

<p style="text-align: right;">Page 1</p> <p>UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK</p> <p>-----X</p> <p>JEAN AZOR-EL, et al.,</p> <p style="padding-left: 40px;">Plaintiff,</p> <p style="padding-left: 40px;">-against-</p> <p style="padding-left: 40px;">Index No: 1:20-cv-03650-KPF</p> <p>CITY OF NEW YORK, et al.,</p> <p style="padding-left: 40px;">Defendants.</p> <p>-----X</p> <p style="padding-left: 40px;">DATE: April 23, 2021</p> <p style="padding-left: 40px;">TIME: 3:22 p.m.</p> <p style="padding-left: 40px;">EXAMINATION BEFORE TRIAL of the Plaintiff, RONNIE COLE, taken by the Plaintiff, via videoconference, pursuant to Court Order, held on the above mentioned date and time, before a Notary Public of the State of New York.</p>	<p style="text-align: right;">Page 3</p> <p>1 FEDERAL STIPULATIONS</p> <p>2 IT IS HEREBY STIPULATED AND AGREED</p> <p>3 by and between (among) counsel for the respective</p> <p>4 parties herein, that filing and sealing be and the</p> <p>5 same are hereby waived</p> <p>6</p> <p>7 IT IS FURTHER STIPULATED AND AGREED</p> <p>8 that all objections, except as to the form of the question,</p> <p>9 shall be reserved to the time of the trial</p> <p>10</p> <p>11 IT IS FURTHER STIPULATED AND AGREED</p> <p>12 that the within deposition may be sworn to and signed</p> <p>13 before any officer authorized to administer an</p> <p>14 oath, with the same force and effect as if signed</p> <p>15 and sworn to before the Court</p> <p>16</p> <p>17 VIDEO STIPULATIONS</p> <p>18 IT IS HEREBY STIPULATED AND AGREED by</p> <p>19 and between counsel for all parties present</p> <p>20 that pursuant to CPLR section 3113(d) this</p> <p>21 deposition is to be conducted by video</p> <p>22 conference, that the court reporter, all</p> <p>23 counsel, and the witness are all in separate</p> <p>24 remote locations and participating via</p> <p>25 videoconference (LegalView/Zoom) meeting</p>
<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES:</p> <p>2</p> <p>3 KEENAN &amp; BHATIA, LLC</p> <p>4 Attorneys for Plaintiffs</p> <p>5 90 Broad Street, Suite 200</p> <p>6 New York, New York 10004</p> <p>7</p> <p>8 BY: E.E. KEENAN, ESQ.</p> <p>9</p> <p>10 CITY OF NEW YORK</p> <p>11 Attorneys for Defendants</p> <p>12 100 Church Street</p> <p>13 New York, New York</p> <p>14 BY: CHLARENS ORSLAND, ESQ.</p> <p>15</p> <p>16 ALSO PRESENT:</p> <p>17 Sonal Bhatia, Esq.,</p> <p>18 Keenan &amp; Bhatia</p> <p>19 Julia Gokhberg, Litigation Manager</p> <p>20 Keenan &amp; Bhatia</p> <p>21</p> <p>22 David Thayer, Esq.</p> <p>23 City of New York</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 under the control of Lexitas Court Reporting</p> <p>2 Service, that the officer administering the</p> <p>3 oath to the witness need not be in the place</p> <p>4 of the deposition and the witness shall be</p> <p>5 sworn in remotely by the court reporter after</p> <p>6 confirming the witnesses identity, that this</p> <p>7 videoconference will not be recorded in any</p> <p>8 manner and that any recording without the</p> <p>9 express written consent of all parties shall</p> <p>10 be considered unauthorized, in violation of</p> <p>11 law, and shall not be used for any purpose in</p> <p>12 this litigation or otherwise.</p> <p>13 IT IS FURTHER STIPULATED that exhibits</p> <p>14 may be marked by the attorney presenting the</p> <p>15 exhibit to the witness, and that a copy of</p> <p>16 any exhibit presented to a witness shall be</p> <p>17 e-mailed to or otherwise in possession of all</p> <p>18 counsel prior to any questioning of a witness</p> <p>19 regarding the exhibit in question. All</p> <p>20 parties shall bear their own costs in the</p> <p>21 conduct of this deposition by video</p> <p>22 conference, notwithstanding the obligation</p> <p>23 by CPLR to supply a copy of the transcript to</p> <p>24 the deposed party by the taking party in</p> <p>25 civil litigation matters.</p>

