

GJR/da  
667-82153

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ADRIAN SCHOOLCRAFT,

Plaintiff,

**DECLARATION**

-against-

10 CIV 6005 (RWS)

THE CITY OF NEW YORK, DEPUTY CHIEF  
MICHAEL MARINO, Tax Id. 873220, Individually  
and in his Official Capacity, ASSISTANT CHIEF  
PATROL BOROUGH BROOKLYN NORTH  
GERALD NELSON, Tax Id. 912370, Individually and  
in his Official Capacity, DEPUTY INSPECTOR  
STEVEN MAURIELLO, Tax Id. 895117, Individually  
and in his Official Capacity CAPTAIN THEODORE  
LAUTERBORN, Tax Id. 897840, Individually and in  
his Official Capacity, LIEUTENANT JOSEPH GOFF,  
Tax Id. 894025, Individually and in his Official  
Capacity, SGT. FREDERICK SAWYER, Shield No.  
2576, Individually and in his Official Capacity,  
SERGEANT KURT DUNCAN, Shield No. 2483,  
Individually and in his Official Capacity,  
LIEUTENANT CHRISTOPHER BROSCART, Tax  
Id. 915354, Individually and in his Official Capacity,  
LIEUTENANT TIMOTHY CAUGHEY, Tax Id.  
885374, Individually and in his Official Capacity,  
SERGEANT SHANTEL JAMES, Shield No. 3004,  
AND P.O.'s "JOHN DOE" #1-50, Individually and in  
their Official Capacity (the name John Doe being  
fictitious, as the true names are presently unknown)  
(collectively referred to as "NYPD defendants"),  
JAMAICA HOSPITAL MEDICAL CENTER, DR.  
ISAK ISAKOV, Individually and in his Official  
Capacity, DR. LILIAN ALDANA-BERNIER,  
Individually and in her Official Capacity and  
JAMAICA HOSPITAL MEDICAL CENTER  
EMPLOYEE'S "JOHN DOE" # 1-50, Individually and  
in their Official Capacity (the name John Doe being  
fictitious, as the true names are presently unknown),

Defendants.

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**GREGORY J. RADOMISLI**, declares the following pursuant to 28 USC §1746, under  
penalty of perjury:

1. I am a Member of Martin Clearwater & Bell LLP, attorneys of record for defendant JAMAICA HOSPITAL MEDICAL CENTER and am fully familiar with the facts and circumstances of this action by virtue of a review of the file in my office.

2. This Declaration is respectfully submitted in support of the motion by JAMAICA HOSPITAL MEDICAL CENTER to dismiss the Complaint:

- a) Pursuant to Rules 8(a)(2), 12(b)(1), 12(b)(6) and 12(c) of the Federal Rules of Civil Procedure because plaintiff cannot state a claim against JAMAICA HOSPITAL MEDICAL CENTER based upon the alleged constitutional violations of its employees;
- b) Pursuant to Rules 8(a)(2), 12(b)(1), 12(b)(6) and 12(c) of the Federal Rules of Civil Procedure because the moving defendant was not a state actor acting under color of law; and
- c) Granting such other and further relief as this Court deems just and proper.

3. Attached hereto are true copies of the following Exhibits:

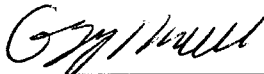
- a. Exhibit A- Plaintiff's Summons and Complaint
- b. Exhibit B- Verified Answer on behalf of JAMAICA HOSPITAL MEDICAL CENTER
- c. Exhibit C- Plaintiff's Amended Summons and Complaint
- d. Exhibit D- Verified Answer on behalf of JAMAICA HOSPITAL MEDICAL CENTER to plaintiff's Amended Complaint

**WHEREFORE**, it is respectfully requested that this Court grant defendant's motion in its entirety, together with such other and further relief as this Court deems just and proper.

Dated: New York, New York  
October 12, 2010

Yours, etc.,

MARTIN CLEARWATER & BELL LLP

By   
Gregory J. Radomisli (GJR 2670)  
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