

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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HANDSCHU,

PLAINTIFF,

-against-        71CIV.2203  
                          (CSH)

SPECIAL SERVICES DIVISION,

DEFENDANT.

-----X

100 Church Street  
New York, New York

June 28, 2012  
10:30 a.m.

EXAMINATION BEFORE TRIAL of a  
non-party witness, THOMAS GALATI, taken by  
the respective parties herein, pursuant to  
order, held at the Offices of The New York  
City Law Department, 100 Church Street, New  
York, New York, before a Notary Public of  
the State of New York.  
the State of New York.

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A P P E A R A N C E S:  
PROFETA & EISENSTEIN, ESQS.  
Attorneys for the Plaintiff  
45 Broadway, Suite 2200  
New York, New York 10006  
BY: Jethro M. Eisenstein, Esq.

NEW YORK CITY LAW DEPARTMENT  
OFFICE OF THE CORPORATION COUNSEL  
Attorneys for the Defendants  
100 Church Street  
New York, New York 10007-2601

BY: Peter G. Farrell, Senior Counsel  
Special Federal Litigation Division  
Also Present: Alexis Leist  
Arthur Eisenberg  
Paul G. Chevigny  
Martin R. Stolar  
Franklin Siegel

ALSO PRESENT:  
New York Police Department  
Steve Colon  
Stuart Parker  
Thomas Doepfer  
THE NEW YORK CITY LAW DEPARTMENT:  
Celeste Koelveld  
Natalya Fadayeveva

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T. Galati

T H O M A S G A L A T I, called as a witness, having been first duly sworn by a Notary Public of the State of New York, was examined and as follows:

MR. EISENSTEIN: I want to put on the record part of the terms in which this deposition is being conducted.

We have agreed that the entire deposition is confidential for 30 days after delivery of the transcript to the defendants.

So that, you, Peter have the opportunity to review the transcript to determine what, if anything, you and your client feel needs to be kept confidential.

30 days after delivery of the transcript, you will identify any portions you want sealed. If there is agreement about sealing, those portions will be sealed. If plaintiff's counsel disagrees, the matter is to be submitted to the court and the portions you have

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designated are under a protective order pending a decision. That pending a decision on your request, that it be sealed.

If a part wishes to append the portion of the deposition transcript to its court's submission, the filing will be done under protective order setting forth a procedure for determining whether the attachment itself shall be sealed and disclosed, outlined in *Lugosch, L-U-G-O-S-C-H versus Pyramid Company* 435F3D110 second circuit 2006.

First of all, I'd like to ascend that that's the agreement that we have made.

MR. FARRELL: I concur that the agreement regarding confidentiality I have one question about. I'd like to add, the confidentiality where the five attorneys in the room are not to be disclosed. That's what we mean by confidentiality. You agree?

MR. EISENSTEIN: Correct.

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MR. FARRELL: We had agreed that we would in 30 days look at the transcript. You and I had a discussion. If I needed additional time to do the review so I would ask that it come 30 days, I will be in contact with you. Rather than having a trigger, put the transcript on the internet, at least we can confer on that point.

MR. EISENSTEIN: Peter, we initially agreed 30. That's fine. If you call prior to the 30 days, you're in the middle of a trial. I'm not going to disclose it.

If you're otherwise unable to make the decision, we're not going to disclose it. On the other hand, we expect your good faith about not letting that process go on indefinitely.

MR. FARRELL: That I concur with upon receiving the transcript. The only part I wasn't sure about is, if there's a disagreement over sealing that part that we want to remain confidential.

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Did you in your recitation put the burden on one of us in particular?

MR. EISENSTEIN: Yes, I thought we had agreed that the presumption is to be disclosed. In other words, we started out and plaintiffs did not agree that the presumption was going to be confidential. Because the presumption is to be disclosed, you're the ones that are pushing the rock up the hill about sealing it.

In other words, unless you prevail in persuading the court that the section needs to be sealed, then it would be disclosed. Presumption is disclosure, presumption of confidentiality. Look at our exchange of letters. That was one of the things which clearly in my view we agreed upon.

MR. FARRELL: I'll reserve my right to look at that. I'm not going to take issue on that. I want to add that this deposition is pursuant to an agreement between the parties to conduct

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some voluntary discovery in response to  
counsel's motion of, I believe it is,  
October of 2011, and that voluntary  
discovery is set out. The parameters  
are set out in letter and e-mail  
correspondence between counsel for the  
parties and specifically there are at  
least five letters that are set out.

The dates are January 3rd, 2012,  
January 24, 2012. February 2nd, 2012,  
February 29, 2012 and March 30, 2000 the  
1, 12 March 3 0, 2012.

While we call this voluntary  
discovery, we have also reserved our  
rights regarding the duration of the  
deposition and that's set forth in those  
correspondence.

Finally, I would like to request  
review and in signing as contemplating  
under federal rules civil procedure 30  
rules 30E, which is a separate request  
other than or in addition to the 30-day  
review for the confidentiality.

MR. EISENSTEIN: I don't think we

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would have an objection to signing, but if review in signing is going to extend the period during which we have agreed to keep it confidential, that is certainly not something that we had discussed. I don't see any reason why the review for the purpose of signing can't go on concurrently with your review.

I'm not sure whether you're suggesting that that is an additional period of time.

