

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
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 12**

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)

-against-

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.

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**DEFENDANTS' OBJECTIONS  
AND RESPONSES TO  
PLAINTIFFS' REVISED SET  
OF INTERROGATORIES**

Pursuant to Rule 33 of the Federal Rules of Civil Procedure and Rule 33.3 of the Local Civil Rules for the Southern and Eastern Districts of New York, defendants object and respond to Plaintiffs' Revised Set of Interrogatories as follows:

**GENERAL STATEMENT**

1. By responding to any interrogatory, defendants do not concede the materiality of the subject to which it refers. Defendants' responses are made expressly subject to, and without waiving or intending to waive, any questions, or objections as to the competency, relevancy, materiality, privilege, or admissibility as evidence or for any other purpose, of any of the information produced, or of the subject matter thereof, in any proceeding including the trial of this action or any subsequent proceeding.

2. Defendants object to these interrogatories to the extent they demand information that is protected by the attorney-client, work-product, executive, or government operations privileges, that constitutes material prepared for litigation purposes, or that is otherwise immune from disclosure.

3. Inadvertent production of any information that is privileged, was prepared in anticipation of litigation, or is otherwise immune from discovery, shall not constitute a waiver of any privilege or of another ground for objecting to discovery with respect to that subject matter, or of defendants' right to object to the use of any such information during any proceeding in this litigation or otherwise.

4. The fact that defendants object to a particular interrogatory should not be construed to mean that information responsive to that interrogatory exists. Furthermore, the production of any information that is otherwise subject to an objection is not a waiver of any objection as to any other information not produced.

5. Defendants reserve the right to supplement their response to each interrogatory with additional information, if and when such information becomes available to defendants' counsel. Defendants also reserve the right to object to the future disclosure of any such information.

6. Defendants object to any request for information or production from entities not represented by the Corporation Counsel of the City of New York.

7. Insofar as these interrogatories request information for the period of time from July 29, 1997 to the present or from even earlier time periods, defendants object to the interrogatories as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

8. Each of the foregoing objections is incorporated in each of the following responses.

**INTERROGATORIES**

**INTERROGATORY NO. 1:**

Identify each person with knowledge concerning the basis for any factual assertion in the Motion and, for each such person, state the factual assertions about which he or she has knowledge and the nature of his or her knowledge.

**OBJECTION AND RESPONSE TO INTERROGATORY NO. 1:**

Defendants object to this Interrogatory as overbroad and unduly burdensome. Notwithstanding these objections, defendants respond that the key people with personal knowledge of the factual assertions set forth in the pending motion are the declarants who submitted declarations in support of the motion: Vincent Guerriera, Michael Vecchi, Henry Dingman, and Stephen Rush.

**INTERROGATORY NO. 2:**

Identify each person with possession or control over documents concerning any factual assertion in the Motion, including, without limitation, each person who possesses or controls documents that defendants reviewed and/or relied upon in preparing the Motion, documents concerning the alarm box system, documents concerning E-911 and/or ALI-ANI, documents concerning the tapping protocol, and documents concerning the condition, location and/or operation of public telephones in New York City, and state the subject matter and location of the documents over which he or she has possession or control.

**OBJECTION AND RESPONSE TO INTERROGATORY NO. 2:**

Defendants object to this Interrogatory as overbroad and unduly burdensome. Notwithstanding these objections, defendants respond that the custodians of the documents that defendants relied upon in preparing the Motion and/or produced or reviewed in responding to plaintiffs' discovery requests are Vincent Guerriera; Michael Vecchi; Henry Dingman; Stephen Rush; Stanley Shor, Assistant Commissioner, Franchise Administration Division, New York City Department of Information Technology and Telecommunications (DoITT); Paul McNicholas, Director of Operations, Franchise Administration Division, DoITT; Matthew Sapolin, Commissioner, New York City Mayor's Office for People with Disabilities (MOPD); Charles Dowd, Deputy Chief, Communications Division, New York City Police Department (NYPD); and Caroline Kretz, Associate Commissioner, Intergovernmental Affairs, New York City Fire Department (FDNY).

**INTERROGATORY NO. 3:**

Describe in detail the current means by which persons are able, from the street, to signal or report and confirm the type of emergency assistance required. To the extent that your response to this interrogatory is different for deaf and hearing-impaired persons and non-deaf and/or non-hearing-impaired persons, please describe those differences in your response.

**OBJECTION AND RESPONSE TO INTERROGATORY NO. 3:**

Defendants object to this Interrogatory as overbroad, exceeding the scope of Local Civil Rule 33.3, and to the extent that it seeks information not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding these objections, defendants respond that documents containing information responsive to this interrogatory are being produced in connection with defendants' responses to plaintiffs' Document Requests 17 and 22.

**INTERROGATORY NO. 4:**

Describe in detail the means, under the notification alternative proposed by defendants in the Motion, by which persons would be able, from the street, to signal or report and confirm the type of emergency assistance required. To the extent that your response to this interrogatory is different for persons who are deaf or hearing-impaired and persons who are not deaf or non-hearing impaired, please describe those differences in your response.

**OBJECTION AND RESPONSE TO INTERROGATORY NO. 4:**

Defendants object to this Interrogatory as overbroad, exceeding the scope of Local Civil Rule 33.3, and to the extent that it seeks information not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding these objections, defendants respond that documents containing information responsive to this interrogatory are being produced in connection with defendants' response to plaintiffs' Document Request 27.