<p style="text-align: right;">Page 5</p> <p>1 RONNIE COLE, 2 the witness herein, having been first duly 3 sworn by a Notary Public of the State of New 4 York, was examined and testified as follows: 5 THE REPORTER: State your name 6 for the record, please. 7 THE WITNESS: Ronnie Cole. 8 THE REPORTER: State your 9 address for the record, please. 10 THE WITNESS: 14 Hazen Street, 11 East Elmhurst, New York. 12 MR. KEENAN: I assumed since we 13 noticed these, that we were going to 14 go first. If you have any problem 15 with that, let me know. 16 MR. ORSLAND: No, that's fine. 17 EXAMINATION BY 18 MR. KEENAN: 19 Q. Good afternoon, Mr. Cole. How are 20 you today? 21 A. Good. 22 Q. Of course, we know each other well. 23 I'm E.E. Keenan. I'm one of your attorneys 24 in this case. 25 Do you understand that you're here</p>	<p style="text-align: right;">Page 7</p> <p>1 R. COLE 2 going to be focused on two issues that the 3 Court has asked us to look into in an 4 expedited discovery period regarding masks 5 and sanitation. 6 Do you understand that you may give 7 testimony again in this case as this case 8 proceeds, right? 9 A. Yes. 10 Q. So Mr. Cole, how long have you been 11 detained at Rikers Island? 12 A. Two years. 13 Q. Has that entire time been at the 14 North Infirmary Command? 15 A. Yes, it has. 16 Q. Mr. Cole you previously gave a 17 declaration in this case that was submitted 18 to the Court, correct? 19 A. Yes. 20 Q. Was everything in that declaration 21 true, accurate, and correct? 22 A. Yes, it was. 23 Q. Mr. Cole, you have a number of 24 ongoing medical conditions that you deal 25 with, correct?</p>
<p style="text-align: right;">Page 6</p> <p>1 R. COLE 2 today to give a deposition in a case that you 3 and others have filed against the City of New 4 York and various correctional wardens and 5 personnel regarding conditions and 6 confinement at Rikers Island, correct? 7 A. That's correct. 8 Q. Mr. Cole, what unit of Rikers Island 9 are you currently detained at? 10 A. NIC. 11 Q. That is the North Infirmary Command, 12 correct? 13 A. That is correct. 14 Q. This deposition is being taken by 15 Microsoft Teams or Skype, correct? 16 A. Correct. 17 Q. So if there is anything that fades 18 out or if there is anything that is unclear, 19 will you just let us know and ask us to 20 clarify that? 21 A. Yes, I will. 22 Q. Are you feeling able to testify 23 today? 24 A. Sure. 25 Q. So most of my questions today are</p>	<p style="text-align: right;">Page 8</p> <p>1 R. COLE 2 A. That's correct. 3 Q. Can you summarize for us what those 4 conditions are? 5 A. Wheelchair. I use a urine bag 6 catheter. I where Depends, adult Depends. 7 I'm on a number of medications. 8 Q. Do those conditions make you 9 vulnerable to COVID19 if you were to be 10 exposed to it, including any of the variants? 11 A. Yeah. 12 Q. Are you afraid of exposure to COVID 13 19? 14 A. Yes, I am. 15 Q. What does it feel like to be living 16 with that every day? 17 A. It's a hassle. 18 Q. Tell us more about that? 19 A. I mean, it's just, you know, you got 20 to deal with whatever is coming at you. 21 Here, it's bad. I mean, cleaning -- the 22 cleaning up, they don't clean enough in here. 23 Q. Let me ask you about sanitization of 24 high-touch surfaces and sanitization of 25 surfaces in general. What, if anything, are</p>