MR. FARRELL: I wasn't addressing the time period right now. What I was addressing was, in addition to having the ability to deem things confidential, I explicitly want the right to review as contemplated under the federal rules. That's usually done as a review and signing of the transcript under Federal Rule 30, Subsection E.

MR. EISENSTEIN: If all you're saying is you want to invoke 30E, this



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T. Galati

is a deposition in an action pending in the United States District Court for the Southern District of New York.

It's governed by the federal rules. I don't know what else to say about that.

You're invoking a rule which exists and applies to any deposition as far as I'm concerned. You can either waive reviewing and signing or they can insist in reviewing and signing.

On behalf of Chief Galati, you are insisting on reviewing --

MR. FARRELL: Yes, we have that right.

MR. EISENSTEIN: Anything else?

MR. FARRELL: No, that's all that I have.

EXAMINATION BY

MR. EISENSTEIN:

Q With that introduction, good morning. My name is Jethro Eisenstein. I'm one of the attorneys for the plaintiff in the Handschu case. Chief, have you had your

1 T. Galati

2 deposition taken before?

3 A I have had depositions taken  
4 before, yes.

5 Q I just want to review a couple of  
6 rules: The court reporter sitting to your  
7 left is going to take down every word that  
8 you say and every word that I say. Do you  
9 understand that?

10 A Yes.

11 Q Do you understand the oath that  
12 you take to tell the truth is the same oath  
13 that you take in court?

14 A Yes.

15 Q Do you agree to answer the  
16 questions out loud with words because the  
17 court reporter can't take down nods of the  
18 head?

19 A Yes.

20 Q I'm going to ask you to wait  
21 until I finish a question so that we get a  
22 clean record. Sometimes it's hard to  
23 discipline oneself, but if you wait until  
24 I'm done, she gets the question and then the  
25 answer and we have a clean record. Okay?

1 T. Galati

2 A Yes.

3 Q If I ask you a question that is  
4 not clear to you, please don't guess at my  
5 question, just tell me you don't understand  
6 and I'll ask the question in a different  
7 way. Okay?

8 A Yes.

9 Q Are you employed by the New York  
10 City Police Department?

11 A Yes, I am.

12 Q What is your current rank and  
13 command?

14 A I am an Assistant Chief. I am  
15 the Commanding Officer of the Intelligence  
16 Division.

17 Q How long have you been employed  
18 by the New York City Police Department?

19 A This July will complete 28 years.

20 Q How long have you held your  
21 current rank?

22 A My current rank, I believe I'm in  
23 four years, three or four years.

24 Q How long have you been assigned  
25 to the Intelligence Division?

1 T. Galati

2 A Since September of 2006.

3 Q What positions have you held in  
4 the Intelligence Division?

5 A I've always been the commanding  
6 officer of the Intelligence Division.

7 Q Have you held the position of  
8 supervisor in other commands in the police  
9 department?

10 A Yes, I have.

11 Q What other commands and what  
12 supervisory divisions? You don't have  
13 sergeant. Let's just say lieutenant and  
14 above.

15 A It may be easier if I go  
16 backwards.

17 Q Go backwards.

18 A I'm presently the commanding  
19 officer of the Intelligence Division. Prior  
20 to that, I was the commanding officer of the  
21 gang division. Prior to that, I was the  
22 commanding officer of the 46th Precinct.

23 Prior to that, I was the  
24 commanding officer of the 47th Precinct.

25 Prior to that, I was the

1 T. Galati

2 commanding officer of the Bronx Anticrime  
3 Unit. Prior to that, I was the commanding  
4 officer of the Bronx Tracer Unit and prior  
5 to that, I was a lieutenant and I was  
6 assigned to the Street Crime Unit.

7 Q What is your formal educational  
8 background?

9 A I have a bachelors from Empire  
10 State. I've also had other certificate  
11 programs from the Harvard Kennedy School and  
12 the police management of Columbia  
13 University.

14 Q What were those certificate  
15 programs in?

16 A Harvard Kennedy School was for  
17 state and local -- I can't think of the name  
18 of the actual program, but it was for state  
19 and local. Not law enforcement, it was for  
20 municipal, I guess.

21 Q But, it's related to law  
22 enforcement?

23 A No, it's related to many  
24 different issues.

25 Q And the Columbia University

1 T. Galati

2 program is?

3 A A business school for police

4 executives.

5 MR. EISENSTEIN: Off the record.

6 (A discussion was held off the

7 record.)

8 Q Did you review any documents in

9 preparation for this deposition today?

10 A Yes.

11 Q What did you review?

12 A I reviewed the police

13 department's Handschu Guidelines and I did

14 look through some material that was provided

15 to me, I believe the same material that you

16 have. I did parous.

17 Q The material, the Zone Assessment

18 Unit reports?

19 A Yes.

20 MR. EISENSTEIN: Would you mark

21 this as Exhibit 1 for today's date.

22 (Plaintiff's Exhibit 1, a

23 document, was marked for identification,

24 as of this date.)

25 Q Chief, I'm showing you what had

1 T. Galati

2 been marked as Plaintiff's Exhibit 1. Do  
3 you recognize this document?

4 A I do recognize this document.

5 Q Can you tell us who prepared this  
6 document?

7 A I cannot tell you who prepared  
8 this document. I seen this document for the  
9 first time when it was published in the AP  
10 Article.

