 90:2 wait 60:5 waived 5:22 waiver 5:8,17 wall 55:15 want 39:2 46:19 wanted 30:24 Ward 69:2,4,10 69:13 70:7 wasn't 46:3 wave 48:9 way 31:7,14 36:21 37:12 38:9,20 46:12 48:13,21 52:15

31:21 40:15 42:5,6,21 52:14 57:21 62:9,14 63:4 72:24 74:9 74:11 75:15 worked 23:11,12 Worth 57:17 wouldn't 34:8 write 72:22 wrong 77:24 www.MagnaL... 1:18	84:25 90:5 zoom 7:19,23 8:6 8:15 58:5	13th 35:15 69:4 18th 10:7 1916 8:24 1954 15:8 1971 15:9 1972 15:10 1984 16:14	3 3 8:6 9:18 31:15 31:17 32:12 60:25 30 36:24 87:16 31 3:15 27:22 3115 3:8,23 4:12 3116 5:18 3117 5:18 3rd 75:12	53 51:4 536 44:25 54 51:4 541 1:6 55 51:4 56 50:25 5th 12:14	
X x 1:3,10 90:2,6,6	0 0-something 34:7 35:18 06 34:7,18 35:16 09 34:8	2 2 27:6 28:15 29:11,12 31:16 34:7 35:12 39:3 42:3 53:6 66:17 90:9 2000 35:18 2001 10:4 73:10 2002 33:18 2006 35:12 2009 29:7,20 47:4 47:8 62:12 65:13,21 66:3 76:6 78:7 84:21 2011 78:5,8 2016 57:21 66:20 68:22 69:5,12 70:16,20 71:13 71:18,20 73:19 75:6 77:5 78:9 84:6,22 2021 1:11 10:7 27:22 68:9 89:8 20th 75:6 221 3:5 221.2 5:2 223 36:19 224 32:20,23 33:2 33:10 36:15,18 23 72:18 26 66:14 68:9 26A 69:23 26th 71:4 73:10 27 70:24 74:22 90:9 28 73:4 29 1:11 89:8 29th 10:3	4 4 10:6 32:25 33:16 35:11 41:18 44:16,16 57:4 436 7:6,8 12:4,14 13:19 28:7,25 30:22 31:4,5 32:23 34:4 36:16,22 37:3 38:18 39:12 40:11,16 41:7 42:7,8,12 43:22 43:24 44:17,25 45:25 47:13 48:15 49:9,11 49:14,15 54:12 56:15,23 57:11 58:6,8 59:2,5,9 59:15,20 60:5,6 60:7 61:3 64:23 65:4,24 66:21 72:24 73:11,21 73:23 76:23 80:17,22	6 6 39:24 50:24 80:8,9 90:5 6th 66:19 68:22 70:12 71:13,17 71:19	7 7 42:2 44:2 51:6 52:2 77 90:5
Y yard 41:16,20 yeah 8:24 19:24 20:23 27:11 29:9 30:18 31:11 34:5 35:13,15 36:17 36:23 38:19 41:23 42:4 45:21 57:6 61:20 72:17,19 78:25 84:23 years 17:9,22 36:6 75:25 Yep 53:25 67:21 79:11 York 1:2,16 2:4,8 6:5,19 17:25 18:24 19:25 20:9,11,14 36:12 39:22 73:24 89:3 91:5	1 1 8:9,11,14 34:7 66:16 79:6 90:8 10 15:15 37:12 47:8 53:6 56:11 56:19 57:9 64:4 64:11,15 71:23 72:18,19 79:24 81:5 83:2 10.7 37:13,24 38:4,15 10.9 37:13 10:00 10:4 10:07 1:11 10:30 75:12 10530 6:19 10591 2:8 10604 2:4 10th 29:19 73:19 11 57:13 11.9 38:4,14 11:44 86:2 1133 2:4 12 37:12 56:9,18 59:22 12.3 37:23 38:3 38:14 12.9 37:21 38:3 38:13 120 2:7 12611 58:22 13 60:16 80:11,16 82:11 83:7 85:4 13-page 27:9 79:3 136 49:4	5 5 39:2 50's 60:23 503 45:17 504 44:14,20 53:24 505 44:7,16,20 53:24 52 51:3	8 8 46:5 49:18 80:9 80:11,15 82:11 83:7 85:4 90:8 80's 17:17 86 39:9 866)624-6221 1:17	9 9 50:5 51:5,8 52:4 90 6:18 9:25 90/2016 1:6 900 31:24	
Z Zalantis 2:6,8 6:9 6:12 7:20 10:20 38:8 63:15 77:11,12 78:19 79:3,9,13,16,17 79:23 80:6					