<p style="text-align: right;">Page 9</p> <p>1 R. COLE</p> <p>2 you seeing happening in NIC regarding</p> <p>3 sanitization of surfaces?</p> <p>4 A. They're not giving out any hand</p> <p>5 sanitizer, stuff to clean with. The officers</p> <p>6 don't wear their masks.</p> <p>7 Q. You mentioned, we'll set hand</p> <p>8 sanitizer to one side and not talk about that</p> <p>9 right now, but in terms of materials to clean</p> <p>10 surfaces. You mentioned that they're not</p> <p>11 distributing any materials to clean surfaces,</p> <p>12 correct?</p> <p>13 A. No, that is correct.</p> <p>14 Q. Have they made Virex available to</p> <p>15 you if you wanted?</p> <p>16 A. No.</p> <p>17 Q. Have you ever requested any</p> <p>18 materials to be able to clean surfaces with?</p> <p>19 A. Yeah.</p> <p>20 Q. What have you been told?</p> <p>21 A. They don't have it.</p> <p>22 Q. Have you made that request of</p> <p>23 correction officers and correctional staff?</p> <p>24 A. That's correct.</p> <p>25 Q. They have told you that they do not</p>	<p style="text-align: right;">Page 11</p> <p>1 R. COLE</p> <p>2 Q. You're not being given buckets with</p> <p>3 sanitary solution, correct?</p> <p>4 A. That's correct.</p> <p>5 Q. You're not being given any type of</p> <p>6 sanitation material, correct?</p> <p>7 A. No.</p> <p>8 Q. Right now you are in a video call</p> <p>9 while you're giving this deposition?</p> <p>10 A. Right.</p> <p>11 Q. The phones that you -- are you</p> <p>12 holding a phone set so that we can hear you?</p> <p>13 A. Yes.</p> <p>14 Q. Are you provided any materials to</p> <p>15 clean that phone set before or after you use</p> <p>16 it?</p> <p>17 A. No.</p> <p>18 Q. Have you ever observed anyone</p> <p>19 cleaning the phones before or after you use</p> <p>20 them?</p> <p>21 A. No.</p> <p>22 Q. Have you observed any sanitation</p> <p>23 crews within the past month coming in and</p> <p>24 sanitizing or cleaning high-touch surfaces in</p> <p>25 your housing unit, such as tables or</p>
<p style="text-align: right;">Page 10</p> <p>1 R. COLE</p> <p>2 have Virex or other cleaning materials to</p> <p>3 give you?</p> <p>4 A. That is correct.</p> <p>5 Q. Has that been within the last month</p> <p>6 or so?</p> <p>7 A. I just asked again yesterday. I was</p> <p>8 in the dayroom and I wanted to clean the</p> <p>9 tables in the dayroom.</p> <p>10 Q. Tell us what happened there?</p> <p>11 A. They don't have it. They don't have</p> <p>12 it on hand.</p> <p>13 Q. So were you able to clean the table</p> <p>14 in the dayroom?</p> <p>15 A. Wipe it down.</p> <p>16 Q. With what?</p> <p>17 A. Piece of paper.</p> <p>18 Q. But you did not have any sanitizing</p> <p>19 materials or anything to kill any pathogens</p> <p>20 on that table, correct?</p> <p>21 A. Correct.</p> <p>22 Q. Just to be clear, you're not being</p> <p>23 given alcohol wipes or sanitary wipes or</p> <p>24 anything like that?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 12</p> <p>1 R. COLE</p> <p>2 doorknobs or phones?</p> <p>3 A. No.