11 Q Do you know whether it is a  
12 document that was prepared within the New  
13 York City Police Department?

14 A I can't tell you definitively  
15 that it was prepared by someone in the  
16 police department. It appears to have the  
17 police department's logo on it, but I have  
18 been unable to find who authorized it and  
19 find it in any of my records or the  
20 department's records.

21 Q When it was published by the AP  
22 Article, did you inquire about the origins  
23 of this document?

24 A Yes.

25 Q Am I to understand that you were

1 T. Galati  
2 not able to find anybody in the Intelligence  
3 Division who knew what the origins were?

4 A Yes.

5 MR. EISENSTEIN: Can you mark  
6 this as Exhibit 2?

7 (Plaintiff's Exhibit 2, a  
8 document, was marked for identification,  
9 as of this date.)

10 Q Do you recognize this document?

11 A Yes.

12 Q Can you identify what this  
13 document is?

14 A This is a section out of the  
15 police department's organizational guide.

16 Q Is the first page of it an  
17 organizational chart for the Intelligence  
18 Division as of 2/15/08?

19 A Yes, 2/8/08.

20 Q Sorry, 2/8/08. The Demographics  
21 Unit, would that name exist at the present  
22 time in the New York City Police Department?

23 A Not at the present time.

24 Q The Zone Assessment Unit was  
25 formerly known as the Demographics Unit?



1 T. Galati

2 A Yes.

3 Q When did the change from  
4 Demographics Unit to Zone Assessment Unit  
5 occur?

6 A I couldn't give you an exact  
7 date, but I believe it was sometime in 2010.

8 Q What was the reason for the  
9 change of name?

10 A It was a different way that we  
11 wanted to look at deployment. We were  
12 breaking up deployments into zone, so that  
13 could correspondence with an analyst who  
14 also had a zone deployment.

15 Q When it was called the  
16 Demographics Unit, who did the Demographics  
17 Unit report to?

18 A Clarify your question. Direct  
19 report?

20 Q Yes. Who did the Demographics  
21 Unit operatives directly report to?

22 A The people assigned to the  
23 Demographics Unit reported to a sergeant,  
24 sergeants actually in the Demographics Unit.

25 Q In turn, who did they report to?

1 T. Galati

2 A The sergeants reported to a  
3 lieutenant.

4 Q Was the lieutenant in the  
5 Demographics Unit?

6 A The lieutenant would oversee more  
7 than the Demographics Unit. He would  
8 oversee other units as well.

9 Q What other units did the  
10 lieutenant oversee?

11 A Its changed over the years. I'm  
12 not exactly positive. Presently, I believe  
13 he oversees the Citywide Debriefing team and  
14 the Demographics team, the zone assessment  
15 team, and I think that's all he oversees  
16 right now. It may have been different at  
17 different times.

18 Q You're talking about now when  
19 it's called the Zone Assessment Unit, right?

20 A Yes.

21 Q Was that different when it was  
22 called the Demographics Unit in terms of the  
23 lieutenant?

24 Who did the lieutenant supervise?  
25 Were one of the things he or she was

1 T. Galati

2 supervising was the Demographics Unit, also  
3 Citywide Debriefing?

4 A The lieutenants have been  
5 assigned to different people at different  
6 times. I am not exactly positive what other  
7 ones. I believe -- I don't want to guess  
8 what ones they were. We switched it.

9 Q Are there persons assigned to the  
10 Demographics Unit? Withdrawn.

11 Were there persons assigned to  
12 the Demographics Unit who were referred to  
13 as Rakers?

14 MR. FARRELL: Objection.

15 A The first time when I heard the  
16 Rakers is when the AP Articles came out.  
17 However, I believe the term would be the  
18 people assigned within then Demographics,  
19 Zone Assessment Unit.

20 Q Were there persons within the  
21 Demographics Unit who were referred to as  
22 mosque crawlers?

23 MR. FARRELL: Objection.

24 A Again, the term mosque  
25 crawlers -- the first time I ever heard that

1 T. Galati  
2 was from the AP Article. I've never heard  
3 anyone in the division reference mosque  
4 crawlers.

5 As I mentioned, Rakers two, that  
6 term I've been assigned to since 2006 and  
7 I've never heard that term being used other  
8 than when it came out in the AP Articles.

9 Q Are the persons, who have been  
10 assigned to the Demographics Unit and then  
11 to the Zone Assessment Unit, members of the  
12 New York City Police Department?

13 By members, I mean graduates of  
14 the police department, police academy  
15 assigned to shield and tax ID number.

16 A Yes, they were sworn members of  
17 the NYPD.

18 Q What formal training have the  
19 persons had, the members of the NYPD  
20 assigned to the Demographics Unit?

21 Let me break it down. What  
22 formal training did members of the NYPD,  
23 assigned to the Demographics Unit, receive  
24 before being deployed in the Demographics  
25 Unit's activities?

1 T. Galati

2 MR. FARRELL: Objection.

3 A There's a lot of training that  
4 officers get when they are in the academy  
5 and outside of the academy during the course  
6 of their career, you know. You're asking  
7 for a specific time?

8 Q Let me be more specific. I'm  
9 asking about the training received by  
10 members of the force who were assigned to  
11 the Demographics Unit.

12 I'm asking about the training  
13 received by members of the force who were  
14 assigned to the Demographics Unit before  
15 they were deployed in their capacity as  
16 members of the Demographics Unit.

