

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE CIVIC ASSOCIATION OF THE DEAF OF :
NEW YORK CITY, INC. (also known as :
the New York City Civic Association :
of the Deaf) and STEVEN G. YOUNGER II, :
on behalf of themselves and all :
others similarly situated, :

Plaintiffs,

95 Civ. 8591 (RWS)

V.

RUDOLPH GIULIANI, as Mayor of the :
City of New York, HOWARD SAFIR, as :

Commissioner of the Fire Department :
of the City of New York, CARLOS :
CUEVAS, as City Clerk and Clerk of :
The New York City Council, PETER :
VALLONE, as Speaker and Majority :
Leader of the New York City Council, :
THOMAS OGNIBENE, as minority Leader :
of the New York City Council, and :
the CITY OF NEW YORK, :

Defendants.

**CORRECTED
DECLARATION OF
ROBERT B. STULBERG
IN SUPPORT OF
PLAINTIFFS'
OPPOSITION TO
DEFENDANTS' MOTION
TO VACATE OR
MODIFY INJUNCTION**

-----X

EXHIBIT 6

2 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
3 -----x
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4 THE CIVIC ASSOCIATION OF THE
4 DEAF OF NEW YORK CITY, INC.
5 (also known as the New York
5 City Civic Association of the
6 Deaf) and STEVEN G. YOUNGER II,
6 on behalf of themselves and all
7 others similarly situated,
7

8 Plaintiffs,
8

9 v.
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95-CV-8591 (RWS)

10 RUDOLPH GIULIANI, as Mayor of the
10 City of New York, HOWARD SAFIR, as
11 Commissioner of the Fire Department
11 of the City of New York, CARLOS
12 CUEVAS, as City Clerk and Clerk of
12 The New York City Council, PETER
13 VALLONE, as Speaker and Majority
13 Leader of the New York City Council,
14 THOMAS OGNIBENE, as Minority Leader
14 of the New York City Council, and
15 THE CITY OF NEW YORK,
15

16 Defendants.
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18 February 24, 2011
18 11:00 a.m.
19

20 Deposition of CAROLINE KRETZ, pursuant
21 to notice, at the United States Courthouse, 500
22 Pearl Street, New York, New York, before Samuel
23 Mauro, Jr., a Registered Merit Reporter and
24 Notary Public of the State of New York.
25

1 120nkred

Kretz

2 A. I don't know if we have made a motion.
3 I don't know where that is in the litigation. I
4 know more about what's going on in the City
5 Council.

6 Q. Is it your understanding that the city
7 is seeking to remove the alarm boxes?

8 A. Yes.

9 Q. Why, if you know, is the city seeking
10 to do that?

11 A. To save money.

12 Q. How do you know that that's the
13 reason?

14 A. I don't know --

15 Q. How did you come to know that that's
16 the reason?

17 A. Because every year we propose a
18 budget, and it was an item in our budget as a
19 reduction. It was a bad budget time, so we were
20 looking to make a lots of cuts and it was one of
21 them.

22 Q. Were you part of the discussions in
23 which the alarm boxes were looked at as a
24 potential cut?

25 A. No.

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Q. Do you know one way or another who actually was involved in making the decision?

A. No.

Q. How did you come to know that the city was going to try to remove the alarm boxes?

A. I don't remember.

Q. Do you remember who advised you that the city was going to try to remove the alarm boxes?

MS. GANTZ: Objection.

A. No, I don't.

Q. Before the three City Council hearings that you mentioned, did you attend any meetings regarding removal of alarm boxes?

A. No.

Q. Why, if you know, is the city seeking to remove the alarm boxes now as opposed to any other time in the last 14 years?

A. Because the budgets have been so bad in the last couple of years, we really needed to cut where we had not thought to cut before.

Q. What is the alternative to alarm boxes, if you know, that the city is proposing deaf and hearing impaired persons use to report

1 120nkred Kretz
2 emergencies from the street?
3 MS. GANTZ: Objection.
4 A. I don't know.
5 Q. What is the alternative, if you know,
6 to alarm boxes that the city is proposing
7 nonhearing impaired persons use to report
8 emergencies from the street?
9 MS. GANTZ: Objection.
10 A. I don't know.
11 Q. If you know, what is the alternative
12 to alarm boxes that the city is proposing deaf
13 people use to confirm emergencies that they've
14 reported from the street?
15 MS. GANTZ: Objection.
16 A. I don't know.
17 Q. Has the Fire Department undertaken any
18 study of the number of calls for emergency
19 services that have been made from the street at
20 any time in the last ten years?
21 MS. GANTZ: Objection.
22 A. What do you mean undertaken a study?
23 Q. Has the department ever looked at or
24 attempted to determine the number of calls for
25 emergency services made from the street at any

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MS. GANTZ: Objection.

