

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

- - - - - x

MILAGROS MUSSE,

Plaintiff,

Index No.
158546/2015

-against-

TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY and
PORT AUTHORITY OF NEW YORK AND NEW JERSEY,

Defendants.

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15 Maiden Lane
Suite 803
New York, New York 10038

October 11, 2018
2:17 p.m.

DEPOSITION of DAVID DAOUST, a Non-Party
Witness herein, taken by KRISTIN K. ROBBINS,
in the above-entitled action, held at the
above time and place, pursuant to Subpoena,
taken before DEVORA HACKNER, a Shorthand
Reporter and Notary Public within and for the
State of New York.

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

LAW OFFICES OF KENNETH ARTHUR RIGBY, PLLC
Attorneys for Defendant and Non-Party
Witness
TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY
DAVID DAOUST
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PORT AUTHORITY OF NEW YORK AND NEW
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212-297-0050

BY: KRISTIN K. ROBBINS, ESQ.
krobbins@bvgklaw.com

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S T I P U L A T I O N S

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IT IS STIPULATED AND AGREED by and between the attorneys for the respective parties herein, and in compliance with Rule 221 of the Uniform Rules for the Trial Courts:

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THAT the parties recognize the provision of Rule 3115 subdivisions (b), (c) and/or (d).

All objections made at a deposition shall be noted by the officer before whom the deposition is taken, and the answer shall be given and the deposition shall proceed subject to the objections and to the right of a person to apply for appropriate relief pursuant to Article 31 of the CPLR;

THAT every objection raised during a deposition shall be stated succinctly and framed so as not to suggest an answer to the deponent and, at the request of the questioning attorney, shall include a clear statement as to any defect in form or other basis of error or irregularity. Except to the extent permitted by CPLR Rule 3115 or by this rule, during the course of the examination persons in attendance shall not make

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2 statements or comments that interfere with the
3 questioning.

4 THAT a deponent shall answer all questions
5 at a deposition, except (i) to preserve a
6 privilege or right of confidentiality, (ii) to
7 enforce a limitation set forth in an order of
8 a court, or (iii) when the question is plainly
9 improper and would, if answered, cause
10 significant prejudice to any person. An
11 attorney shall not direct a deponent not to
12 answer except as provided in CPLR Rule 3115 or
13 this subdivision. Any refusal to answer or
14 direction not to answer shall be accompanied
15 by a succinct and clear statement on the basis
16 therefore. If the deponent does not answer a
17 question, the examining party shall have the
18 right to complete the remainder of the
19 deposition.

20 THAT an attorney shall not interrupt the
21 deposition for the purpose of communicating
22 with the deponent unless all parties consent
23 or the communication is made for the purpose
24 of determining whether the question should not
25 be answered on the grounds set forth in

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2 Section 221.2 of these rules, and, in such
3 event, the reason for the communication shall
4 be stated for the record succinctly and
5 clearly.

6 THAT the failure to object to any question
7 or to move to strike any testimony at this
8 examination shall not be a bar or waiver to
9 make such objection or motion at the time of
10 the trial of this action, and is hereby
11 reserved; and

12 THAT this examination may be signed and
13 sworn to by the witness examined herein before
14 any Notary Public, but the failure to do so or
15 to return the original of the examination to
16 the attorney on whose behalf the examination
17 is taken, shall not be deemed a waiver of the
18 rights provided by Rules 3116 and 3117 of the
19 C.P.L.R, and shall be controlled thereby; and

20 THAT the certification and filing of the
21 original of this examination are hereby
22 waived; and

23 THAT the questioning attorney shall provide
24 counsel for the witness examined herein with a
25 copy of this examination at no charge.

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