</p> <p>4 Q. Mr. Cole, you mentioned that</p> <p>5 officers have not been wearing masks, in your</p> <p>6 observation, correct?</p> <p>7 A. That is correct.</p> <p>8 Q. Do any officers wear masks? Do some</p> <p>9 wear masks?</p> <p>10 A. Some wear masks, some don't. Most</p> <p>11 of them don't.</p> <p>12 Q. You said most of them do not where</p> <p>13 masks?</p> <p>14 A. Right.</p> <p>15 Q. So your view is that -- are officers</p> <p>16 not wearing masks even when they are within</p> <p>17 six feet of you and other inmates?</p> <p>18 A. That is correct.</p> <p>19 Q. So officers were regularly coming</p> <p>20 closer than six feet to you and other inmates</p> <p>21 while not wearing masks; is that correct?</p> <p>22 A. That's correct.</p> <p>23 Q. That has been happening within the</p> <p>24 past month, right?</p> <p>25 A. Absolutely.</p>

<p style="text-align: right;">Page 13</p> <p>1 R. COLE</p> <p>2 Q. Mr. Cole, do you feel comfortable</p> <p>3 identifying any of those officers by name?</p> <p>4 A. No.</p> <p>5 Q. Tell us why that is?</p> <p>6 A. Retaliation.</p> <p>7 Q. Have you suffered any retaliation</p> <p>8 while you've been in NIC?</p> <p>9 A. No.</p> <p>10 Q. What type of retaliation are you</p> <p>11 concerned about?</p> <p>12 A. Passing the word on to calling me a</p> <p>13 snitch.</p> <p>14 Q. What does it mean to be labeled as a</p> <p>15 snitch when you're inside a correctional</p> <p>16 facility?</p> <p>17 A. I would be subject to a cutting or a</p> <p>18 slashing, assault.</p> <p>19 Q. It's pretty dangerous to be labeled</p> <p>20 as a snitch inside a correctional facility,</p> <p>21 correct?</p> <p>22 A. That is correct.</p> <p>23 Q. Have you observed any officers being</p> <p>24 disciplined or counseled by correctional</p> <p>25 management or supervisors for not wearing a</p>	<p style="text-align: right;">Page 15</p> <p>1 R. COLE</p> <p>2 A. 22.</p> <p>3 Q. Now, what is the number of your</p> <p>4 dorm, Mr. Cole?</p> <p>5 A. Dorm 1.</p> <p>6 Q. Say that again?</p> <p>7 A. Dorm 1.</p> <p>8 Q. Dorm 1 in NIC, correct?</p> <p>9 A. Right.</p> <p>10 Q. Have you observed, within the past</p> <p>11 month, officers being present in the housing</p> <p>12 area of Dorm 1 without masks on?</p> <p>13 A. Yes.</p> <p>14 Q. Within the past month you've</p> <p>15 observed officers being present in the</p> <p>16 dayroom without masks on?</p> <p>17 A. That is correct.</p> <p>18 Q. In all of those times in the</p> <p>19 dayroom, there have been inmates, detainees,</p> <p>20 present in the dayroom, correct?</p> <p>21 A. Yeah.</p> <p>22 Q. When you've seen officers in the</p> <p>23 dorm area without masks on, detainees have</p> <p>24 been present, correct?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 14</p> <p>1 R. COLE</p> <p>2 mask?</p> <p>3 A. No.</p> <p>4 Q. When an officer is not wearing a</p> <p>5 mask, have you ever observed another officer</p> <p>6 come up to them and say, "Hey, put your mask</p> <p>7 on" or words to that effect?</p> <p>8 A. No.</p> <p>9 Q. Have you seen officers not wearing</p> <p>10 masks inside the dayroom?</p> <p>11 A. Yeah.</p> <p>12 Q. Summarize for us what a dayroom is?</p> <p>13 A. Dayroom is where everybody goes in</p> <p>14 to watch TV, play cards, have breakfast,</p> <p>15 lunch, or dinner.</p> <p>16 Q. It's kind of an all purpose or</p> <p>17 general purpose room to be present in during</p> <p>18 the daytime, correct?</p> <p>19 A. That is correct.