A. Can you restate the question.

Q. Sure. How, if you know, are public pay phones usable by deaf persons to call 911?

MS. GANTZ: Objection.

A. I have no idea.

Q. Do you know whether the Fire Department has attempted to determine whether deaf persons are able to use public pay phones to call 911?

A. I haven't. I don't know whether anybody else at the Fire Department has.

(One-page document, headed Daniel Shacknai - Re: Stat Needed marked Plaintiff's Exhibit FFFF for identification)

Q. Have you ever seen this?

This is a document that bears Bates No. NYC 2130. It is an e-mail from Gerald Neville to Daniel Shacknai, and it's cc'd to Jacqueline Hughes, you, and Gerard Neville, and it's dated May 26, 2010.

Have you ever seen the top e-mail on this document before?

A. I'm cc'd on it, but I don't remember

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A. No, I don't remember. There was a lot of stats going on in preparation for the hearing, hearings, and I just don't remember because I haven't looked at it in a year.

Q. You don't know whether ERS boxes --

A. There's one that you pull and one you talk into. I don't remember which one is which.

Q. OK. That's fine. You can put that aside.

Do you know why there were two categories for mechanical boxes that are listed here?

A. No, I don't.

Q. Do you know why there are two categories for ERS boxes that are listed here?

A. No, I don't.

Q. What, if you know, is the alternative to alarm boxes that the city is proposing non-hearing impaired people use to confirm a request for emergency services from the street?

MS. GANTZ: Objection.

A. I have no idea.

Q. I would like to show you what was previously marked as Exhibit CC.

1 120nkred Kretz
2 A. Yes.
3 Q. Have you ever seen that document
4 before with or without the handwriting on it, I
5 mean, whether or not it had handwriting on it?
6 A. I saw it yesterday.
7 Q. Other than before yesterday or in
8 connection with this deposition, have you seen
9 this document?
10 A. It looks familiar.
11 Q. Is that your handwriting on it?
12 A. No.
13 Q. Do you know whose handwriting it is?
14 A. I believe it's Don Shacknai's.
15 Q. Putting aside the handwriting, I'm
16 going to be asking you some questions about the
17 typewritten text. Do you know who prepared this
18 document?
19 A. I think I did.
20 Q. Do you remember when you prepared it?
21 A. No. I mean generally 2010.
22 Q. In the first half of 2010?
23 A. Yes.
24 Q. What is this document?
25 A. It is a Q and A document that I

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usually, I prepare before City Council hearings.

Q. Was this prepared in connection with the City Council hearing?

A. Yes.

Q. Which City Council hearing, if you can remember?

A. I don't remember which one.

Q. Can you remember whether it was prepared in connection with one of the budget-related hearings or the alarm box hearing?

A. I don't know whether it was created separately or at the same time. I am not sure.

Q. Well, my question was whether it was prepared for one of the budget hearings or for the hearing that focused only on alarm boxes.

A. I don't know whether it was prepared for the budget or for the other hearing. I am not sure.

Q. How did you obtain the information that is included in this document?

A. Various sources.

Q. What were the various sources?

A. Mike Vecchi's a commissioner, and he

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gave me a lot of stats, and I don't know where he gets them from.

The other information, I would be guessing whether I get it directly from communications or from other sources. I don't recall.

Q. Were there any sources other than Fire Department employees who provided information contained in here?

A. No.

Q. So all the information in here came from the Fire Department?

A. Yes. Let me just look through something, because --

Q. Sure.

A. There a question about NYPD. I got information from NYPD. That's the only place I think I would have gone to get this thorough.

Q. Do you know who at NYPD gave you this information?

A. Sue Petito, who has the same job I do in the police department. She's the assistant commissioner. She is the one who gave me the information that's contained in the answer to

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the second to last question.