17 In other words, training  
18 specifically to the tasks that they would be  
19 undertaking as members of the Demographics  
20 Unit?

21 A Well, members of the Demographics  
22 Unit/Assessment Unit receive training that  
23 we give every year. We go to an annual  
24 training, more specifically to their  
25 assignments.

1 T. Galati

2 They are given Handschu training  
3 based on the Handschu Guidelines that is  
4 provided by the legal team that we have  
5 assigned to the Intelligence Division.

6 Q Is there written material  
7 provided to them in connection with the  
8 Handschu training?

9 A The Handschu Guidelines which is  
10 in the patrol guideline, written material.  
11 I believe the other training does not have  
12 any other handouts other than the Handschu  
13 Guideline.

14 Q Before being deployed as members  
15 of the Demographics Unit or the Zone  
16 Assessment Unit, do they receive any other  
17 training detailing what they are expected to  
18 do?

19 A Yes, we do inform them. If you  
20 want to call it a specific training, we do  
21 inform them about things that they should  
22 do. Yes, I don't want to call it official  
23 training, if that's what you're asking for.

24 Official is not the word I'm  
25 looking for. They are instructed on what

1 T. Galati

2 they should do.

3 Q Who issues the instructions to  
4 them about what they are to do?

5 A Their instructions would come  
6 from their direct supervisor. Their  
7 instructions could come from me. I do know  
8 that our legal counsel has sat down with the  
9 entire unit at one point, so instructions  
10 has come from our legal council.

11 Q Have you personally had  
12 interaction with the members of the force  
13 who were assigned to the Zone Assessment  
14 Unit?

15 I can call it that and you'll  
16 tell me if the answer would be different  
17 than when it was the Demographics Unit;  
18 okay?

19 A Yes.

20 Q Have you personally issued  
21 instructions to members of the Zone  
22 Assessment Unit?

23 A I would say I have personally  
24 issued instructions, but I may have done it  
25 through a chain of command. I would direct

1 T. Galati

2 something and then it would be given down to  
3 the ranks, to them.

4 Q What were the members of the Zone  
5 Assessment Unit told that they are to do?  
6 What are the instructions that are given to  
7 them?

8 MR. FARRELL: Objection.

9 A It's a broad statement. If  
10 you're asking me what their duties and  
11 responsibilities are, I don't know what your  
12 question is.

13 Q Okay. What are the duties and  
14 responsibilities of the members of the Zone  
15 Assessment Unit?

16 A The function of the Zone  
17 Assessment Unit is to -- let me begin by  
18 saying that in the beginning of the Zone  
19 Assessment Unit, the function of the Zone  
20 Assessment in the post 911 time was to go  
21 out and go through the different communities  
22 in New York City and help us identify  
23 different communities that would be  
24 considered communities that have people that  
25 live in it from countries of concern.



1 T. Galati

2 Q How were they told to go about  
3 identifying such people?

4 A Well, as I said, this is directly  
5 after 911, and countries that are concerned  
6 were identified based on the 911 attack and  
7 other attacks that happened throughout the  
8 world, the people who committed those  
9 attacks;

10 Islamics that have been  
11 radicalized through violence that committed  
12 those came from countries. Those countries  
13 were identified. The Demographics Unit were  
14 to go out to communities and tell us if  
15 these communities represented the same  
16 countries of concern where these Islamic  
17 radicles came from.

18 Q Take a look at Exhibit 1. On the  
19 fifth page, there's a page headed ancestries  
20 of interest.

21 A Yes.

22 Q Does that correspond to the  
23 communities that you were sending people out  
24 to look into?

25 MR. FARRELL: Objection.

1 T. Galati

2 A Are you asking me if this  
3 corresponds to the countries of concern?

4 Q Correct.

5 A I would say that most of them  
6 here do, but not all. Yugoslavia is no  
7 longer a country. Chechnya is part of  
8 Russia.

9 Most of the other countries  
10 themselves are at Akkrat and American black  
11 Muslim is not a country.

12 Q Take a look at page five of  
13 Exhibit 2. I'm looking at the paragraph on  
14 page five on Demographics Unit.

15 Was it a function of the  
16 Demographics Unit to develop a comprehensive  
17 analysis and understanding of the  
18 demographics trend throughout New York City?

19 A I don't believe that is one of  
20 their functions. They are not analysts, so  
21 they are not trying to analyze, but, yes,  
22 they are supposed to understand the trend,  
23 the demographics trend in the city.

24 Q What does that mean, demographics  
25 trend? What's your understanding of that

1 T. Galati

2 phrase?

3 A When the Demographics Unit  
4 started, it was started with, you know,  
5 terrorism in mind, post 911. At that point,  
6 nobody knew where the next attack was  
7 coming.

8 All we knew was, there had been  
9 people from countries of concern that  
10 committed this attack. In order to fight  
11 terrorism, we needed to know where people  
12 lived from countries of concern that could  
13 either recruit, hide or secrete themselves  
14 in these communities that were radicalized  
15 towards violence and we needed to know where  
16 they were, to identify those countries of  
17 concern, to find those people that were  
18 radicalized towards violence.

19 Q That's your understanding of the  
20 phrase demographic trends?

21 A Yes.

22 Q That's what their function is?

23 A Yes.

24 Q Were members of the Demographics  
25 Unit also to conduct investigations and

1 T. Galati

2 gather intelligence information as directed?