**INTERROGATORY NO. 5:**

Describe in detail how public telephones are readily accessible to and usable by deaf and hearing-impaired persons for reporting emergencies from the street.

**OBJECTION AND RESPONSE TO INTERROGATORY NO. 5:**

Defendants object to this Interrogatory as vague and exceeding the scope of Local Civil Rule 33.3. Notwithstanding these objections, defendants respond that documents containing information responsive to this interrogatory are being produced in connection with defendants' responses to plaintiffs' Document Requests 23 and 24.

**INTERROGATORY NO. 6:**

Describe in detail how, if at all, deaf and hearing-impaired persons are able to signal or report and confirm a request for emergency services using a public telephone, including, without limitation, how such persons are able to determine whether the public

**INTERROGATORY NO. 24:**

Explain how defendants' notification alternative would ensure that communications with deaf and hearing-impaired individuals are as effective as communications with others. 28 C.F.R. § 35.160(a).

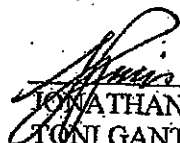
**OBJECTION AND RESPONSE TO INTERROGATORY NO. 24:**

Defendants object to this Interrogatory as overbroad, not reasonably calculated to lead to the discovery of admissible evidence, and exceeding the scope of Local Civil Rule 33.3.

Dated: New York, New York  
October 26, 2010

MICHAEL A. CARDOZO  
Corporation Counsel of the  
City of New York  
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By:

  
\_\_\_\_\_  
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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THE CIVIC ASSOCIATION OF THE DEAF OF :  
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-----X  
**EXHIBIT 13**



2 13TACIVDps  
2 UNITED STATES DISTRICT COURT  
3 SOUTHERN DISTRICT OF NEW YORK  
3 -----x  
4

4 THE CIVIC ASSOCIATION OF THE  
5 DEAF OF NEW YORK CITY, INC.  
5 (also known as the New York  
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8  
8 Plaintiffs,

9 v.

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  
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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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17 -----x

18 March 29, 2011  
18 10:50 a.m.  
19

20 Deposition of THOMAS R. GALVIN,  
21 pursuant to subpoena, at the United States  
22 Courthouse, 500 Pearl Street, New York, New  
23 York, before Paula J. Speer, a Registered Merit  
24 Reporter and Notary Public of the State of New  
25 York.

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2 spat between the Fire Commissioner and the  
3 chiefs in the field.

4 Q. Are you under the influence of any  
5 medications which would impair your ability to  
6 testify clearly and recall clearly today?

7 A. No, sir.

8 Q. What are your responsibilities as  
9 chief in charge of training?

10 A. I'm responsible for the training for  
11 the members of the Bureau of Fire Operations,  
12 which covers every rank from firefighter to  
13 chief officers of the New York City Fire  
14 Department. I'm responsible for the training of  
15 the EMS operations personnel, which covers from  
16 EMTs, paramedics, officer training. There is  
17 some civilian training I'm responsible for that  
18 usually goes through DCAS, you know, where it's  
19 scheduled through my office. But there are some  
20 civilian training that I'm not involved in. And  
21 then basically I run the -- I'm responsible for  
22 the fire safety education training that the  
23 department provides to the public.

24 Q. For how long have you been chief in  
25 charge of training?

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2 about the tapping protocol, tap -- if that's  
3 what you're referring to. I would say yes for  
4 the tap -- the tapping protocol has sort of been  
5 placed within -- I don't know if "placed" is the  
6 right way, but as part of the training when  
7 we're dealing with the hard-of-hearing community  
8 and fire safety education programs.

9 Q. What have your responsibilities been  
10 with respect to the tapping protocol for the  
11 deaf and hard of hearing? And if they have  
12 changed over time please explain.

13 A. As the chief in charge of the Fire  
14 Safety Education Unit from the time I took it  
15 on, the tapping protocol was never part of our  
16 program up until approximately maybe six months  
17 to a year ago.

18 Q. You say "our program." What program  
19 are you referring to?

20 A. The fire safety education program.

21 Q. And you said that that protocol was  
22 not part of the fire safety education program  
23 until up -- until six months to a year ago?

24 A. No. I would say my part of dealing  
25 with the tapping protocol.

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Q. Well, what? Six months or a year ago?

A. If I had to put a date where this became part of the training was, I'd say discussions were maybe back in May, June of 2010. I don't recall it earlier being an issue.

Q. In what respect did the tapping protocol become part of the fire safety education program in or around May or June of 2002?

A. From the time that I took over responsibility for the fire safety education program, which was approximately 2005, when I looked at the program, the program was in somewhat disarray. One of the reasons for that is, this was one of the programs that were affected by the events of 2001, where it basically got put on the back burner, within the department, as we were rebuilding various parts of the department. So after I realized I had now the responsibility for it, I basically had to reformulate the staff and then just take a review of everything that, you know, documents that we were doing, how we were doing our presentations. So we spent the first several

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2 the fire department, started asking about the  
3 hard-of-hearing community, and we realized that  
4 while we were touching parts of that community,  
5 we weren't probably doing it to the level that  
6 we could have -- could have or should have been  
7 doing. So about six months ago, we started an  
8 initiative to determine where those communities  
9 are within New York City and were there any  
10 specific needs from the fire safety end that we  
11 needed to address, and also how to make these  
12 presentations to that -- the people in that  
13 type -- in that community.

14 Q. You just mentioned two people. I  
15 believe you said Commissioner Shacknai, and you  
16 mentioned someone else. Who was the second  
17 person?