Q. Can you point out or indicate the information she gave you on that last page?

A. It is in the second paragraph.

It says, "The NYPD advises that they don't have separate TTY they don't have a separate TTY number, but all of their call takers are equipped with TDD, Telecommunications Device for the deaf. When a hearing or speech impaired person calls 911, they can use a tapping protocol or can remain silent or the call will come in with a tone alert and caller's TTY, and the NYPD will automatically engage the TDD to respond."

Q. That's the information you got from Ms. Petito?

A. Yes.

Q. What is the format that she, what was the form of communication?

A. E-mail.

MS. SCHULMAN: I don't think, Jon, we've gotten a copy of that.

MR. PINES: I don't know.

MS. SCHULMAN: We are requesting a

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2 copy.

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3 Q. Did you have any independent knowledge
4 of the information contained in the paragraph
5 you just read?

6 A. No.

7 Q. So the information here is solely from
8 the New York Police Department?

9 A. Yes.

10 Q. What is the information under the
11 first or I should say second heading where it
12 says, "Using all alarm boxes, both BARS and
13 ERS"?

14 What does that information refer to,
15 if you know?

16 A. I would have to read it.

17 Q. Yes. Take as long as you need.

18 A. There's four bullets and there's stats
19 about what kind of calls come through the alarm
20 boxes, percentage that are false alarms, what
21 percentage are structural fires and, of the
22 structural fires, how many had a second source
23 calling in that structural fire.

24 Q. For the second bullet it says, "More
25 than 85 percent were false alarms."

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2 Does that refer to malicious false
3 alarms or all false alarms?

4 A. I don't know.

5 Q. Does it refer to medical false alarms
6 and nonmedical false alarms?

7 A. I don't know.

8 Q. The fourth bullet says, "Of the
9 structural fires, 56 percent had a second
10 source."

11 What does "second source" mean?

12 A. That other calls came in reporting
13 that same incident, that same fire.

14 Q. Why is that information included in
15 here?

16 A. Because we make the point that these
17 fire alarm boxes are not as important as a tool
18 as they used to be because so many people call
19 in fires now. The increase in calls is
20 tremendous because of cell phones.

21 Q. It is accurate to say that 44 percent
22 of structural fire calls didn't have a second
23 source, right?

24 A. That's what it seems like.

25 Q. Why does it matter whether there was a

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A. I don't know.

MS. GANTZ: Objection.

Q. The Fire Department, is it the Fire Department's position that, in the absence of alarm boxes, deaf persons can or should rely on a second source to report an emergency from the street?

MS. GANTZ: Objection.

A. I don't think that's the case, no.

Q. So I'm trying to understand why it would matter then that whether fire reports had a second source or not?

A. I don't know. You're questioning something that I don't really remember going back a year. I don't really remember.

Q. How many of these calls, if you know, were from street alarm boxes versus alarm boxes inside facilities?

MS. GANTZ: Objection.

A. I don't know.

Q. Now, if you look at the second set of statistics, where it says pull boxes, BARS only, what do those bullets refer to, those three bullets there?

1 120nkred Kretz
2 second source?
3 A. No.
4 Q. -- to report emergencies from the
5 street?
6 A. No.
7 MS. GANTZ: Objection.
8 Wait until she finishes the question.
9 THE WITNESS: Sorry.
10 A. No.
11 Q. Why does it matter whether there is a
12 second source?
13 MS. GANTZ: Objection.
14 A. Why does it matter that there is a
15 second source? The callboxes just aren't being
16 used, people are calling in emergencies with
17 cell phones and other means.
18 That's my understanding. It's been
19 several months. I don't remember at this time.
20 Q. Because if there was a second source
21 for an alarm box, somebody activated the alarm
22 box? So there was somebody who used the alarm
23 box?
24 A. Yes.
25 Q. Why does it matter whether there was a

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2 Q. Yes.

3 A. City Council Finance is the division
4 of the City Council that is the staff to the
5 finance committee and the finance committee is
6 the committee that holds budget hearings.

7 So when it says, "Yes, provided that
8 to City Counsel Finance, April 16, 2010," it is
9 an indication that some, I don't know whether
10 it's my recollection or someone else's, that we
11 gave a chart of the alarm boxes to them. But I
12 don't have an independent recollection that we
13 gave that them.

14 Q. Do you have an independent
15 recollection of what information was contained
16 in any chart provided to City Council finance
17 referenced here?