</p> <p>20 Q. Then in the housing units, are you</p> <p>21 in a single cell or are you in a</p> <p>22 dormitory-type housing unit?</p> <p>23 A. Dormitory.</p> <p>24 Q. How many people, how many detainees</p> <p>25 are presently in your dorm, approximately?</p>	<p style="text-align: right;">Page 16</p> <p>1 R. COLE</p> <p>2 Q. These are all closed air rooms,</p> <p>3 there's not outside ventilation or open</p> <p>4 windows in there?</p> <p>5 A. No.</p> <p>6 Q. Mr. Cole, in the video booth that</p> <p>7 you're in right now, is there a bucket with</p> <p>8 sanitizer there?</p> <p>9 A. No.</p> <p>10 Q. Is there any type of sanitizing</p> <p>11 material in that booth?</p> <p>12 A. No.</p> <p>13 Q. Have you been informed that there</p> <p>14 was any sanitizing material located anywhere</p> <p>15 near that booth or available to you if you</p> <p>16 want to use it?</p> <p>17 A. No.</p> <p>18 Q. You're in a video booth right now.</p> <p>19 There are also telephones that you use to</p> <p>20 just make traditional phone calls in NIC,</p> <p>21 correct?</p> <p>22 A. Correct.</p> <p>23 Q. Are there any wipes or Virex or</p> <p>24 other sanitizing materials available near</p> <p>25 those phones for you to sanitize them?</p>

<p style="text-align: right;">Page 17</p> <p>1 R. COLE</p> <p>2 A. No, not at all.</p> <p>3 Q. When you say guards are not wearing</p> <p>4 masks, are you referring to a situation where</p> <p>5 they're not wearing a mask at all?</p> <p>6 A. At all.</p> <p>7 Q. At all, okay.</p> <p>8 Mr. Cole, regarding masks or</p> <p>9 sanitation materials, is there anything else</p> <p>10 that you would like to add at this time?</p> <p>11 A. No.</p> <p>12 MR. KEENAN: Mr. Cole, thank you</p> <p>13 again for your time today. Those</p> <p>14 are all the questions I have for you</p> <p>15 on these topics at this time.</p> <p>16 You may get some questions from</p> <p>17 the attorney for the City.</p> <p>18 EXAMINATION BY</p> <p>19 MR. ORSLAND:</p> <p>20 Q. Mr. Cole, it's nice to meet you. My</p> <p>21 name is Chuck Orsland. I'm a lawyer for the</p> <p>22 City of New York.</p> <p>23 A. Okay.</p> <p>24 Q. Thank you for being here. I just</p> <p>25 have a few follow-up questions. In the last</p>	<p style="text-align: right;">Page 19</p> <p>1 R. COLE</p> <p>2 surfaces?</p> <p>3 A. No.</p> <p>4 Q. You feel you're completely on your</p> <p>5 own here?</p> <p>6 A. Yeah.</p> <p>7 Q. Is there a janitor's closet in your</p> <p>8 unit?</p> <p>9 A. Is there a janitor's closet, you</p> <p>10 said?</p> <p>11 Q. Yes.</p> <p>12 A. They store buckets -- the mop pail</p> <p>13 and buckets.</p> <p>14 Q. Are you aware if there are any other</p> <p>15 supplies other than the mops and the buckets?</p> <p>16 A. No.</p> <p>17 Q. Have you ever had occasion to use</p> <p>18 the janitor's closet?</p> <p>19 A. No. It's the guy that does the</p> <p>20 dayroom. He gets the broom and the mop out</p> <p>21 of there, mop pail out of there.</p> <p>22 Q. Is that an employee or is that a</p> <p>23 fellow resident of the unit?</p> <p>24 A. Fellow resident.</p> <p>25 Q. How often does he do it?</p>
