

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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JOHN D. JUSTICE, and on behalf of all  
Parolees similarly situated,

Plaintiffs,

-against-

TERRY KING, SAVING GRACE MINISTRIES,  
INC., EUGENIO RUSSI, KEN WILSON,  
CHARLES SEARS, TOM TORTORA, RICHARD  
M. RAGUA, KC SHARM, BRENDA MARTIN,  
DR. ARVIND SAMANT, KIM KARALUS,  
DR. JEFFREY GRACE, and  
HON. RONALD H. TILLS (refined),

**PLAINTIFF’S FIRST REQUEST  
FOR ADMISSION TO TERRY  
KING**

08-CV-6417-CJS (P)

Defendants.

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**DEFENDANT REV. TERRY KING’S RESPONSE TO  
PLAINTIFF’S FIRST REQUEST FOR ADMISSION TO TERRY KING**

PLEASE TAKE NOTICE that Rev. Terry King (“Rev. King”), as and for his  
response to plaintiff’s First Request for Admission to Rev. King dated May 24, 2010, states as  
follows:

**GENERAL OBJECTIONS**

1. Defendant Rev. King objects to each request to the extent that it seeks  
information protected against disclosure by the attorney client privilege, the work product  
doctrine, the material prepared in anticipation of litigation privilege, the material prepared for  
litigation privilege, or any other applicable privilege or rule of confidentiality. Defendant Rev.

King construes each request as not seeking information which has come into the existence or custody of defendants because of this litigation.

2. Defendant Rev. King objects generally to the requests to the extent that they seek to impose obligations which are beyond those imposed by the Federal Rules of Civil Procedure and to the extent that the requests are overly broad and unduly burdensome and seek information and material which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in this action.

3. By answering or responding to any of the following requests, defendant Rev. King does not waive objections thereto whether during further discovery or during the progress of the case to its conclusion. Defendant Rev. King reserves his right to supplement his responses in the event that he obtains additional information or documentation.

#### **RESPONSES AND SPECIFIC OBJECTIONS**

1. Defendant Eugenio Russi was your Parole Officer.

**Response:** Denies.

2. Your Plaintiff, John D. Justice, was released from prison on September 9, 2005.

**Response:** Admits.

3. Saving Grace Ministries, Inc., receives funding from the federal Faith Based Initiative Act.

**Response:** Denies.

4. A number of parolees have resided in halfway houses owned and operated by Saving Grace Ministries, Inc.

**Response:** Admits.

5. Saving Grace Ministries, Inc., contracts with the New York State Division of Parole to provide residential stabilization services.

**Response:** Admits.

6. Your plaintiff, John D. Justice, was brought to Grace House by the New York State Division of Parole.

**Response:** Admits.

7. Grace House is located at 1932 Bailey Avenue, Buffalo, New York 14211.

**Response:** Admits.

8. Grace House is owned and operated by Saving Grace Ministries, Inc.

**Response:** Admits.

9. Your plaintiff, John D. Justice, signed an inmate/parolee contract on September 9, 2005.

**Response:** Admits.

10. Your plaintiff, John D. Justice, participated in the Start Program at Grace House.

**Response:** Admits.

11. Your plaintiff, John D. Justice, attended Evangel Church in Williamsville, New York.

**Response:** Admits.

12. Your plaintiff, John D. Justice, attended regular Bible studies at Grace House.

**Response:** Admits that plaintiff sporadically attended Bible studies at Grace House, and denies the remaining allegations.

13. You wrote an autobiography entitled, "Redeeming Grace".

**Response:** Admits.

14. Your wife, Sheryl King, is on the Board of Directors for Saving Grace Ministries, Inc.

**Response:** Admits.

15. Your son, Joshua King, was employed as a caretaker for Grace House.

**Response:** Denies.

16. Saving Grace Ministries, Inc., operates halfway houses in the State of New York.

**Response:** Admits.

17. Saving Grace Ministries, Inc., contracts with the New York State Division of Parole under Section 259(2) of the New York Executive Law.