18 A. Elena Ferrara. She's a lawyer for the  
19 New York City Fire Department.

20 Q. An in-house lawyer for the Fire  
21 Department?

22 A. Yes, sir.

23 Q. What is Commissioner Shacknai's full  
24 name and spelling of that name, if you know,  
25 please.

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A. Everybody -- I believe his first name is Donald, but everybody -- I think his first name is Daniel but everybody calls him Don. I believe his first name is Daniel, Shacknai, I believe you spell it S-c-h-a-n-k-a-i.

MS. GANTZ: I think actually it's S-h-a-c-k-n-a-i.

A. And right now he's the first deputy Fire Commissioner.

Q. How did you come to know that Commissioner Shacknai and Elena Ferrera were expressing an interest in having the department reach out to the hard-of-hearing community?

A. Well, the first inquiry was about, have we dealt with anybody in the hard-of-hearing community and do we have any records of any of those events.

Q. Who asked that question?

A. I believe it was Elena Ferrera.

Q. In what format or context did she ask that question? Was it a written question, was it a meeting, or --

A. No, it was verbal. She came up to my office and she, you know, she explained that she

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So it started off with asking whether -- what we had previously done, let's look at how we can make further outreaches within the community, and then start the process of looking at, is there any specific fire safety behavior that we're looking to identify within that community that may be different from the average community, you know, the able community, if that's proper to say it that way, and then to start developing how do we make this presentation to these specific groups.

Q. You used the word "expand" a moment ago, in saying that there was an effort starting in spring and early summer 2010 to expand the fire safety education for the hard-of-hearing community. What was the status of such education prior to that time?

A. Well, when we looked at the data that we could locate, it was because we -- schools. The Fire Safety Education Unit of the New York City Fire Department, I have approximately six uniformed personnel. But then I have approximately 30 retired firefighters who are funded by the FDNY Foundation. And the focus of

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2 our program is mostly -- targets children. And 30  
3 we do a heavy school program. So the  
4 organizations that I saw where we dealt with the  
5 hard-of-hearing community were approximately two  
6 to three schools that we had made presentations  
7 in prior, and now -- we had reached out to them.  
8 But now we were looking at organizations that  
9 were other than schools.

10 Q. So prior to the spring and early  
11 summer of 2010, the outreach had been to two or  
12 three schools?

13 A. Approximately. Approximately two or  
14 three schools.

15 Q. Which schools were they, if you know?

16 A. I can't recall off the top of my head.

17 Q. What was the nature of the outreach to  
18 those two or three schools?

19 A. Well, usually with the schools, it's  
20 just basic fire -- basic fire safety lectures  
21 that we give to any children and any -- any  
22 child in any school. The difference --  
23 basically the information is the same but in  
24 these locations like -- because they're schools,  
25 they have, usually, people who can sign-language

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2 if it's necessary. So the presentation is  
3 really not any different than what we gave to  
4 any other school children in the City of New  
5 York.

6 Q. Was information about the tapping  
7 protocol part of the presentations made at those  
8 two or three schools?

9 A. I don't believe so. I'm not a hundred  
10 percent sure. But I don't believe so, from all  
11 the different conversations I've with, you know,  
12 people from the fire -- who worked within fire  
13 safety education.

14 Q. Are you aware of any outreach to the  
15 deaf or hard-of-hearing community prior to  
16 spring or summer of 2010 concerning the tapping  
17 protocol?

18 A. From the New York City Fire  
19 Department, or are you talking about fire safety  
20 education?

21 Q. From anyplace.

22 A. I can't spoke on behalf of -- I don't  
23 know if anybody else in the fire department was  
24 on -- it wasn't -- I don't believe it was being  
25 done with the fire safety education.

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2 A. As I'm --

3 Q. Unless your counsel tells you not to  
4 answer, you are required to answer.

5 A. A -- I know in my conversations with  
6 Lieutenant Mancuso, in the schools that we  
7 scheduled after June of 2010, which were now --  
8 they were being scheduled for the fall because  
9 the schools aren't open during the summer  
10 months, so in those school events for the  
11 children, they mentioned the tapping protocol at  
12 that time. That's my recollection of the  
13 first -- if you're asking me the first time I  
14 can recall when we added the tapping protocol to  
15 that presentation.

16 Q. So this would have been in the fall of  
17 2010, when schools opened?

18 A. Yes, sir.

19 Q. How many schools -- strike that. At  
20 how many schools did the presentation that  
21 included mention of the tapping protocol occur,  
22 after the fall of 2010?

23 MS. GANTZ: Objection.

24 Q. Let me rephrase that. Starting in the  
25 fall of 2010 to the present, how many schools

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2 thought the original had something to do with  
3 the subject of fire safety.

4 Q. Can you answer the last question I  
5 asked you, please? I rephrased it because you  
6 had some concerns about the words I used in my  
7 previous question, so I rephrased the question.

8 A. OK. I'm sorry.

9 MR. STULBERG: Could it be read back  
10 to the witness, please.

11 (Record read)

12 MS. GANTZ: Objection.

13 A. There may be a benefit to them.

14 Q. Well, why did you include it in the  
15 presentations that were made to the school  
16 children?

17 A. Because I was asked to include it.

18 Q. Was it explained to you why it should  
19 be included?

20 MS. GANTZ: Objection.

21 A. They just felt that, you know, when we  
22 speak to anybody about calling or reaching out  
23 to the fire department, basically we leave it at  
24 them to call 911. That's the message we give to  
25 every person. How they go about doing it,

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2 whatever communication means they have  
3 available, that's what they can use.