18 A. It says chart, but I don't remember
19 seeing a chart.

20 MS. SCHULMAN: I would like to now
21 have this marked.

22 (One-page document entitled Calendar
23 Year 2009 Incident Received by ERS & BARS Alarm
24 Boxes was marked Plaintiff's Exhibit GGGG for
25 identification)

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showing, according to the legend on the right,
incidents received by all alarm boxes?

MS. GANTZ: Objection.

A. I don't know.

Q. In what circumstances did you
previously see this document?

A. I don't know who gave it to me, and I
don't know when. But I saw it sometime around
the time of the hearings. It could have been, I
don't know, but it could have been after the
hearings.

Q. If you look on the third page, back to
the section we were looking at earlier, if you
look at the --

MR. PINES: Which exhibit?

MS. SCHULMAN: FFFF.

Q. It says, "The TTY calls to FDNY and
tapping calls to NYPD are very few. In this day
and age we receive multiple calls for every fire
emergency. Moreover, the deaf or hearing
impaired often will text or e-mail a friend or
loved one that is not hearing impaired to ask
that person to call 911."

The last sentence of that paragraph,

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1 what is the source for that information?

2 A. I don't remember.

3 Q. Why is that included in here?

4 A. I wrote this so I can say that, to
5 make the point that we don't think the deaf and
6 hearing impaired need to rely on callboxes, and
7 they won't be endangered if we move them.

8 Q. Is the city's position that they won't
9 be endangered because they can text or e-mail a
10 friend or love one that is not hearing impaired
11 and ask that person to call 911?

12 A. I guess that is the city's position.
13 I don't know.

14 MS. GANTZ: Objection.

15 Q. Is that the Fire Department's
16 position?

17 MS. GANTZ: Objection.

18 A. I don't know. I'm not involved in the
19 litigation so I don't know.

20 Q. I don't mean position in this
21 litigation. I mean generally is it the Fire
22 Department's position that, as an alternative to
23 alarm boxes, deaf or hearing impaired persons
24 can text or e-mail a friend or loved one that is
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not hearing impaired to ask that person to call 911?

MS. GANTZ: Objection.

A. I don't know.

Q. Is the city suggesting or is the Fire Department suggesting or has it suggested that deaf or hearing impaired people rely on a friend or loved one that is not hearing impaired to call 911 to report emergencies from the street?

MS. GANTZ: Objection.

A. I don't know if the city is.

Q. What about the Fire Department?

MS. GANTZ: Objection.

A. I don't know.

Q. Who would know that information?

MS. GANTZ: Objection.

A. I don't know.

Q. Then at the bottom it says, "In reality, we send a response to any call received by FDNY dispatch that is silent or sounds like tapping."

What was the source for that information?

A. I don't know. I'm not sure.

1 120nkred Kretz
2 Q. What does that refer to?
3 MS. GANTZ: Objection.
4 A. I don't understand the question, what
5 does it refer to? It says what it says. Do you
6 want me to read what it says?
7 Q. Who is "we" in this sentence?
8 A. The Fire Department.
9 Q. It says, "We send a response to any
10 call received by FDNY dispatch that is silent."
11 So is it your understanding that a
12 deaf or hearing impaired person can call, can
13 activate an alarm box and remain silent and
14 receive an emergency responder?
15 A. I don't know. I would be guessing.
16 Q. So why is this included in here?
17 A. I don't remember.
18 Q. Do you know whether the information in
19 that sentence is accurate?
20 A. Do I know whether it's accurate? I
21 wrote it. I got it from a source that I
22 probably think was accurate.
23 Q. So it's your understanding that it's
24 accurate?
25 MS. GANTZ: Objection.

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and hard of hearing to report a fire from the street?

MS. GANTZ: Objection.

A. Are they seeking to eliminate them without adequate means?

Q. Without other adequate means for deaf and hard of hearing persons to report a fire from the street?

MS. GANTZ: Objection.

A. I don't know.

Q. You don't know one way or another?

A. No.

Q. Then it says, the second full paragraph, "With the passage of nearly 15 years and the introduction of vast changes in communications technology."

what does "the vast changes in communications technology" referenced here refer to?

A. I mean, vast changes in communications technology means the introduction of devices such as the cell phone.

Q. Does it refer to anything else?

A. I don't know.

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Q. What was the source for that information?

