

# Exhibit D

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SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

-----X  
RESIDENTS AND FAMILIES UNITED TO SAVE OUR ADULT  
HOMES, et al,

Plaintiffs,

Index No:

- against -

9038/13

NIRAV R. SHAH, AS COMMISSIONER OF THE NEW YORK  
STATE DEPARTMENT OF HEALTH, et al,

Defendants.

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120 Broadway  
New York, New York  
December 16, 2015  
11:07 a.m.

EXAMINATION BEFORE TRIAL OF WALTER ROBERTS, a  
Plaintiff, pursuant to Notice, taken at the above  
place, date and time, before MARIA ACOCELLA, a  
Notary Public within and for the State of New York.

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

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New York, New York 10019-9710

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BY: JANE W. PARVER, ESQ.

1 W. Roberts

2 resident council president?

3 A. Yes.

4 Q. Was the only election that was  
5 held, in which you competed the first one, in  
6 which you were elected as resident council  
7 the president the first time?

8 A. No.

9 Q. When was the next election that  
10 you participated in to become resident  
11 council president, after the first one you  
12 had, in 2012?

13 A. I really don't know.

14 Q. How many more elections were  
15 there for resident council president, in  
16 addition to the one that you had to become  
17 president the first time?

18 A. Maybe one.

19 Q. Mr. Roberts, have you ever heard  
20 of a group called Residents and Family United  
21 to Save Our Adult Homes?

22 A. No.

23 Q. So the name Residents and Family  
24 United to Save Our Adult Homes is certainly  
25 nothing you came up with, is it?

1 W. Roberts

2 A. No.

3 Q. Did anybody ever tell you that  
4 you should lead any organization for adult  
5 home residents, other than your position as  
6 resident council president?

7 A. No.

8 Q. Have you ever spoken with any  
9 other residents at Wavecrest about the  
10 possibility that those residents might become  
11 a member of some organization other than the  
12 resident council itself?

13 A. No.

14 Q. Have you filed any sworn  
15 statements in the case we are here about  
16 today?

17 A. Pardon?

18 Q. Have you signed any sworn  
19 statements in the case we are here about  
20 today?

21 A. Yes.

22 Q. What did you sign?

23 A. I signed a document that to keep  
24 the adult home open. And I feel I am taking  
25 place for the residents, and that had to be

1 W. Roberts

2 on paper.

3 Q. I might come back to this Roberts  
4 Exhibit 2, but I will leave it aside for now,  
5 but I might come back to it later.

6 MR. LAWSON: Should we take a  
7 quick break?

8 MR. SHERRIN: It is up to you.

9 MR. LAWSON: Let's take a real  
10 quick break.

11 (Whereupon, a short recess was  
12 taken.)

13 MR. LAWSON: I would like to mark  
14 this as Roberts Exhibit 3.

15 (Whereupon, a multipage document  
16 was received and marked as Roberts  
17 Exhibit 3 for identification, as of this  
18 date.)

19 Q. Okay. Mr. Roberts, I am handing  
20 you an exhibit that has been marked for  
21 identification as Roberts Exhibit 3. It is a  
22 multipage document with production numbers  
23 RAMA 000001 to RAMA 000007. And on the front  
24 page it says State of New York, County of  
25 Queens. It appears to be in the form of an

1 W. Roberts

2 affidavit, and begins, Walter Roberts being  
3 duly sworn, deposed, and says -- and then  
4 there is a series of numbered allegations.

5 Have you ever seen this document  
6 before, Mr. Roberts?

7 MR. SHERRIN: Please take your  
8 time and read it.

9 A. That is one thing about getting  
10 up in years, I forget. I really don't  
11 remember. I will be honest with you.

12 Q. If you can turn with me, please,  
13 to page four. It is number four at the  
14 bottom. And it also says, RAMA 000004  
15 underneath that. You can see those numbers.

16 A. Yes.

17 Q. Is that your signature that  
18 appears there under paragraph 13?

19 A. Yes.

20 Q. And that says, Walter Roberts,  
21 correct?

22 A. That is correct.

23 Q. And then below that, it says,  
24 sworn to me this 4th day of March 2013. Did  
25 I read that right?

1 W. Roberts

2 A. 2013, correct.

3 Q. And does that seem about right,  
4 that you sworn out this statement on March 4,  
5 2013?

6 MR. SHERRIN: Objection. He  
7 testified he doesn't remember it.

8 A. I really don't remember this.

9 Q. You see where it says notary  
10 public, State of New York?

11 A. Yes.

12 Q. If you can look below that, there  
13 is some really small text there that says,  
14 G:/data. Do you see that?

15 A. Yes.

16 Q. And then it says, health  
17 department, and then there is another slash,  
18 and it has the initials JJS. Do you see  
19 that?

20 A. Yes.

21 Q. Do you know anybody with the  
22 initials JJS?

23 A. No. No, I don't. JJS, uh-uh.

24 MR. SHERRIN: That is me. I  
25 assume you knew that.



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W. Roberts

by the Office of Mental Health are being referred to, in paragraph one of this document?

A. No, I really can't.

Q. Do you, in fact, oppose any regulations by the Department of Health?

A. No.

Q. Do you, in fact, oppose any regulations by the Office of Mental Health?

A. No.

Q. Have you ever had any discussions with anyone about any regulations by the state Department of Health?

A. No.

Q. Have you ever had any conversations with anyone about any regulations by the State Office of Mental Health?

A. No.

Q. Let's take a look at -- before I do that. Mr. Roberts, have you ever heard the phrase, unincorporated association?

A. Not that I can remember, sir, no.

Q. Have you ever formed any

1 W. Roberts

2 A. Yes.

3 Q. Mr. Roberts, have you ever  
4 believed that anything that the State  
5 government of New York did ever threatened to  
6 violate your rights?

7 A. No.

8 MR. LAWSON: I might like to take  
9 a brief break, just to see if there is  
10 anything else I need to get to, if that  
11 is okay with everybody.

12 MR. SHERRIN: Okay.

13 (Whereupon, a short recess was  
14 taken.)

15 MR. LAWSON: I don't have  
16 anything further.

17 At this time, I will pass the  
18 witness.

19 MS. PARVER: I just have very  
20 few.

21 EXAMINATION BY

22 MS. PARVER:

23 Q. Mr. Roberts, I think we told you  
24 before that I represent -- I am Jane Parver,  
25 and I represent some residents who would like

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CERTIFICATE

I, MARIA ACOCELLA, a Notary Public within and for the State of New York, do hereby certify:

That the witness whose deposition is hereinbefore set forth, was duly sworn by me and that the within transcript is a true record of the testimony given by such witness.

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

IN WITNESS WHEREOF, I have hereunto set my hand this 4th day of January, 2016.



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MARIA ACOCELLA