4 And then, as I've said, when we were  
5 rebuilding this whole program and now we're  
6 expanding to different communities, different  
7 parts of the disabled community, you become --  
8 you start looking for information and you become  
9 aware of it, you say, OK, maybe we should  
10 include this with people asking how they can  
11 contact 911.

12 Q. Do you know if the lawsuit that this  
13 deposition concerns had anything to do with the  
14 decision to reach out to the deaf and  
15 hearing-impaired community in 2010 concerning  
16 the tapping protocol?

17 MS. GANTZ: Objection.

18 A. No. We were already reaching out to  
19 the community, and then -- and basically when I  
20 was asked what's the extent and we were dealing  
21 with the YAI organization, it just seemed to  
22 open up another door that this is another group  
23 of people that we should be reaching out to  
24 maybe more within the community.

25 Q. In what respect was the fire

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47.

2 department already reaching out to the deaf and  
3 hearing-impaired community concerning the  
4 tapping protocol?

5 A. In regard to the tapping protocol it  
6 was very minimal prior to, you know, in regard  
7 to the tapping protocol prior to June --

8 Q. Prior to 2010.

9 A. Yes, prior to 2010 I would I would  
10 have to say, from the Fire Safety Education  
11 Unit, was probably minimal to nonexistent. I  
12 would have to answer that way.

13 Q. That was prior to when in 2010?

14 A. I would say June of 2010.

15 Q. And to your knowledge was there any  
16 other part of the fire department that was  
17 engaged in outreach to the deaf and  
18 hearing-impaired community concerning the  
19 tapping protocol prior to June of 2010?

20 MS. GANTZ: Objection.

21 A. I'm not aware what they may or may not  
22 have been doing regarding that particular  
23 subject.

24 Q. You mentioned the civilian who was in  
25 charge of training and fire safety education,

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2 Q. Yes. Let me rephrase the question.  
3 I'm going to give you a list of different  
4 organizations and sources of information  
5 concerning the deaf and hearing-impaired  
6 community. And my question for each of those  
7 is: What efforts if any has the New York City  
8 Fire Department and in particular the Fire  
9 Safety Education Unit made to reach out to those  
10 entities?

11 A. OK.

12 Q. OK? The first one would be university  
13 and college programs for personnel dealing with  
14 deafness.

15 A. Directly with the colleges and  
16 universities, I would have to say no.

17 Q. Advocacy, support, and rehabilitation  
18 programs for the deaf and hard of hearing?

19 A. Are you talking about in general? You  
20 give me specific --

21 Q. I'm not asking you about a particular  
22 one. I'm asking you whether there's been  
23 outreach by the department, including your Fire  
24 Safety Education Unit, to advocacy  
25 organizations, support organizations,

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2 rehabilitation organizations for deaf and hard  
3 of hearing people.

4 A. Yes, sir, there has.

5 Q. Can you list those?

6 A. The few I can remember, the Hearing  
7 Loss Association of America. There's an  
8 organization CEPIN, Community Emergency  
9 Preparedness Information Network. It, you know,  
10 unfortunately I don't -- there's -- we have  
11 reached out to probably another six to eight  
12 organizations I just can't give you off the top  
13 of my head.

14 Q. Let me narrow my question a bit so the  
15 record is clear. What if any efforts has the  
16 fire department made to disseminate information  
17 about the tapping protocol to advocacy  
18 organizations for the deaf?

19 A. The Fire Safety Education Unit, as we  
20 reached out to these different organizations and  
21 asked them about their community, how we should  
22 make the presentation and some information that  
23 will be in the presentation, we discussed that  
24 with various people, whether they're directors  
25 of the organizations or they're just

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2 representing the organizations, and we  
3 discussed -- we have discussed with them the  
4 tapping protocol.

5 Q. OK. Which organizations has the  
6 department had those discussions with?

7 A. Well, the Hearing Loss Association of  
8 America. There's that CEPIN group. And there's  
9 others. I just don't -- I don't -- can't give  
10 you them off the top of my head.

11 Q. Have all of those discussions occurred  
12 since the spring of 2010?

13 A. Yes, sir.

14 Q. Did any of those discussions occur  
15 before the spring of 2010?

16 A. Regarding the Fire and Safety  
17 Education Unit, I would say no.

18 Q. Has the city's fire department made  
19 any effort to disseminate information about the  
20 tapping protocol with churches and other  
21 interest groups concerning the deaf and  
22 hearing-impaired community?

23 A. We've been reaching out to any  
24 organization that we could find listed in the  
25 directory to schedule -- to explain our fire

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2 has to be -- answer has to be, I don't know  
3 what -- I don't have the recollection of every  
4 organization that Laura might have been speaking  
5 to and that might have been part of her  
6 conversation with those groups.

7 Q. So you don't know whether there has or  
8 has not been dissemination of the tapping  
9 protocol to that organization?

10 A. That's correct.

11 Q. Has there been any effort to  
12 disseminate information about the tapping  
13 protocol to iDeafNews.com, or DeafNewspaper.com,  
14 or other websites serving the deaf and  
15 hearing-impaired community?

16 A. I don't know if Laura has reached out  
17 to them, so I'd have to say I don't have any  
18 recollection of that being done.

19 Q. You mentioned the Hearing Loss  
20 Association of America. What information about  
21 the tapping protocol has been disseminated to  
22 the Hearing Loss Association of America, if any?