**Response:** Denies.

18. Saving Grace Ministries, Inc., is not a licensed New York State Office of Mental Health care provider.

**Response:** Admits.

19. Your plaintiff was a patient at the Butler Clinic.

**Response:** Admits.

20. Your plaintiff was arrested by defendants Ken Wilson and Charles Sears on August 7, 2006.

**Response:** Admits. that plaintiff was arrested on August 7, 2006, and lacks knowledge or information sufficient to admit or deny the remaining allegations.

21. Donald Snyder is on the Board of Directors for Saving Grace Ministries, Inc.

**Response:** Admits.

22. Donald Snyder is employed by the New York State Department of Correctional Services (DOCS).

**Response:** Admits that, upon information and belief, Donald Snyder is employed by the New York State Department of Correctional Services.

23. Donald Snyder is the Senior Coordinating Chaplain at Wende Correctional Facility.

**Response:** Admits. that, upon information and belief, Donald Snyder is the Senior Coordinating Chaplain at Wende Correctional Facility.

24. You were released from the DOCS on January 5, 1999.

**Response:** Defendant objects on the grounds that the request vague and overly broad and seeks admission as to allegations not relevant to any known claim or defense of any party in this litigation.

25. On September 14, 1999, you used the United States Mail to send a “Certificate of Incorporation of Saving Grace Ministries under Section 402 of the Not-for-Profit Corporation Law” to the New York Secretary of State, at the Department of State, 14 State Street, Albany, New York, 12231.

**Response:** Denies.

26. You mailed the “Certificate of Incorporation of Saving Grace Ministries under Section 402 of the Not-for-Profit Corporation Law” from a post office in Williamsville, New York with the return address “in care of Evangel Assembly of God, 1800 Maple Road, Williamsville, New York 14221”.

**Response:** Denies.

27. Between September 9, and September 30, 2005, you used the telephone to contact the Erie County Department of Social Services to arrange for times when your plaintiff, John D. Justice, could sign over food stamp and welfare to Saving Grace Ministries, Inc.

**Response:** Denies.

28. Between September 9, and September 30, 2005, you used the United States Mail to mail forms to the Erie County Department of Social Services relating to the food stamp and welfare benefits owed to your plaintiffs, John D. Justice.

**Response:** Denies.

29. Saving Grace Ministries, Inc., used the United States Mail to receive funds from the Erie County Department of Social Services on behalf of your plaintiff, John D. Justice.

**Response:** Admits that Saving Grace Ministries, Inc. received Social Security Disability funds on behalf of John D. Justice, and denies the remaining allegations.

30. Saving Grace Ministries, Inc., used electronic wire transfers to receive funds from the Erie County Department of Social Services on behalf of your plaintiff John D. Justice.

**Response:** Denies.

31. Saving Grace Ministries, Inc., is the representative payee for your Plaintiff's Social Security Disability Benefits (SSD).

**Response:** Admits that plaintiff's Social Disability Benefits were issued to "Saving Grace for John Justice," and denies the remaining allegations.

32. In October 2005, you used the telephone to contact the United States Social Security Administration to arrange a time to bring your plaintiff in to sign over SSD benefits to Saving Grace Ministries, Inc.

**Response:** Denies.

33. In October 2005, you used the United States Mail to send forms to the United States Social Security Administration for the purpose of having your plaintiff, John D. Justice, sign over SSD benefits to Saving Grace Ministries, Inc.

**Response:** Denies.

34. From October 2005, to August 2006, you received SSD benefits on behalf of your plaintiff, John D. Justice, for Saving Grace Ministries, Inc.

**Response:** Denies.

35. From October 2005, to August 2006, you removed \$340 per month from your plaintiff's SSD benefits to pay for rent.

**Response:** Denies.

36. You are a member of the New York State Division of Parole's Advisory Board.

**Response:** Admits.

37. You and a business partner, were found liable in a judgment in the New York State Supreme Court, for defrauding elderly investors.