3 A Based on the Handschu Guidelines,  
4 the term investigations means the gathering  
5 of information. So, based on the Handschu  
6 Guidelines, I would say that that is  
7 correct. As far as the police department's  
8 terminology that I use in investigation,  
9 they do not conduct investigations, they  
10 gather information.

11 Q When you say the terminology that  
12 you use about investigations, what is in  
13 your terminology? What is an investigation?

14 A In traditional department  
15 terminology of what an investigation is,  
16 there's a crime or a person that is being  
17 investigated because crime is committed, and  
18 we have to find out who did this crime.

19 Or, we have information that the  
20 crime will be committed and we're going to  
21 conduct an investigation on that crew. That  
22 is what an investigation is. An  
23 investigation could be from a car accident.  
24 An investigator has to investigate how the  
25 car accident occurred.

1 T. Galati

2 That's how I understand the term  
3 of an investigation from traditional  
4 department terminology.

5 Q Do I understand you to be saying  
6 that using that terminology "Demographics  
7 Unit" was not to engage in investigations,  
8 as you just defined it?

9 A The demographic's  
10 responsibilities was to collect information  
11 on areas so that we can identify countries  
12 of concern, where people that were being  
13 radicalized towards violence, Islamics  
14 radicalized towards violence.

15 Q Was the function of the members  
16 of the force assigned to the Demographics  
17 Unit to make assessment regarding the  
18 potential for World events to impact upon  
19 local communities?

20 A I don't believe it's their job to  
21 make an assessment. However, through the  
22 rest of the Intelligence Division, we  
23 monitor World events.

24 If World events dictated that a  
25 particular area may become more of a

1 T. Galati

2 concern, then the Demographics or assessment  
3 unit would go to that general area.

4 Q Was it in connection with that  
5 activity that you just described? Was it  
6 their job to collect information about how  
7 World events were impacting local  
8 communities for the analyst to analyze?

9 A I would say that if there was an  
10 event in the world that resulted in some  
11 type of violence or disruption, anywhere in  
12 the World or within the state that was  
13 related to terrorism activity, yes, they  
14 would go.

15 They would basically see if it's  
16 going to have any implications in New York  
17 City.

18 Q Would it be fair to say that  
19 their job was to see whether people were  
20 talking about it and how people were talking  
21 about it?

22 MR. FARRELL: Objection.

23 A Their job was, if they hear  
24 people talking about it, you know, they  
25 should inform us. If what they're hearing

1                   T. Galati  
2    is hostility towards the United States or to  
3    the general public at large, you know, as a  
4    result of these events, would something  
5    happen here as a result? Their job is to  
6    listen for that.

7           Q        You used the word hostility  
8    towards the United States. I want to make  
9    sure that I don't misunderstand you.

10                   A lot of people talk. They don't  
11   like what's going on, what this person is  
12   doing, they don't like what the United  
13   States is doing.

14                   Are you talking as broadly as the  
15   hostility in the United States, in the sense  
16   of expressions of opinions that were  
17   contrary to the policies of the United  
18   States --

19                   MR. FARRELL: Objection.

20           Q        -- or objected to the policies of  
21   the United States?

22           A        I would say that it doesn't even  
23   have to involve the United States at all;  
24   its general policing to prevent violence.

25                   There is plenty of strength in

1 T. Galati

2 Pakistan where there's violence between shia  
3 muslims and sunni muslims.

4 There's violence between these  
5 two sections of the religion. It could  
6 escalate and happen here. It doesn't have  
7 to necessarily relate to the United States  
8 itself.

9 It could have just the general  
10 public or within that community itself.  
11 It's a Pakistani community. It could be  
12 among Pakistani to each other.

13 It's broader than hostility  
14 towards the United States, hostility in the  
15 community.

16 Q Were members of the force  
17 assigned to the Demographics Unit instructed  
18 to bring back information about expressions  
19 of opinion whether or not they related to  
20 violence or potential violence?

21 A Say the question again.

22 Q What I'm trying to find out is,  
23 were the instructions given to them to  
24 report back about what they were hearing  
25 broad enough?



1 T. Galati

2 For example, to call for them, to  
3 report back? Let me just give you an  
4 example about someone commenting to another  
5 person from his community about the state of  
6 the union message delivered by President  
7 Bush.

8 MR. FARRELL: Objection.

9 A I guess I would have to see that  
10 comment. I would have to see what that  
11 comment is to make a determination.

12 It's not something that they  
13 should bring to us. It depends on the  
14 context, it depends on the time, it depends  
15 on who is talking about it. I couldn't  
16 answer that question.

17 Q Fair enough. Since the  
18 instructions have to be given before going  
19 out, what I'm trying to get from you is  
20 whether the instructions were as broad as  
21 simply telling us what you hear, whatever it  
22 is or were they limited in any fashion by  
23 the instructions that came from you through  
24 the chain of command?

25 Were they limited in any fashion

1 T. Galati

2 or were they, just to be clear, bringing  
3 back everything you hear?

4 MR. FARRELL: Objection.

5 A No, their instructions were not  
6 to go and bring back every conversation that  
7 they heard. That's not what their  
8 instructions were.

9 Q What was given to them in way of  
10 instructions to guide their judgement about  
11 what to bring back?

12 MR. FARRELL: Objection.

13 MR. EISENSTEIN: He says that  
14 for a reason, but it doesn't mean you  
15 should answer. He'll be very clear if  
16 it's something he doesn't want you to  
17 answer.