23 A. Within that group, it's a -- when we  
24 met with and discussed how our presentations  
25 going to be, depending on who you're speaking to

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2 within that organization, some people are  
3 totally against us even mentioning it because  
4 they find it insulting, and then there's other  
5 people that it has been part of the  
6 presentation.

7 Q. Could you answer the question that I  
8 asked you. What information about the tapping  
9 protocol has been disseminated to the Hearing  
10 Loss Association of America, if any?

11 A. Well, when you're -- the problem I'm  
12 having answering this question is, the Hearing  
13 Loss Association, as you talk to each of the  
14 groups so, in -- so, you know, I could sit here  
15 and say the tapping protocol has been given to  
16 the HLAA, but that's not a complete answer  
17 because some groups have gotten it and others  
18 haven't.

19 Q. I'm talking about when -- when you say  
20 "some groups," what are you referring to?

21 A. Well, from my recollection of the  
22 Hearing Loss Association, there's been a  
23 Manhattan chapter that we've done an event at.  
24 And I believe there was a chap -- I don't know  
25 the location of the other chapter that it was

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2 mentioned at.

3 Q. Were these presentations after the  
4 spring of 2010?

5 A. Yes, sir.

6 Q. Are you familiar with a --

7 MS. GANTZ: Does anyone want a break  
8 or a pause?

9 MR. STULBERG: I don't need one. Does  
10 the witness need one?

11 THE WITNESS: I'm fine.

12 MR. STULBERG: I'd like to have this  
13 document marked, a multi-page document, entitled  
14 "Hearing Loss Association, News & Views."

15 (Plaintiff's Exhibit QQQQ marked for  
16 identification)

17 Q. I'm showing you a multi-page document  
18 marked as Defendant's Exhibit QQQQ, consisting  
19 of a March 2011 edition of a publication called  
20 News & Views, published by the Hearing Loss  
21 Association of America, Manhattan Chapter. And  
22 directing your attention specifically to an  
23 article that begins on the right side of page 1  
24 and continues on the right side of page 2 and  
25 concludes on the left side of page 3, entitled

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2 "What You Missed in February," by Mary  
3 Fredericks. And it refers to a presentation  
4 that was made by Laura Squassoni,  
5 S-q-u-a-s-s-o-n-i, the administrative chief  
6 inspector for fire safety education of the New  
7 York City Fire Department, and Lieutenant  
8 Anthony Mancuso and Lieutenant Frank Manetta of  
9 that same unit. To your knowledge, was there  
10 any presentation to the Hearing Loss Association  
11 of America by Ms. Squassoni and Lieutenants  
12 Mancuso and Manetta in February of 2011?

13 A. Yes. It was conducted.

14 Q. There is no reference in this story to  
15 the tapping protocol or to information provided  
16 concerning the tapping protocol in that February  
17 2011 presentation. Do you know whether  
18 Ms. Squassoni or Lieutenants Mancuso or Manetta  
19 made any presentation to the Hearing Loss  
20 Association of America, Manhattan Chapter, on  
21 February 2011, concerning the tapping protocol?

22 A. I guess not.

23 Q. You know for a fact that that was not  
24 included in the presentation; is that right?

25 A. Yes, sir.

2 Q. I was asking you about people who are  
3 not hearing-impaired.

4 A. You would have, I guess, your  
5 cellphone use. If they could find an alarm box.  
6 If they could find a pay phone. Contact another  
7 person on the street. You know, anybody could  
8 contact another person on the street to try to  
9 relay the information if they -- you know, I  
10 guess that would be another option.

11 Q. Do you know how a deaf or hearing-  
12 impaired person can use a pay phone?

13 MS. GANTZ: Objection.

14 Is your question about contacting  
15 emergency services?

16 MR. STULBERG: No, it's more general  
17 than that.

18 MS. GANTZ: Then objection.

19 A. Would you mind asking that question  
20 again?

21 Q. Do you know how a deaf or hearing-  
22 impaired person could use a public pay phone?

23 A. The -- I would -- I would -- I -- a  
24 profoundly deaf person probably would have a --  
25 difficulty using a pay phone.

2 cognizant of everything that relates to that  
3 community, how everything affects that  
4 particular community.

5 Q. Do you know how a deaf or hearing-  
6 impaired person would be able to communicate on  
7 a public pay phone the type of emergency  
8 services he or she needed?

9 A. Would you mind just repeating that  
10 again, I'm sorry.

11 MR. STULBERG: Could that be read  
12 back, please.

13 (Record read)

14 A. I don't know how they would do it.

15 Q. And how would a deaf or hearing-  
16 impaired person communicate on a street alarm  
17 box the type of emergency service they needed,  
18 if you know?

19 A. Well, it -- with the alarm box within  
20 the hard-of-hearing community, my knowledge that  
21 I'm getting is that you have a percentage of  
22 that community who can voice. And I guess at  
23 the end of the day, the tapping protocol would  
24 probably be their fallback option.

25 Q. Are you aware of any procedures at the

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2 A. I'm not aware of whatever proposals  
3 are out there. I'm not -- I don't have that  
4 information. I'm not aware of that.

5 Q. Do you know what alternative means the  
6 city is proposing for the nonhearing-impaired to  
7 report emergencies from the street once the  
8 alarm boxes are removed?

9 MS. GANTZ: Objection.

10 A. I'm not aware of, one way or the  
11 other, whether anything is planned or not  
12 planned. I'm not aware of that information.

