

EXHIBIT 6

Case No. 11 Civ 5843 (JPO)

DECLARATION OF JAY WARD BROWN IN SUPPORT OF
DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION TO DISMISS
DEFENDANTS' COUNTERCLAIM

(*People v. Gilman*, Indictment No. 4800-05, Hr'g Tr. 8, Apr. 23, 2008
[NYDOI/Gilman-00123])

SUPREME COURT NEW YORK COUNTY
TRIAL TERM PART 31

-----X
THE PEOPLE OF THE STATE OF NEW YORK :

INDICTMENT #
4800-05

AGAINST

: CHARGE

: GBL

WILLIAM GILMAN, [REDACTED],

Defendants

:
: Sent.

-----X
100 Centre Street
New York, New York
10013
April 23, 2008

B E F O R E:

HONORABLE: JAMES YATES,
JUSTICE OF THE SUPREME COURT

APPEARANCES: (Same as previously noted)

THE CLERK: Added, 48 hundred of
2005, William Gilman and [REDACTED]

MS. SAS: Nina Sas for the People.

MR. CLEARY: Robert Cleary for
defendant Bill Gilman.

MR. DEVEREAUX: Scott Devereaux
for [REDACTED]

Randy Berkowitz
Senior Court Reporter

1 Mr. Devereaux's point, he dropped off a
2 letter yesterday that said --

3 MS. SAS: We didn't get --

4 MR. DEVEREAUX: It was not a
5 letter, it was a six page or seven page
6 pleading on this issue.

7 MS. SAS: We did not get it.

8 THE COURT: You want to show her a
9 copy.

10 In essence, what he's saying is
11 leave this all up to the superintendent. It
12 is complicated, you should not make it part
13 of the sentence.

14 MS. SAS: I do agree according to
15 Mr. Rothblatt, it is only the superintendent
16 who has the authority to revoke a license.

17 THE COURT: Maybe that is the
18 best course. Maybe I should say whatever
19 the superintendent does is what the
20 superintendent does, and I stay out of it.

21 MR. DEVEREAUX: So the record is
22 clear, we are aware of the federal law and
23 have looked at it. And as we believe the
24 authorities and precedence are clearly it is
25 not a Donnelly Act violation, it is not a

Randy Berkowitz
Senior Court Reporter

Proceedings

1 violation of breach of trust or dishonesty.

2 THE COURT: You'll figure it out.

3 Anything else? Okay, thank you.

4

5

6 I, Randy Berkowitz, a senior court
7 reporter in and for the State of New York,
8 do hereby certify that the foregoing
transcript is true and accurate to the best
of my knowledge, skill and ability.

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10 Randy Berkowitz,
Senior Court Reporter

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Randy Berkowitz
Senior Court Reporter