18 A A lot of conversation that has  
19 been brought back has value. On the  
20 surface, it may seem valuable. Overall  
21 conversation may relate to where people are  
22 at that particular location, you know. To  
23 get a little bit deeper, I think that a  
24 conversation overheard by people in the  
25 Lebanese cafe may indicate to us that they

1 T. Galati

2 are from South Lebanon or North Lebanon.

3 Although it may seem not  
4 important when analysts look at it, an  
5 analyst can understand that a particular  
6 town that was mentioned in a conversation  
7 may be in South Lebanon.

8 That may be an indicator of  
9 possibility that that is a sympathizer to  
10 Hezbollah because Southern Lebanon is  
11 dominated by Hezbollah.

12 Q I understand what you're saying.  
13 A lot of stuff can be a risk, useful  
14 information. What I'm trying to find out  
15 is, somehow or another, the people assigned  
16 to the Demographics Unit or the Zone  
17 Assessment Unit are being asked to  
18 distinguish between what they should report  
19 about and what they shouldn't be reporting  
20 about. They have to make some judgements  
21 about what to report about, correct?

22 A Yes. I would have to say they  
23 would make some suggestions.

24 Q What are given by way of  
25 instructions to help guide their use of

1 T. Galati

2 their judgement about what to report about?

3 A If we deployed them because of an  
4 event that took place in a particular part  
5 of the World, a drone attack, we would want  
6 to know and we would instruct them that  
7 people are upset about this drone attack.

8 If they are, that's something  
9 that would be important for us to know, that  
10 would be something we would want to know.

11 If they were talking about something that  
12 would help us identify what religion or what  
13 type of people they are from the country of  
14 concern that we're trying to identify, that  
15 would be something that we would want them  
16 to report.

17 So, it's twofold. If there's a  
18 reaction to something or if it's going to  
19 help us, their main purpose is just to help  
20 us identify where in the city we would find  
21 people from some countries of concern, that  
22 Islamics radicalized towards violence would  
23 hide or recruit.

24 Q I understand what you're saying  
25 about telling us everything you hear about a

1 T. Galati

2 drone attack, for example.

3 If there isn't a specific event  
4 that has occurred, are general instructions  
5 given to help guide their judgement about  
6 what information to bring back?

7 MR. FARRELL: Objection.

8 A Their main function is to  
9 catalogue those locations so we can  
10 understand what countries of concern they're  
11 from, their observations and overheard  
12 conversations.

13 When they are not deployed in  
14 relation to an event, should they hear an  
15 overheard conversation that I would  
16 consider, and I'll use the word alarming or  
17 aggressive. Those kinds of conversations we  
18 would want them to bring back.

19 Q Was it part of the job of members  
20 of the force assigned to the Demographics  
21 Unit to analyze religious institutions,  
22 locations or congregations?

23 MR. FARRELL: Objection.

24 A The Zone Assessment Unit/  
25 Demographics Unit does not do any analytical

1 T. Galati  
2 work when it comes to what their function  
3 is. They have identified religious  
4 institutions to the extent that we can  
5 understand what country or countries of  
6 concern would go to those particular  
7 locations.

8 Q Have they identified those  
9 locations by going to them?

10 MR. FARRELL: Objection.

11 A Yes. Are you asking me -- can  
12 you rephrase the question?

13 Q Have members of the force, who  
14 are assigned to what's now called the Zone  
15 Assessment Unit, visited religious  
16 institutions, congregations?

17 MR. FARRELL: Objection.

18 A Let me state that, since I'm here  
19 in 2006, members of the Demographics Unit,  
20 it is our practice and policy that they do  
21 not go into religious institutions unless  
22 there's a need to because we have to  
23 identify what type of institutions.

24 It's not always readily available  
25 from the outside. However, we prefer that

1 T. Galati  
2 they do it from the outside, if possible.  
3 However, when 911 happened and then this  
4 unit stood up and we had to understand a  
5 little bit more and gain knowledge, it was  
6 necessary to go inside those locations in  
7 order to determine what type of congregation  
8 it was and what people, from what countries  
9 of concern would be there.

10 So, for identification reasons  
11 early on, they did go into some of those  
12 locations. It is not their normal practice  
13 and it is not their practice today.

14 Q When you say early on, are you  
15 talking about things that occurred prior to  
16 your being in the Intelligence Division?

17 A Yes, I'm talking about early on  
18 when the Demographics Unit was first  
19 deployed.

20 Q Were those activities, religious  
21 institutions going on when you became  
22 commander of the Intelligence Division?

23 MR. FARRELL: Objection.

24 A As I stated, I came in 2006 and  
25 that is not our normal practice or policy.

1 T. Galati

2 I cannot definitively tell you that it has  
3 never happened if it is a new location, a  
4 new mosque that we have never seen before.

5 That is not readily available  
6 based on signs. They may have. It is not  
7 our policy nor is it our practice to have  
8 them do that.

9 When I said early on, I am going  
10 back to the original starting point of the  
11 unit, when it was necessary to first really  
12 determine what kind of location it was.

13 MR. EISENSTEIN: Can you mark  
14 this as Exhibit 3.

15 (Plaintiff's Exhibit 3, a  
16 document, was marked for identification,  
17 as of this date.)