13 Q. Do you remember there was a time when  
14 the city installed on the streets some  
15 one-button alarm boxes?

16 MS. GANTZ: Objection.

17 A. I have no knowledge of what you're  
18 talk -- I don't know what you're talking about.

19 Q. Are you aware of any studies that have  
20 been done by the fire department to determine  
21 whether deaf and hearing-impaired people can  
22 report emergencies from a public pay phone?

23 MS. GANTZ: Objection.

24 A. I don't know if a study has or has not  
25 been taken. I'm not aware of it.

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2 approximately -- there's three or four schools  
3 that we've been into, and I think it only  
4 pertained to those three or four schools. I  
5 don't believe we had any other outside  
6 organization.

7 Q. When were those events held at those  
8 schools?

9 A. I don't have them off the top of my  
10 head.

11 Q. How many people attended the events at  
12 those schools?

13 A. Once again, I'd have to get that out  
14 of the data system. But my knowledge of how  
15 we -- what's normally at this event is, is  
16 usually 20 or 30 kids, students -- I'm sorry --  
17 teachers, and then there may be some parents  
18 involved. But for an exact number I would have  
19 to go back to the tracking system and pull out  
20 that information that is kept in the system.

21 Q. What if anything was mentioned in  
22 those events concerning the tapping protocol?

23 A. My, my recollection is, prior to that  
24 June 2000 date, I don't believe it may have been  
25 part of the presentation.

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2 basis did you have that belief?

3 A. My feeling is, probably they may not  
4 have been aware of it. But I'm not a hundred  
5 percent sure.

6 Q. Who may not have been aware?

7 A. Meaning Lieutenant Mancuso and  
8 Lieutenant Errico.

9 Q. Are you saying the people making the  
10 presentation were not aware of the tapping  
11 protocol?

12 A. They may have been, they may have not  
13 been. I'm not -- at that point in time, it  
14 wasn't -- I don't believe it was part of it, but  
15 I'm not a hundred percent sure because I wasn't  
16 there at those specific presentations.

17 Q. In your e-mail of June 16, 2010 in  
18 Exhibit SSSS, you say, you say among other  
19 things, "will have to add the tapping signals  
20 for the alarm boxes as part of the curriculum."  
21 Why did you write that?

22 A. I think it's just enforcing to them,  
23 ensuring to them, hey, we got to make sure that  
24 whenever you do these presentations it will be  
25 part of those presentations.

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2 Q. Well, why, as of June 16, 2010, were  
3 you as the chief giving the order that that  
4 information had to be added to the presentation?

5 A. I would have to say that from just a  
6 conversation with Elena and just instructing  
7 them that, hey, we should add this to the --  
8 that we're required now to add this to our fire  
9 safety program.

10 Q. Were you required to do that because  
11 the city was taking the position that it had  
12 satisfied the legal standards for removal of the  
13 alarm boxes by, among other things,  
14 disseminating the tapping protocol to the deaf  
15 and hearing-impaired community?

16 MS. GANTZ: Objection.

17 A. I would say no. There's more, as now  
18 is just -- you know, as you can tell from the  
19 first sentence, I'm not even fully aware of how  
20 many -- part of the deaf community we were  
21 reaching out to. And then as part of this  
22 whole -- as, you know, we started focusing more  
23 to this part of the disabled community, it now  
24 came as a counterpart, how do they con-- you  
25 know, how do we -- we formally tell in all

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2 presentations you call 911. So then it comes  
3 up, well, how do they -- and we were trying to  
4 find out. I was thinking, trying to find out,  
5 how do they call 911. And basically, you know,  
6 the tapping protocol was brought to my  
7 attention. Up until that date, I had no idea of  
8 the tapping protocol, personally. And that's  
9 when I said, hey, we just -- let's add this to  
10 the program.

11 Q. Who brought the tapping protocol to  
12 your attention?

13 A. It was probably, I'd have to say,  
14 Elena Ferrera.

15 Q. You said that it was now required to  
16 add the tapping protocol to the curriculum for  
17 presentations to the deaf and hearing-impaired  
18 community. How did you become aware of that  
19 requirement?

20 A. I don't know if "requirement" is -- it  
21 was basically suggested to me from Elena that  
22 this should be part of our fire safety  
23 presentation program.

24 Q. When was that suggestion made?

25 A. Probably I'd have to say it was around

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2 MR. STULBERG: Can it be read back,  
3 please.

4 (Record read)

5 MR. STULBERG: Let me rephrase that,  
6 because the question got a little garbled.

7 Q. Do you know if the city or the fire  
8 department or any subpart of the fire department  
9 has reached out to any of the organizations on  
10 this list in Exhibit VVVV concerning the tapping  
11 protocol?

12 MS. GANTZ: Objection.

13 A. The Fire Safety Education Unit has  
14 reached out to several organizations to try to  
15 schedule events, and for those events that we've  
16 been able to schedule and make presentations,  
17 unless they made the objection, we have now  
18 covered the tapping protocol.

19 Q. In what time period were these  
20 outreach efforts concerning the tapping protocol  
21 made, the ones just testified about?

22 A. Probably from, I would have to say in  
23 2011 because we've been having a hard time  
24 trying to schedule presentations with these  
25 groups.

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Q. And do you know for a fact that the tapping protocol was disseminated at those meetings in 2011?

A. At the events that the group did not object to, the tapping protocol has been covered.

Q. All right. Please now look at Exhibit DDDD, which was marked in a prior deposition. This document is a two-page document consisting of production nos. NYC-2101 and 2102. It's entitled "New York City Schools for the Deaf." It has a handwritten notation at the top right that says "6/16."