**Response:** Defendant objects on the grounds that the request is vague and overly broad and seeks admission as to allegations not relevant to any known claim or defense of any party in this litigation.

38. The civil judgment rendered against you, in State Supreme Court, was for \$800,000.00 (eight hundred thousand dollars).

**Response:** Defendant objects on the grounds that the request is vague and overly broad and seeks admission as to allegations not relevant to any known claim or defense of any party in this litigation.

39. After your civil judgment was rendered against you in State Supreme Court, you declared bankruptcy.

**Response:** Defendant objects on the grounds that the request is vague and overly broad and seeks admission as to allegations not relevant to any known claim or defense of any party in this litigation.

40. You received a declaration of bankruptcy from Federal Court.

**Response:** Defendant objects on the grounds that the request is vague and overly broad and seeks admission as to allegations not relevant to any known claim or defense of any party in this litigation.

41. You were a party to an Article 78 proceeding commenced by your plaintiff in State Supreme Court, Erie County, with the Index No. I-2007-12006.

**Response:** Admits.

42. P.O. Box 1013, Williamsville, New York 14234, is the mailing address for Saving Grace Ministries, Inc.

**Response:** Admits.

43. Esther Gulyas prepares your personal tax returns.

**Response:** Defendant objects on the grounds that the request is vague and overly broad and seeks admission as to allegations not relevant to any known claim or defense of any party in this litigation.

44. Esther Gulyas donated money to help start Saving Grace Ministries, Inc.

**Response:** Admits.

45. You killed Jeffrey Brown while you were driving while intoxicated.

**Response:** Defendant objects on the grounds that the request is vague and overly broad and seeks admission as to allegations not relevant to any known claim or defense of any party in this litigation.

46. Melvin Taylor is an employee of Saving Grace Ministries, Inc.

**Response:** Admits that Melvin Taylor was an employee of Saving Grace Ministries, and denies the remaining allegations.

47. Larry Blakely is an employee of Saving Grace Ministries, Inc.

**Response:** Admits.

48. Richard Erckhardt was employed by Saving Grace Ministries, Inc.

**Response:** Admits.

49. Samuel Jackson was employed by Saving Grace Ministries, Inc.

**Response:** Admits.

50. Kevin Cheeks was employed by Saving Grace Ministries, Inc.

**Response:** Denies.

51. Alyssa George is employed by Saving Grace Ministries, Inc.

**Response:** Admits.

52. Carl Calabrese is on the Board of Directors for Saving Grace Ministries, Inc.

**Response:** Admits.

53. You gave your plaintiff, John D. Justice, permission to own a computer at Grace House.

**Response:** Denies. (The New York State Division of Parole required that John D. Justice put a password safety lock on the computer he owned while at Grace House.)

54. You required your plaintiff, John D. Justice, to put a password safety lock on the computer owned by your plaintiff at Grace House.



**Response:** Denies. (The New York State Division of Parole required that John D. Justice put a password safety lock on the computer he owned while at Grace House.)

55. You required your plaintiff, John D. Justice, to give the computer password, for your plaintiff's computer, to you and the New York State Division of Parole.

**Response:** Denies. (The New York State Division of Parole required that John D. Justice provide the computer password to Saving Grace Ministries and the New York State Division of Parole.)

56. Grace House, in Buffalo, falls under the "congregate care program" from the Department of Social Services (DSS).

**Response:** Denies.

57. Grace House maintains a "Parolee Destination Log Book".

**Response:** Admits.

58. Stephen Gatti was a parolee who resided at Grace House.

**Response:** Admits.

59. Marlene Muna was employed by Saving Grace Ministries, Inc.

**Response:** Admits.

60. Your plaintiff owned a digital voice recorder at Grace House.

**Response:** Admits.

61. Your plaintiff made his own compact disc (CD) recordings at Grace House.

**Response:** Admits.

62. Your plaintiff wore an ankle bracelet, and Global Positioning System (GPS) monitor, at Grace House, as a condition of parole.

**Response:** Admits.

63. The New York State Department of Correctional Services (DOCS) donated inmate labor to help build and refurbish Grace House.