18 Q I've handed you what's been  
19 marked as Plaintiff's Exhibit 3. My  
20 question is, do you recognize this document?

21 MR. FARRELL: Off the record.

22 (A discussion was held off the  
23 record.)

24 A [REDACTED]

[REDACTED]





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MR. FARRELL: I guess my trouble

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with the question is, the deposition is

24

about visiting public places and events

25

and terms of the public.

1 T. Galati

2 The question is open-ended and  
3 you aren't putting it within that  
4 framework. To the extent that your  
5 answers call for something beyond that,  
6 that's where I have an objection and I'm  
7 instructing the witness not to answer.

8 MR. CHEVIGNY: Wouldn't mosques  
9 be considered places open to the public?

10 MR. FARRELL: I can consult with  
11 the witness to respond.

12 MR. EISENSTEIN: Let me make it  
13 clear. I understand what this  
14 deposition is about. I'm trying to find  
15 out whether using that power under the  
16 Handschu Guidelines are identified in  
17 882, I'm trying to guess how many  
18 mosques have been visited and my way  
19 into that which is perfectly  
20 appropriate.

21 I haven't gone into anything  
22 that's outside the scope of what I was  
23 going to be asking about in my view.

24 MR. FARRELL: Hypothetically,  
25 there's a possibility that mosques were

1 T. Galati

2 visited, not under 882, but pursuant to  
3 an authorized Handschu investigation.

4 To answer that question, it's not  
5 making a distinction.

6 MR. EISENSTEIN: You said it's  
7 hypothetical. To find out how that is  
8 so, ask the witness.

9 MR. FARRELL: I need to confer  
10 with the witness.

11 A The Demographics Unit has  
12 identified mosques throughout the city and  
13 the ethnic community or communities that  
14 would go to that mosque. What the exact  
15 number is, I couldn't tell you the exact  
16 number.

17 Q Was the Demographics Unit tasked  
18 with identifying mosques around the city  
19 when the unit stood up, as you said?

20 A Yes.

21 Q Do you know when the Demographics  
22 Unit was formed?

23 A I don't have an exact date, I'm  
24 going to say early in 2003 sometime.

25 Q Did members of the Demographics

1 T. Galati  
2 Unit identify mosques and the community that  
3 they related to by visiting the mosques?

4 MR. FARRELL: Objection.

5 A The purpose of the Demographics  
6 Unit and the Zone Assessment Unit was to  
7 identify mosques, to identify the ethnic  
8 community that would be associated with the  
9 mosques.

10 If they could do it without the  
11 outside, they would do it from the outside.  
12 Often, they were unable to do that and they  
13 would then go inside. I'm talking early in  
14 the unit's existence.

15 If they needed to, they would go  
16 inside the location in order to determine  
17 what ethnic community, what signs to  
18 describe, what ethnic community would attend  
19 that particular mosque.

20 As I did say, that is not the  
21 practice and policy since I've been here in  
22 2006, and I think I said earlier that unless  
23 for some reason there was no other way to  
24 determine that factor, I'm not saying  
25 definitively that's not the practice, since

1 T. Galati

2 I'm assigned to the unit, that it has been  
3 done.

4 Q I think you indicated when  
5 there's a new mosque identified even today,  
6 it would be part of the job of the  
7 Demographics Unit to try to figure out who  
8 goes to that mosque; am I correct?

9 MR. FARRELL: Objection.

10 A If we became aware of a new  
11 mosque, we would want to know what ethnic,  
12 community would attend that mosque.

13 Q If necessary, if you couldn't do  
14 it from the outside, the Demographics Unit  
15 would visit; is that correct?

16 A Are you asking me today?

17 Q Today.

18 A If the Demographics Unit was  
19 unable to determine what kind of mosque it  
20 was, would they go inside?

21 Q Yes.

22 A I would want to know what kind of  
23 mosque, what kind of congregation it was, I  
24 would want to know. I would want to know if  
25 they exhausted all other means and that was

1 T. Galati

2 the only way. I would say that they would,  
3 but they haven't.

4 It has not come out at least  
5 since I'm here. I can't recall instances  
6 where that has happened.

7 Q Have there been some number of  
8 mosques in New York City that have been  
9 identified by the NYPD as mosques of  
10 concern?

11 MR. FARRELL: Objection. I need  
12 to consult the witness whether privilege  
13 applies.

14 I have my objection noted. You  
15 can answer the question.

16 THE WITNESS: Can you re-ask the  
17 question. Can I consult with you again?

18 MR. FARRELL: Sure.

19 (Recess taken).

20 A The Demographics Unit's job is  
21 not to identify mosques of concern.  
22 However, I can't tell you that when they  
23 identify mosques, that it may indicate that  
24 it's a mosque of concern.

25 That's not their function and



1 T. Galati

2 that's not who identifies mosques of  
3 concern. Mosques of concern are identified  
4 under authorized Handschu investigations.

5 Q Okay. What is mosque of concern?  
6 Is it a phrase that's used by the NYPD? Is  
7 that correct, mosque of concern?

8 MR. FARRELL: Objection.

9 A I don't use the term mosque of  
10 concern nor do people in the Intelligence  
11 Division since 2006 use the word mosque of  
12 concern. I can't tell you that earlier on  
13 that terminology may have been used.