Was this a list that was provided to you after your June 16, 2010 e-mail?

A. This particular document, with this date on it, I've never seen. This is a listing. This appears to be one of the initial listings that Laura Squassoni put together.

Q. When did she put that together?

A. I'm assuming during the June, July of 2010.

Q. Do you know if any dissemination of the tapping protocol has been made by the fire

2 identification)  
3 MR. STULBERG: Off the record.  
4 (Discussion held off the record)  
5 Q. Chief Galvin, your name appears to be  
6 written in handwriting toward the top of this  
7 document, just above the words "Number 97-18."  
8 A. OK.  
9 Q. Have you seen this document before?  
10 A. I have seen this document, yes.  
11 Q. Are you familiar with it?  
12 A. I'm familiar with this -- I've seen  
13 it -- the dispatchers directive, yes. I'm  
14 familiar with this document.  
15 Q. For what purpose did you review this  
16 document?  
17 A. When the tapping protocol sort of came  
18 on my -- to my knowledge, around June of 2010, I  
19 started asking about the tapping protocol just  
20 to familiarize myself with the procedure.  
21 Q. So the first actual you became aware  
22 of this document was in June of 2010?  
23 A. That's correct.  
24 Q. Do you know who wrote your name on  
25 this document?

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2 A. I'm not advised of any outreach or  
3 presentation by anybody -- you know, I'm not  
4 familiar with anybody -- if anybody did that,  
5 I'm not familiar with it, I'm not aware of it.

6 Q. Do you know of any advising of  
7 hearing-impaired persons of the tapping protocol  
8 prior to the spring of 2010?

9 A. I don't know if any took place,  
10 outside of the Fire Safety Education Unit.

11 Q. And between September of 1997 and the  
12 spring of 2010, in that time frame in  
13 particular, do you know of any efforts that were  
14 made to advise hearing-impaired persons of the  
15 tapping protocol?

16 MS. GANTZ: Objection.

17 A. I'm not -- I'm not personally aware of  
18 any presentation -- it may have taken place.  
19 I'm not just aware of, no.

20 Q. During that same period, are you aware  
21 of any efforts that were made by the Fire Safety  
22 Education Unit concerning the tapping protocol?

23 A. I can only speak on behalf of the Fire  
24 Safety Education Unit, I would say, by my taking  
25 over in 2005, 2006. So prior to that date, I

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2 have no knowledge of that.

3 Q. Let's focus on just the unit for a  
4 moment, the Fire Safety Education Unit. During  
5 the time that you headed the unit, from 2005 to  
6 the present, are you aware of any efforts that  
7 that unit made to disseminate or educate  
8 concerning the tapping protocol other than the  
9 ones you've testified about, which occur from  
10 the spring of 2010 forward?

11 A. I'm not aware of any up until that  
12 period of time in 2010.

13 Q. Thank you. The second sentence in  
14 that same paragraph no. 1 in this document says  
15 "The standardized procedure that has been  
16 disseminated for reporting a fire is as  
17 follows," and then it details the procedure. Do  
18 you have any information of how that  
19 standardized procedure was disseminated prior to  
20 the spring of 2010, if it was?

21 A. No. Within the fire department I'm  
22 not aware of, if there was any outreach or not.  
23 I don't know how or if it was done. I'm not --  
24 maybe I misunderstood your question.

25 Q. Well, I'm not asking specifically

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2 Q. Now, during the session this morning  
3 you made reference to a fellow named Neil  
4 McDevitt. And you said he showed you a  
5 cellphone with some video relay capability. Who  
6 is Neil McDevitt?

7 A. Neil McDevitt, it's Community  
8 Emergency Planning Information Network, and when  
9 we were researching this whole hard-of-hearing  
10 community, we found him -- the National Fire  
11 Protection Association had highlighted him and  
12 listed him as an expert in making presentations  
13 to the hard-of-hearing community. So we reached  
14 out to him and he came -- I believe he's based  
15 in Maryland. And he came up to New York City to  
16 meet with us to discuss how we can improve our  
17 presentation capability through the  
18 hard-of-hearing community.

19 Q. Did you speak to him yourself?

20 A. Yes, I did. I was in the meeting.

21 Q. Did you discuss with him the tapping  
22 protocol?

23 A. Yes, we did.

24 Q. Did you discuss with him the use of  
25 public pay phones by the deaf and hearing-

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2 impaired to report emergencies from the street?

3 A. It probably came up a little bit with  
4 the tapping, because usually when you're talking  
5 about the tapping you talk about the alarm box  
6 and the public phones.

7 Q. Do you recall what Mr. McDevitt said  
8 if anything about whether public pay phones  
9 could be used by deaf and hearing-impaired  
10 people to report emergencies from the street?

11 A. The impression I got from Neil in the  
12 discussions was that, you know, the technology  
13 that's being used by this community has bypassed  
14 that and that he personally wouldn't, you know,  
15 consider using a phone. And so I know it was  
16 discussed, but it really wasn't in depth as a  
17 key component of communications capability for  
18 people who are hard of hearing.