<p style="text-align: right;">Page 18</p> <p>1 R. COLE</p> <p>2 month or so, have you ever seen buckets of</p> <p>3 Virex available in your housing area?</p> <p>4 A. No.</p> <p>5 Q. Is there a crew of workers that come</p> <p>6 into your housing area to clean the housing</p> <p>7 area?</p> <p>8 A. Say it again?</p> <p>9 Q. Do you ever see a team of workers</p> <p>10 called institutional aides come into your</p> <p>11 housing area and clean up the facility or the</p> <p>12 housing area?</p> <p>13 A. No, one guy would come in. A guy</p> <p>14 would come in.</p> <p>15 Q. What does he have with him when he</p> <p>16 comes in to clean?</p> <p>17 A. With just a bucket, mop, a mop pale.</p> <p>18 Q. He has a mop pail, does he actually</p> <p>19 mop up the area?</p> <p>20 A. Sweep and mop.</p> <p>21 Q. Sweep and mop. Do you ever see him</p> <p>22 address high-touch surfaces?</p> <p>23 A. No.</p> <p>24 Q. In the last month, has anyone else</p> <p>25 ever come in simply to wipe down high-touch</p>	<p style="text-align: right;">Page 20</p> <p>1 R. COLE</p> <p>2 A. Once out of a week.</p> <p>3 Q. Could you tell me his name, would</p> <p>4 that be comfortable for you?</p> <p>5 A. [REDACTED].</p> <p>6 Q. Let me ask you something about the</p> <p>7 mask wearing. In the last month, have you</p> <p>8 ever seen an officer in the unit properly</p> <p>9 wearing a mask?</p> <p>10 A. Yeah, they wear them under they</p> <p>11 chin, under they nose.</p> <p>12 Q. Have you ever seen one in the last</p> <p>13 month wear it properly covering his nose?</p> <p>14 A. No.</p> <p>15 Q. Are there regular officers assigned</p> <p>16 to your unit?</p> <p>17 A. Yeah.</p> <p>18 Q. You know these guys; they know you?</p> <p>19 A. Yeah.</p> <p>20 Q. Just to be clear, you would not be</p> <p>21 comfortable identifying them because of your</p> <p>22 fear of retaliation; is that correct?</p> <p>23 A. That is correct.</p> <p>24 Q. I respect that, sir.</p> <p>25 Are you aware of other instances in</p>

<p style="text-align: right;">Page 21</p> <p>1 R. COLE</p> <p>2 which a fellow resident of the jail has been</p> <p>3 labeled a snitch by a guard in retaliation?</p> <p>4 A. Yeah.</p> <p>5 Q. Can you give me an example of one,</p> <p>6 what the circumstances were?</p> <p>7 A. Yeah, a guy was in Dorm 3 and he</p> <p>8 told on the captain, so the captain did</p> <p>9 something to him, he reported him to 311. He</p> <p>10 wound up getting cut.</p> <p>11 Q. So if I understand this, you're</p> <p>12 telling me an inmate in Dorm 3 made a</p> <p>13 complaint to 311; is that correct?</p> <p>14 A. That's correct.</p> <p>15 Q. As a result, he was labeled a snitch</p> <p>16 by a captain?</p> <p>17 A. Yep.</p> <p>18 Q. You would not be comfortable giving</p> <p>19 me that captain's name; is that correct?</p> <p>20 A. That's correct.</p> <p>21 Q. He was later assaulted by an inmate?</p> <p>22 A. Yep.</p> <p>23 Q. It's your belief that's because he</p> <p>24 was accused of being a snitch against other</p> <p>25 inmates?</p>	<p style="text-align: right;">Page 23</p> <p>1 R. COLE</p> <p>2 Q. As a result, do you have no problems</p> <p>3 with them for that reason?</p> <p>4 A. I'm 60 years old. I mind my</p> <p>5 business. I stay to myself.</p> <p>6 Q. I hear you. What are your</p> <p>7 interactions with officers and other</p> <p>8 residents of your unit? Do people generally</p> <p>9 get along there? Would you characterize the</p> <p>10 dorm as kind of having a tension-filled</p> <p>11 place? Do people kind of get along? What do</p> <p>12 you think?</p> <p>13 A. They fight.</p> <p>14 Q. There are fights in the dorm?</p> <p>15 A. Yeah.</p> <p>16 Q. Is that inmate on inmate or are</p> <p>17 officers involved?</p> <p>18 A. Officers and inmates argue, you know</p> <p>19 what I'm saying, verbal argument, but inmates</p> <p>20 fight.</p> <p>21 Q. I assume it's mainly verbal</p> <p>22 confrontations?</p> <p>23 A. Yeah.</p> <p>24 Q. Have you filed any formal grievances</p> <p>25 about the COVID issue since you've been in</p>