A. I don't know.

Q. It says, "We are confident that callboxes can be deactivated without jeopardizing public safety."

What was the source for that information?

A. I don't know specifically.

Q. Well, generally do you know?

A. I mean, our commissioner said this, so this becomes his words. So he said it. But you're asking me for the source?

Q. You wrote it.

A. I know.

Q. Did you have independent knowledge of that statement?

A. I would be guessing if I told you who told me that piece of information.

Q. I don't want you to guess.

A. I don't remember who gave me that specific piece of information.

Q. Was it from another source or was it from your own knowledge?

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2 A. I don't make this up. Everything I
3 have comes from somewhere else. I bring very
4 little to the table except for "Good morning,
5 Council Members" and "In conclusion."

6 So everything I get is usually from
7 somewhere else.

8 Q. Somewhere else is within the Fire
9 Department?

10 A. It could have been the Law Department,
11 too. You know, this is in litigation, so I
12 wouldn't say just the Fire Department.

13 Q. How is it that callboxes, to your
14 understanding, can be deactivated without
15 jeopardizing public safety?

16 MS. GANTZ: Objection.

17 A. It's not the world that I operate in,
18 so I don't know.

19 MS. GANTZ: Do you need a break or
20 does anybody need a break?

21 THE WITNESS: I'm good.

22 MS. SCHULMAN: I'm OK.

23 MS. GANTZ: OK.

24 (Three-page document entitled New York
25 City Council Committee on Fire & Criminal

1 120nkred

Kretz

2 Justice Services, Testimony of Daniel Shacknai,
3 dated May 27, 2010, was marked as Plaintiff's
4 Exhibit HHHH for identification)

5 Q. Have you ever seen this document
6 before?

7 A. It looks familiar.

8 Q. What is it?

9 A. I am not sure whether it is a final or
10 a draft, but it's the testimony I drafted that
11 was provided by Don Shacknai at the hearing
12 before the City Council. The date on this is
13 May 27, 2010.

14 Q. Was this hearing that's referenced on
15 here a budget hearing or a hearing solely on the
16 alarm boxes?

17 A. It appears to be just about the alarm
18 boxes.

19 Q. Can you tell from this document
20 whether this is a draft or the final version?

21 A. I can't tell from this, no.

22 Q. Did you produce all versions of this
23 document to your attorneys?

24 A. I don't remember.

25 MS. SCHULMAN: We request all versions

1 120nkred Kretz
2 of this document.
3 MS. GANTZ: We'll take it under
4 advisement.
5 Q. Did you write this testimony?
6 A. Yes.
7 Q. Did anyone else review it?
8 A. Yes.
9 Q. Who, if you know?
10 A. Dan Shacknai, but I don't remember
11 whether anyone else did.
12 Q. Do you know whether he made any edits
13 to the document before it was finalized?
14 A. I don't remember.
15 Q. Again, if you look at page 96, it
16 says, "With the passage of nearly 15 years and
17 the introduction of changes in communications
18 technology." What changes in technology does
19 that refer to?
20 A. I don't know.
21 Q. Then it says, "We are confident that
22 additional callboxes can be deactivated without
23 jeopardizing public safety."
24 How can additional callboxes be
25 deactivated without jeopardizing public safety?

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2 A. I don't know.

3 Q. Is that language that you drafted?

4 A. Well, I drafted it, but it's
5 information I would have gotten from somewhere
6 else.

7 Q. Within the Fire Department?

8 A. Or City Hall or the Law Department.

9 Q. But a city agency?

10 A. Yes.

11 Q. In other words, you wouldn't have
12 gotten it from a source that is not a city
13 department or agency?

14 A. I don't think so.

15 MS. SCHULMAN: Can you read back the
16 not the last question, but the two questions
17 before that.

18 (Record read)