**Response:** Admits.

64. Inmate crews from Gowanda Correctional Facility helped to build and refurbish Grace House.

**Response:** Admits.

65. In December 2005, you and your wife, Sheryl L. King, took a vacation to Las Vegas, Nevada.

**Response:** Defendant objects on the grounds that the request is seeks admission as to allegations not relevant to any known claim or defense of any party in this litigation.

66. Employees of Saving Grace Ministries, Inc., administered urinalysis and breathalyzer tests upon your plaintiff, John D. Justice.

**Response:** Admits.

67. In 2005, Grace House used a "Grace House Program Policies and Guidelines Manual" to give to parolee residents.

**Response:** Admits.

68. Norbert Lepsch was a parolee who resided at Grace House.

**Response:** Admits.

69. Stuart Sloane was a parolee who resided at Grace House.

**Response:** Admits.

70. Fred Salem resided at Grace House.

**Response:** Admits.

71. Marvin Looney (a.k.a. Tyrone Corbin) was a parolee who resided at the house.

**Response:** Admits.

72. You attended Elim Bible Institute, and earned a two year degree.

**Response:** Denies.

73. You have not made voluntary restitution to the plaintiffs who obtained the civil judgment against you in State Supreme Court.

**Response:** Defendant objects on the grounds that the request is vague and overly broad and seeks admission as to allegations not relevant to any known claim or defense of any party in this litigation.

74. Richard Agno was a parolee who resided at Grace House.

**Response:** Denies.

75. The "Grace House Program Policies and Guidelines Manual" used by Grace House, in 2005, stated under the Section "Working the Program" the following: "The day should consist of four hours documented job search and four hours orientation assignments or an hour work project."

**Response:** Admits.

76. The "Grace House Program Policies and Guidelines Manual" used by Grace House, in 2005, stated under the Section "Working the Program" the following: "Within one month after entering the program, all clients are expected to obtain full-time employment that does not interfere with staff and parole mandated client program activities such as counseling or addiction treatment programming."

**Response:** Admits.

77. You received a salary from Saving Grace Ministries, Inc.

**Response:** Admits.

78. You have met Dr. Charles P. Ewing.

**Response:** Admits.

79. You were convicted of vehicular manslaughter in the second degree.

**Response:** Defendant objects on the grounds that the request is overly broad and inclusive and seeks admission as to allegations not relevant to any known claim or defense of any party in this litigation.

80. You were sentenced to a prison term of two to six years for the vehicular manslaughter conviction.

**Response:** Defendant objects on the grounds that the request seeks admission as to allegations not relevant to any known claim or defense of any party in this litigation.

81. You served four years in the New York State Department of Corrections.

**Response:** Defendant objects on the grounds that the request seeks admission as to allegations not relevant to any known claim or defense of any party in this litigation.

82. You served two years of supervision under the New York State Division of Parole.

**Response:** Defendant objects on the grounds that the request seeks admission as to allegations not relevant to any known claim or defense of any party in this litigation.

83. You were arrested in April, 1994.

**Response:** Defendant objects on the grounds that the request seeks admission as to allegations not relevant to any known claim or defense of any party in this litigation.

84. You completed parole supervision in January, 2001.

**Response:** Defendant objects on the grounds that the request seeks admission as to allegations not relevant to any known claim or defense of any party in this litigation.

85. You started Saving Grace Ministries on April 14, 1999.

**Response:** Admits.

86. You were on parole when you started Saving Grace Ministries on April 14, 1999.

**Response:** Defendant objects on the grounds that the request is vague and overly broad and seeks admission as to allegations not relevant to any known claim or defense of any party in this litigation.

87. You were on parole for four months when you started Saving Grace Ministries on April 14, 1999.

**Response:** Defendant objects on the grounds that the request is vague and overly broad and seeks admission as to allegations not relevant to any known claim or defense of any party in this litigation.

88. The permission to accept parolees into Saving Grace Ministries halfway houses was approved through the Regional Parole Office of the New York State Divisions of Parole.