<p style="text-align: right;">Page 22</p> <p>1 R. COLE</p> <p>2 A. Right.</p> <p>3 Q. In other words, if someone was</p> <p>4 accused of snitching against an officer, that</p> <p>5 would not be an issue for you, would it?</p> <p>6 MR. KEENAN: Objection. I think</p> <p>7 that misstates the record but go</p> <p>8 ahead.</p> <p>9 MR. ORSLAND: Let me rephrase it</p> <p>10 and make it a little clearer.</p> <p>11 Q. Sir, I take it your concern is that</p> <p>12 an inmate would be labeled as a snitch</p> <p>13 against other inmate as opposed to snitching</p> <p>14 against an officer; do I have that right?</p> <p>15 A. No, a snitch is a snitch.</p> <p>16 Q. Oh, I see. So whoever he snitches</p> <p>17 against, that would place the inmate in</p> <p>18 danger?</p> <p>19 A. Right.</p> <p>20 Q. How do you get along with the</p> <p>21 officers in Dorm 1 generally?</p> <p>22 A. I stay to myself, mind my business.</p> <p>23 Q. As a result, do you have any</p> <p>24 problems with them?</p> <p>25 A. Say that again?</p>	<p style="text-align: right;">Page 24</p> <p>1 R. COLE</p> <p>2 Dorm 1?</p> <p>3 A. Yes, I filed a grievance, grievance</p> <p>4 complaint about the COVID and the beds.</p> <p>5 Q. Is the bed issue because they're too</p> <p>6 close to each other?</p> <p>7 A. Yep.</p> <p>8 Q. Were you not concerned about</p> <p>9 retaliation for doing that?</p> <p>10 A. That's my right.</p> <p>11 Q. Absolutely. Is it also your right</p> <p>12 to identify any officer that you believe is</p> <p>13 treating you unfairly?</p> <p>14 A. Not if I'm living inside</p> <p>15 Corrections.</p> <p>16 Q. But you're not concerned about being</p> <p>17 retaliated against --</p> <p>18 (Whereupon, the reporter</p> <p>19 interrupted due to audio</p> <p>20 interference.)</p> <p>21 Q. Just to be clear, you're not</p> <p>22 concerned about retaliation as a result of</p> <p>23 filing a formal grievance?</p> <p>24 A. Sure, I am.</p> <p>25 Q. I thought you said that was your</p>

<p style="text-align: right;">Page 25</p> <p>1 R. COLE</p> <p>2 right, you said?</p> <p>3 A. It is my right but I feel</p> <p>4 retaliation.</p> <p>5 Q. Oh, oh, I see. I misunderstood your</p> <p>6 prior answer. So when you filed a grievance,</p> <p>7 you did fear retaliation?</p> <p>8 A. Yeah.</p> <p>9 Q. But you did it anyway?</p> <p>10 A. Yeah.</p> <p>11 Q. Because you thought it was the right</p> <p>12 thing to do?</p> <p>13 A. Correct.</p> <p>14 Q. I noticed you're wearing a mask in</p> <p>15 your unit. Do your fellow residents</p> <p>16 typically wear masks or is that uneven, is it</p> <p>17 common, not common?</p> <p>18 A. Some wear masks and some don't.</p> <p>19 Q. Do you ever talk to them about the</p> <p>20 benefits of wearing masks?</p> <p>21 A. They're grown. Those are adults.</p> <p>22 They see me with a mask on. They know that</p> <p>23 COVID is still in the air.</p> <p>24 Q. You've expressed your fear of</p> <p>25 catching COVID. Have you been vaccinated,</p>	<p style="text-align: right;">Page 27</p> <p>1 R. COLE</p> <p>2 Q. You had no Virex or sanitizing</p> <p>3 solution?</p> <p>4 A. Not at all.