19 Q. I don't know if I asked this, What do
20 the changes in communications technology in that
21 sentence refer to?

22 A. I'm not sure what specific changes.

23 Q. Well, generally do you know?

24 A. Cell phones.

25 Q. Are you surmising or do you know that

1 120nkred Kretz
2 that's what that refers to?
3 A. It is a subset of maybe a bigger
4 group, but definitely cell phones. What else
5 I'm not really sure.
6 Q. How did you know that that includes
7 cell phones?
8 A. I remember at the time discussing it,
9 but I don't remember whether we were talking
10 about other things.
11 Q. Do you remember with whom you were
12 discussing it?
13 A. No.
14 Q. Were you discussing it by e-mail?
15 A. I don't remember.
16 Q. Has the Fire Department attempted to
17 determine the number of false alarms transmitted
18 via pay phone at any time in the last ten years?
19 MS. GANTZ: Objection.
20 A. I don't know.
21 Q. Did you attempt to obtain that
22 information in connection with preparing any
23 testimony regarding alarm boxes?
24 A. I don't recall if I did or not.
25 Q. If you turn to the last page of this,

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2 the second-to-last paragraph says, "We feel
3 strongly that this measure will save money
4 without jeopardizing public safety."

5 How will public safety not be
6 jeopardized in connection with deactivation of
7 alarm boxes?

8 A. Do you want my personal opinion or the
9 point we were trying to make?

10 Q. I want to know what that refers to.

11 How public safety will not be
12 jeopardized if the alarm boxes are deactivated?

13 A. The statement we have made over and
14 over is that they're not used. They're not the
15 fire safety tool they once were, the fire alarm
16 boxes. We can eliminate them and not jeopardize
17 public safety.

18 Q. In preparing this, did you attempt to
19 review any information -- do you know what an
20 out-of-service box is?

21 A. You mean a callbox that's not working?

22 Q. Yes. Is that what it is?

23 A. Out of service, my understanding means
24 that a callbox that doesn't work.

25 Q. At any point did you have

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2 communications with anybody about the number of
3 callboxes that are out of service?
4 A. I don't recall.
5 Q. Did you attempt to determine whether
6 there are any callboxes that are out of service?
7 A. I don't recall.
8 Q. Did you include in any drafts of any
9 testimony regarding alarm boxes information
10 regarding numbers of alarm boxes that are out of
11 service?
12 A. No, I don't think so.
13 Q. Did you attempt to determine at any
14 time whether there are instructions for hearing
15 impaired persons on alarm boxes?
16 A. Did I ask that question?
17 Q. Whether you asked it or attempted to
18 find out on your own.
19 A. No.
20 Q. Is there any particular reason?
21 MS. GANTZ: Objection.
22 A. No. I can't say.
23 Q. Do you know whether there are
24 instructions on alarm boxes for deaf or hearing
25 impaired persons?

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A. I don't know.

Q. Did you attempt to determine in preparing any documents in connection with city's attempt to remove alarm boxes how, if at all, the city has disseminated information about the alarm boxes, about the tapping protocol to the deaf and hard of hearing community?

A. I don't recall, but that e-mail indicates I asked a question about it being advertised.

Q. Is there a reason that it wasn't included in either this document or the document that's Exhibit W --

A. I don't recall.

Q. -- your testimony?

MS. GANTZ: Objection.

A. I don't recall.

Q. You don't recall one way or another?

A. I don't recall whether I got the answer, and I don't recall why it would or wouldn't have been included.

Q. It says on the second page of this document, the fourth line from the top at the end of that line states, "That means that fully

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that. Where are you?

Q. The third line from the top.

A. OK.

Q. "By contrast, in 2009 there were only 140 calls from callboxes reporting structural fires out of a total of 26,666 structural fires reported."

Does that include calls reporting structural fires that were made by activating the NYPD blue button on the ERS box?

MS. GANTZ: Objection.

A. I don't have the answer. I don't know.

Q. Does the number 140 refer to calls made only to the Fire Department via an ERS or pull box?

A. It says 140 calls from callboxes.

Q. Are you aware of whether there are boxes that can call both the Fire Department and the Police Department?

A. I have a very vague understanding that there are some boxes like that.

Q. Do you know one way or another whether all ERS boxes can call the Police Department?

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A. I don't know that.

Q. You don't know one way or another?

A. I don't know one way or the other.

Q. So you don't know whether the statistics regarding callboxes in here include calls made to the Police Department via an ERS box?

A. I don't know the answer to that.

Q. Is the same thing true for statistics in the document that was marked as Exhibit W?

In other words, if you turn to page 1744, the second full paragraph, second sentence says, "Our statistics show that these callboxes are no longer the important fire safety tool they once were."

Then it appears to say, the same sentence that -- actually, it is not the same sentence. It says, "In 2009, 99.55 percent of calls reporting structural fires came from sources other than alarm boxes. That means that less than one half of 1 percent of structural fire calls came from the alarm boxes."

