

OUR FILE NO.: 090.155440

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ADRIAN SCHOOLCRAFT,

10CV6005 (RWS)

Plaintiff,

- against -

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, STG. 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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**MEMORANDUM OF LAW IN SUPPORT OF MOTION *IN LIMINE* BY DEFENDANT DR. LILIAN ALDANA-BERNIER TO PRECLUDE TESTIMONY ON THE**

**PURPORTED DECLARATORY JUDGMENT CLAIM AS THE DECLARATORY  
JUDGMENT ACTION DOES NOT CONFER FEDERAL JURISDICTION UNLESS IT  
ALREADY EXISTS**

This Memorandum of Law is respectfully submitted on behalf of defendant Dr. Lilian Aldana-Bernier in support of her motion *in limine* to preclude testimony on the purported declaratory judgment claim as the declaratory judgment action does not confer federal jurisdiction unless it already exists. Dr. Aldana-Bernier seeks the same relief as to plaintiff's purported declaratory judgment claim as Dr. Isakov seeks in his motion dated September 21, 2015 as to plaintiff's purported declaratory judgment action for the same reasons articulated therein. Therefore, for the sake of brevity and to conserve judicial resources, Dr. Aldana-Bernier incorporates and adopts all factual and legal arguments, including exhibits, set forth by Dr. Isakov in Brian Lee's Memorandum of Law dated September 21, 2015.

**WHEREFORE**, it is respectfully requested that the instant Motion be granted in its entirety.

Dated:           New York, New York  
                    September 21, 2015

/s/ Matthew J. Koster  
Matthew J. Koster  
Attorneys for Defendant  
DR. LILIAN ALDANA-BERNIER  
One Whitehall Street, 10th Floor  
New York, New York 10004  
(212) 248-8800