19 Q. What was not? Public pay phones?

20 A. Public pay phones.

21 Q. On the second page of this document,  
22 XXXX, about the middle of the page, there is an  
23 answer which reads in part as follows: "We do  
24 have stats, which the Commissioner mentioned  
25 again, that show how many millions of calls come

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2 to suggestions from people who are deaf, hard of  
3 hearing, and who have speech impairments, the  
4 Giuliani Administration will be seeking  
5 proposals from prospective suppliers of public  
6 pay telephones for technological solutions for  
7 improved access to telephone services, including  
8 access to emergency services for people with  
9 communications impairments. This technology may  
10 include compatibility with TTY (text  
11 teletypewriters) as well as interactive  
12 electronics to provide specific identification  
13 of the emergency service needed and confirmation  
14 of the receipt of the call. Efforts also are  
15 being made to promote national consistency with  
16 respect to public service pay telephones under  
17 the Federal Telecommunications Act."

18 Do you know if any of those  
19 technological solutions --

20 MS. GANTZ: Objection.

21 Q. -- actually were achieved in New York  
22 City?

23 MS. GANTZ: Objection.

24 A. I'm not that familiar with it. I  
25 don't know what changes, if any.

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2 Q. Are you aware of any technology that  
3 has made it possible to identify the emergency  
4 service needed and to confirm the receipt of the  
5 emergency call from the pay phone if the person  
6 couldn't hear?

7 MS. GANTZ: Objection.

8 A. I'm not aware of any change, you know,  
9 if any, or what changes are made or proposed.

10 Q. Since you've been involved in fire  
11 safety training and education, have you heard of  
12 any suggestions to improve access to public pay  
13 telephones for deaf and hard-of-hearing people?

14 A. Would you mind repeating that  
15 question, please.

16 MR. STULBERG: Could it be read back.  
17 (Record read)

18 A. From our interaction, you know, when  
19 our conversations that we -- that members of the  
20 Fire Safety Education Unit have had with the  
21 various groups that we've been able to reach out  
22 to, their concern is having -- you know, they  
23 have the technology to transmit the request, but  
24 it's not being able to be received by  
25 dispatchers.

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2 Q. What technology are you referring to?

3 A. I guess that would be the -- to  
4 receive digital text messages.

5 Q. So in your office's conversations with  
6 representatives -- excuse me -- in your outreach  
7 efforts to the deaf and hearing-impaired  
8 community, you receive some information back  
9 that it might be possible for a deaf or  
10 hearing-impaired person to send a text message  
11 requesting emergency service, but that text  
12 message could not be received in the  
13 dispatcher's office in New York City? Is that  
14 what you're saying?

15 A. Yes, that's correct.

16 Q. Have you talked to anybody within the  
17 city administration or the fire department about  
18 text messaging?

19 A. No, I have not.

20 Q. Have you done any further  
21 investigation yourself about text messaging?

22 A. I'm -- when you --

23 Q. I'll strike that.

24 MR. STULBERG: May I have this  
25 document marked ZZZZ.

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2 over old ground. Apart from the individuals  
3 you've mentioned, is there anyone else from  
4 within the Administration of the City of New  
5 York with whom you have discussed that issue,  
6 since 1997?

7 MS. GANTZ: Objection. You can  
8 answer.

9 A. The only one I can possibly think of  
10 is Chief Robert Boyce of the Bureau of  
11 Communications.

12 Q. When did you speak to him?

13 A. In -- yes, I spoke to Bob.

14 Q. Sorry?

15 A. Yes. I spoke to Chief Boyce.

16 Q. And when was that?

17 A. I'm guessing it's during that June,  
18 July time. That's when I first -- that's how I  
19 came across the dispatch, that dispatch  
20 directive that you showed me --

21 Q. Yes.

22 A. And I wanted to know who was it, you  
23 know, because I was just being -- I'm becoming  
24 aware of it myself for the first time, so I was  
25 seeking out, well, what is the tapping protocol,

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2 and I think -- I'm pretty sure I spoke to Chief  
3 Boyce. That's when I got a copy of that  
4 dispatch directive.

5 Q. The substance of that conversation was  
6 what?

7 A. You know, what is the policy, because  
8 this is -- I needed the information that -- I  
9 had to ensure that the members of the fire  
10 safety education program had the right  
11 information that we're providing, the correct  
12 information. That was all about the  
13 information.

14 Q. I appreciate the time you've spent  
15 here today and I don't have any further  
16 questions for you.

17 MS. GANTZ: I just need a couple  
18 minutes because I have a couple questions. I  
19 just have a couple-minute break.

20 (Recess from 2:55 p.m. to 2:57 p.m.)

21 MS. GANTZ: This should be very brief.

22 EXAMINATION

23 BY MS. GANTZ

24 Q. You testified earlier that in your  
25 opinion, the tapping protocol was not part of

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2 fire safety education. Can you explain what in  
3 your opinion fire safety education focuses on?

4 A. Fire safety education is meant to  
5 identify and correct behaviors of people that  
6 cause them to accidentally start fires, get  
7 injured, and in some cases have killed people.  
8 So the fire safety program -- it's been from  
9 when I took it over. And the focus of it is on  
10 that behavior, behavior that cause fires and  
11 injures and how we go about preventing them.

12 Q. You also testified at length about how  
13 the tapping protocol had been incorporated into  
14 the fire safety education trainings that you've  
15 been doing more recently with the deaf and  
16 hard-of-hearing communities. Does that training  
17 include information about using the tapping  
18 protocol on both alarm boxes and public pay  
19 phones to communicate the kind of emergency that  
20 a person is reporting?

21 MR. STULBERG: Objection to form.

22 A. Yes, it does. We cover what's in the  
23 tapping protocol that we got from the  
24 dispatchers directive.

25 MS. GANTZ: OK. Those are all my

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