Do those statistics cover only calls made to the Fire Department from alarm boxes or

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2 do they include calls to fire and police from
3 alarm boxes?

4 A. I don't know how that works. I don't
5 know.

6 Q. You don't know one way or another?

7 MS. GANTZ: Just for the record, when
8 you're saying those statistics you referring to
9 the statistics that you just read from
10 Plaintiff's Exhibit W?

11 MS. SCHULMAN: Yes. Exhibit W, second
12 paragraph, second sentence on page 1744.

13 A. No.

14 Q. Just turning back to Exhibit DD, where
15 it says, the top of the page, "Using all alarm
16 boxes, both BARS and ERS," and then it says, the
17 first bullet says, "Less than 3 percent of all
18 calls were from alarm boxes.

19 Does that include calls made to the
20 Police Department via ERS boxes?

21 A. I don't know.

22 Q. Do you know whether the Fire
23 Department attempted to determine the number of
24 calls to the Police Department made via ERS
25 boxes?

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2 MS. GANTZ: Objection.
3 A. I don't know.
4 Q. Do you know whether any of the
5 statistics in the first four bullets on Exhibit
6 DD include information about calls to the Police
7 Department made via ERS boxes?
8 A. I don't know.
9 Q. I would like to show you what was --
10 it wasn't previously marked.
11 (One-page document, headed Caroline
12 Kretz - Re: False Alarms, was marked
13 Plaintiff's Exhibit IIII for identification)
14 Q. Have you ever seen this before?
15 A. I don't recollect seeing it, but it
16 appears to be an e-mail between Mike Vecchi and
17 me.
18 Q. The bottom e-mail says your name with
19 the date of May 27. Is that an e-mail that you
20 sent?
21 A. It appears to be.
22 Q. It says, "Do we have number of false
23 alarms not from callboxes?"
24 Why were you asking that question?
25 A. I recollect that this came up -- this

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2 Q. Was there a sign-in sheet at the
3 meeting?

4 A. I don't remember.

5 Q. Did you communicate with anyone about
6 the meeting after it occurred?

7 A. I don't recall if I did.

8 Q. Is the Fire Department's position that
9 deaf people can use cell phones instead of alarm
10 boxes in order to report emergencies from the
11 street?

12 MS. GANTZ: Objection.

13 A. Is it the Fire Department's position?
14 I don't know.

15 Q. What did the persons who attended the
16 hearing say regarding use of cell phones?

17 A. The hearing or the meeting?

18 Q. The meeting, regarding use of cell
19 phones by deaf persons.

20 MS. GANTZ: Objection.

21 A. What I was told was that most people
22 who were deaf or hard of hearing have voices,
23 have verbal functioning, so they can talk on
24 cell phones.

25 Q. Can they hear on cell phones?

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2 MS. GANTZ: Objection.
3 A. I wouldn't know.
4 Q. Was that discussed at the meeting?
5 MS. GANTZ: Objection.
6 A. Whether they could hear?
7 Q. Whether they could hear the other
8 person on a cell phone call?
9 A. That wasn't specifically discussed.
10 Q. And who said that most persons who are
11 deaf had -- was it voices?
12 MS. GANTZ: Objection.
13 A. I'm paraphrasing what I was told.
14 Q. OK.
15 A. They said that people who are deaf and
16 hard of hearing, the vast majority can use their
17 voice to talk into a phone.
18 Q. Have you or the Fire Department made
19 any inquiry about whether that's actually true?
20 A. No. Well, I haven't. I don't know
21 whether anybody else has.
22 Q. Did anyone from any agency other than
23 the Fire Department and this advocacy group
24 attend this meeting?
25 A. The FDNY Foundation.

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2 Q. What's that?
3 A. That's the not-for-profit arm of the
4 Fire Department.
5 Q. Who was the person who said that most
6 deaf people had voices?
7 A. The people we were meeting with. The
8 gentleman who was hearing impaired himself.
9 Q. Was he deaf or hearing impaired?
10 MS. GANTZ: Objection.
11 A. I don't know.
12 Q. If you know.
13 A. I don't know.
14 Q. Did he discuss whether deaf people can
15 use pay phones?
16 A. I don't recall.
17 Q. Was that discussed at all during the
18 meeting?
19 A. I don't recall.
20 Q. What was the purpose of the meeting,
21 if there was one?
22 A. I don't know. I was invited to the
23 meeting. I'm peripherally involved in the fire
24 alarm box issues. I was invited to this
25 meeting. Our fire safety education people have

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Q. You wrote this, right?