**Response:** Denies.

89. Defendant Engenio Russi was involved in the process to give Saving Grace Ministries, Inc., the permission to open up a halfway fun house.

**Response:** Denies.

90. You were granted, in 2001, the Executive Clemency Board, a certificate for relief from civil disability.

**Response:** Admits.

91. You met with defendant Eugenio Russi, in regards to starting Grace House.

**Response:** Denies.

92. You have dealt with defendant Tom Tortora of the New York State Division of Parole.

**Response:** Admits.

93. You and defendant Tom Tortora formulated the policies and procedures in written format, for the way you operate Grace House with regard to parolees.

**Response:** Denies.

94. You have met defendant Tom Tortora.

**Response:** Admits.

95. Defendant Tom Tortora contacted you to acquire new properties to house additional parolees.

**Response:** Denies.

96. Saving Grace Ministries, Inc. owns properties at 1900, 1920 and 1932 Bailey Avenue.

**Response:** Admits.

97. Mike Richards was a parolee who resided at Grace House.

**Response:** Denies.

98. Fred Kazmerick was a parolee who resided at Grace House.

**Response:** Denies.

99. Mike Hale was a parolee who resided at Grace House.

**Response:** Admits.

100. Larry Cole was a parolee who resided at Grace House.

**Response:** Admits.

101. Sean Weber was a parolee who resided at Grace House.

**Response:** Admits.

102. You were interviewed by WIVB - TV in Buffalo, regarding your plaintiff John D. Justice.

**Response:** Admits.

103. In October 2005, you escorted your plaintiff John D. Justice to the Social Security Office located at 186 Exchange Street, Buffalo, New York.

**Response:** Admits.

104. Pat Bishop is an employee of Saving Grace Ministries, Inc.

**Response:** Admits. that Pat Bishop was an employee of Saving Grace Ministries, Inc. and denies the remaining allegations.

Dated: Buffalo, New York  
July 1, 2010

PHILLIPS LYTTLE LLP

By           /s/ James D. Donathen            
James D. Donathen  
Attorneys for Rev. Terry King and  
Saving Grace Ministries, Inc.  
Suite 3400  
One HSBC Center  
Buffalo, New York 14203-2887  
Telephone No. (716) 847-8400

To: John D. Justice  
87-B-0385  
Auburn Correctional Facility  
Box 618  
Auburn, NY 13021

MGC/kc

Doc # 01-2379757.2

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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JOHN D. JUSTICE, and on behalf of all  
parolees similarly situated,

Plaintiffs

-vs-

TERRY KING, SAVING GRACE MINISTRIES,  
INC., EUGENIO RUSSI, KEN WILSON,  
CHARLES SEARS, TOM TORTORA,  
RICHARD MIRAGLIA, KC SHARMA,  
BRENDA MARTIN, DR. ARVIND SAMANT,  
KIM KARALUS, DR. JEFFREY GRACE,  
and the HON. RONALD H. TILLS (retired),

08-CV-6417-CJS(P)

Defendants

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**CERTIFICATE OF SERVICE**

I certify that on July 1, 2010, I caused Defendant Rev. Terry King's Response to Plaintiff's First Request For Admission to Terry King to be mailed, by the United States Postal Service, to the following non-CM/ECF participant:

John D. Justice, #87-B-0385  
Auburn Correctional Facility  
P.O. Box 618  
Auburn, New York 13021

and the following were electronically filed with the Clerk of the District Court using the CM/ECF system, which upon information and belief, sent notification of such filing to

George Michael Zimmermann, Esq.  
New York State Attorney General's Office  
Assistant Attorney General of Counsel  
Attorney for Defendants  
350 Main St.  
Buffalo, NY 14202  
Telephone No.: (716) 853-8444  
Email: George.Zimmerman@oag.state.ny.us

/s/ James D. Donathen  
James D. Donathen

Sworn to before me this  
1st day of July, 2010.

/s/ Marian Sarzyniak  
Notary Public  
Doc # 01-2366188.1