</p> <p>5 MR. ORSLAND: I'm going to wrap</p> <p>6 it up, but if we can hold on for one</p> <p>7 minute, I see we're getting pinged</p> <p>8 for the next deposition.</p> <p>9 Mr. Cole, I have no further</p> <p>10 questions. I want to thank you for</p> <p>11 coming up and maybe we'll meet down</p> <p>12 the road as the lawsuit goes on.</p> <p>13 THE WITNESS: Okay.</p> <p>14 MR. ORSLAND: Thank you, sir.</p> <p>15 MR. KEENAN: Mr. Cole, thank you</p> <p>16 again for your time today. I have</p> <p>17 no further questions for you at this</p> <p>18 time on these topics. Thank you</p> <p>19 again.</p> <p>20 THE WITNESS: Thank you.</p> <p>21 (Whereupon, at 3:47 p m., the</p> <p>22 Examination of this Witness was</p> <p>23 concluded.)</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 26</p> <p>1 R. COLE</p> <p>2 sir?</p> <p>3 A. Yes, I have.</p> <p>4 Q. When were you vaccinated?</p> <p>5 A. About two months ago.</p> <p>6 Q. Does that make you feel a little</p> <p>7 more relieved, a little more comfortable?</p> <p>8 A. I'm still wearing a mask.</p> <p>9 Q. Understood, that's what they're</p> <p>10 recommending. But how does it make you feel?</p> <p>11 Do you feel better?</p> <p>12 A. No, no.</p> <p>13 Q. Now, you said yesterday in the</p> <p>14 dayroom you tried to clean a surface with</p> <p>15 just paper; is that correct?</p> <p>16 A. Yep.</p> <p>17 Q. Was that writing paper or newspaper?</p> <p>18 A. White paper towel.</p> <p>19 (Continued on next page to</p> <p>20 accommodate jurat.)</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 28</p> <p>1 D E C L A R A T I O N</p> <p>2</p> <p>3 I hereby certify that having been first</p> <p>4 duly sworn to testify to the truth, I gave</p> <p>5 the above testimony.</p> <p>6</p> <p>7 I FURTHER CERTIFY that the foregoing</p> <p>8 transcript is a true and correct transcript</p> <p>9 of the testimony given by me at the time and</p> <p>10 place specified hereinbefore.</p> <p>11</p> <p>12</p> <p>13</p> <p>14 _____</p> <p>15 RONNIE COLE</p> <p>16</p> <p>17 Subscribed and sworn to before me</p> <p>18 this ____ day of _____ 20__.</p> <p>19</p> <p>20</p> <p>21 _____</p> <p>22 NOTARY PUBLIC</p> <p>23</p> <p>24</p> <p>25</p>

<p style="text-align: right;">Page 29</p> <p style="text-align: center;">INDEX</p> <p>EXAMINATION BY: PAGE</p> <p>Mr. Keenan 5</p> <p>Mr. Orsland 17</p>	<p style="text-align: right;">Page 31</p> <p style="text-align: center;">REQUESTS</p> <p>DOCUMENT REQUESTS: PAGE</p> <p>NONE</p> <p>INSERTS: PAGE LINE</p> <p>NONE</p> <p>RULINGS: PAGE LINE</p> <p>NONE</p>
<p style="text-align: right;">Page 30</p> <p style="text-align: center;">EXHIBITS</p> <p>NONE</p>	<p style="text-align: right;">Page 32</p> <p style="text-align: center;">CERTIFICATE</p> <p>STATE OF NEW YORK )</p> <p>: SS.:</p> <p>COUNTY OF QUEENS )</p> <p>I, Elizabeth A. Hoban, a stenotype reporter and Notary Public within and for the State of New York, do hereby certify:</p> <p>That the witness, RONNIE COLE, whose Examination Before Trial is hereinbefore set forth, was first duly sworn by me, and that such Examination Before Trial is a true and accurate record of the testimony given by said witness; and I further certify that I am not related to any of the parties of this action by blood or marriage and that I am in no way interested in the outcome of this matter.</p> <p>IN WITNESS WHEREOF, I have hereunto set my hand this 23rd day of April, 2021.</p> <p> ELIZABETH A. HOBAN</p>



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