A. I know. I don't remember. I'm looking at it. I don't know what I meant there.

Q. OK. Then it says, "e.g. replacing our existing system."

What does existing system refer to?

A. Honestly, I don't remember.

Q. What, if at all, did you discuss with Don Stanton would be the impact on callboxes of the NYCWN system?

MS. GANTZ: Objection.

A. I don't remember, other than I read this in the Law Department's office yesterday. I didn't really have a lot of recollection about this except that it was prompted by City Council questions.

Q. Then it says, like five lines up from the bottom it says, "We were also concerned that we would have to make sure there was wireless coverage everywhere in the city to cover the city as comprehensively as our current callbox system does."

Who is the "we" in that sentence referring to?

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A. The Fire Department.

Q. What wireless coverage does that refer to?

A. The NYCWN.

Q. In other words, it doesn't refer to mobile phone or personal communication wireless coverage, device wireless coverage?

A. Now that you say that, I don't know.

Q. Why was there a concern about making sure there was wireless coverage everywhere in the city to cover the city as comprehensively as the current callbox system does?

A. My understanding was that NYCWN is not currently all over the city. It's just in certain parts.

Q. Why would there be any concern that it be as expansive as the current callbox system?

A. I think if we wanted for NYCWN to help us -- I don't know. NYCWN is something that I vaguely understood. We had a couple of hearings on it where we weren't really involved, DOITT was testifying.

My understanding is that the questions came from the council, like how can NYCWN be

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2 used to replace our callboxes. And the answer
3 at the time was essentially they can't yet,
4 someday down the road maybe. But NYCWN is not
5 yet universally incorporated around the city.
6 That's my general understanding of
7 this e-mail and the conversations I had. When
8 you ask a question about did it mean wireless, I
9 don't know. I don't know how the wireless works
10 with NYCWN. I just really don't know.
11 Q. Putting aside the technology issue,
12 why was there any concern that the NYCWN
13 coverage be as extensive as the callbox system
14 coverage?
15 A. I don't remember.
16 Q. Who at the Fire Department, if anyone,
17 is in charge of or spearheading the NYCWN
18 project?
19 MS. GANTZ: Objection.
20 A. It's Don Stanton.
21 Q. Then it says, "We continue to look for
22 ways to use NYCWN and, as we say in the Q and A,
23 we are using it."
24 Does that reference to Q and A refer
25 to the Q and A that's on Exhibit DD?

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2 document refer to, and now I'm just asking, if
3 you know, what, if any, changes in technologies
4 and protocols have enhanced how emergency calls
5 are made and processed.

6 MS. GANTZ: Objection.

7 A. I don't know. I didn't draft this,
8 and I don't know what they mean by protocols.
9 Technologies, like I said, would be cell phones.

10 Q. Putting aside what is meant by the
11 document for now, what, if any, changes in
12 technologies and protocols, to your knowledge,
13 have enhanced how emergency calls are made and
14 processed?

15 MS. GANTZ: Objection.

16 A. I'm not an expert. I would just say
17 cell phones.

18 Q. If you look in the same paragraph, it
19 says, "With the Fire Department's adoption of
20 the Vesta communications system."

21 Do you know what that refers to?

22 A. I have heard the term Vesta used in
23 connection with our unified call taking process,
24 but I really don't know a lot about it.

25 Q. Do you have any sense of what it is?

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Q. If you look at the bottom e-mail, it says, in bold, "We had 473,292 calls in 2008." What does that number refer to, if you know?

A. I don't know.

Q. And it says, "13,291 were actual incidents from callboxes."

What does that refer to?

A. They're incidents from callboxes, but I am not sure. I guess it's the non-false-alarm calls.

Q. Do you know if that number includes calls made by activating the police button on ERS boxes?

A. I don't know.

Q. Do you know who was the source for the information provided in the top e-mail?

A. That information came from Mike Vecchi.

Q. Did Mr. Vecchi ever provide you with an answer to the question you pose in the top e-mail?

A. I don't remember.

(One-page document, headed Caroline