14 Q Is the expression mosques of  
15 interest used by the Intelligence Division?

16 MR. FARRELL: Objection. There  
17 has to be a way for us to continue. The  
18 question that is asked generally about  
19 Intelligence Division practices outside  
20 of section 882 of the Handschu  
21 Guidelines, the practicality, the  
22 Intelligence Division, operations that  
23 operate under other parts of the  
24 Handschu Guidelines, that's the  
25 difficulty that I have. I want you to

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understand the difficulty I'm having with the way the question is being phrased.

We'll have to continue to consult about privilege. I don't know if you can structure the questions to get us within the scope of 882.

If you recall the initial notice of deposition, it has the categories. It wasn't limited to 882. It was not going to be about general intelligence practices or investigations, authorized Handschu investigations. You agreed then, you revised the categories limited to 882.

MR. EISENSTEIN: I'm aware of that and I'm asking questions that are geared to address specifically 882, but I need to get into that subject in some way.

Obviously, you're free to consult about law enforcement privilege. I need to ask the questions to get there. So far, the result of each of the

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consultations that you've had had been  
that you permitted the witness to  
answer.

If you need to do it again, do it  
again. I'm mindful, Peter, of the  
constraints of the deposition, if you  
you have reserved the right to shut this  
deposition down.

I don't think I'm going beyond  
the bound. You don't have to warn me if  
I go beyond the bound. Let's take the  
question one at a time.

MR. FARRELL: I was trying to do  
it in a collegiate way.

MR. EISENSTEIN: I appreciate  
that. I don't think that I'm straining.  
I've asked a preliminary question about  
a term and I want to know about that  
term, and then I'm going to ask whether  
that term has any significance about  
what this deposition is about.

Q Having said all those things, do  
you remember the question?

MR. FARRELL: Can you restate

1 T. Galati

2 it?

3 Q Has the Intelligence Division  
4 used the expression mosques of interest?

5 A Can you say it one more time?

6 Q Does the Intelligence Division  
7 use the expression mosques of interest?

8 MR. FARRELL: You have my  
9 objection.

10 A I believe that the term mosques  
11 of interest or mosques of concern had been  
12 used in the past. However, that's not a  
13 determination that's made by the  
14 Demographics Unit, but I'm not saying that  
15 the term has not been used.

16 Q In your understanding of the  
17 Handschu Guidelines, does the designation of  
18 a mosque as being of concern or of interest  
19 give the NYPD in and of itself authority?

20 MR. FARRELL: I'm going to  
21 object. I'm going to deem it outside  
22 the scope of the deposition.

23 MR. CHEVIGNY: You're not  
24 allowing him to answer?

25 MR. FARRELL: Yes.

1 T. Galati

2 Q When you've told me that the  
3 Demographics Unit does not designate any  
4 interest or concern, that that's not their  
5 job to designate --

6 MR. FARRELL: Objection.

7 A I did not state that. The  
8 Demographics Unit has used the term of  
9 concern or interest. However, the way I am  
10 interpreting concern, interest is related to  
11 stuff that's learned outside of 882 with  
12 authorized Handschu investigations.

13 Q Are you saying that that  
14 designation has not occurred as a result of  
15 a visit under 882?

16 MR. FARRELL: Objection.

17 A Under 882, where the Demographics  
18 Unit has visited other establishments, they  
19 will use a terminology that may be location  
20 of concern or a hotspot. So, in other  
21 documents or other identifiable locations,  
22 they used that terminology.

23 Q What I'm asking is, have they  
24 used that terminology as a result of  
25 information gained from a visit under 882?

1 T. Galati

2 MR. FARRELL: Objection.

3 A Are we talking about commercial  
4 establishments?

5 Q Well, I will ask about that.  
6 Right now I'm asking you about mosques.

7 A I don't believe that they make  
8 that determination. Fair function was to  
9 identify the mosques in the community,  
10 ethnicity that would go to the mosques.  
11 They don't make that determination if it's a  
12 mosque of concern or a mosque of interest.  
13 If the way I interpreted it --

14 Q Is the determination that a  
15 mosque of concern or of interest, which I  
16 understand is made by someone else, not the  
17 Demographics Unit, is made on the basis of  
18 information obtained in the course of 882  
19 visits?

20 MR. FARRELL: Objection.

21 A I could not definitively tell you  
22 that there may be a small piece of something  
23 that may help determine that, but I will  
24 tell you that not in the sense of as I see  
25 mosques of concern or of interest, I'm

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2 [REDACTED].

3 A [REDACTED].

4 However, I will tell you that Demographics  
5 visits mosques and identifies mosques.

6 Q Just so that we're clear, is it  
7 your understanding that those visits are  
8 authorized under 882 of the Handschu  
9 Guidelines?

10 MR. FARRELL: Objection. You're  
11 asking from a legal conclusion?

12 MR. EISENSTEIN: Anybody who has  
13 to apply a legal rule can be asked about  
14 their understanding and their rule. So  
15 having said that, let me ask the  
16 question again.

17 Q Is it your understanding that  
18 those visits to the mosques by the  
19 Demographics Unit are authorized under  
20 section 882 of the Handschu Guidelines?

21 MR. FARRELL: Objection.

22 A The Demographics Unit identifies  
23 locations that would be frequently by  
24 communities of countries of interest. By  
25 identifying these locations, to help us



1 T. Galati  
2 identify the communities, with the goal of  
3 trying to detect or prevent terrorism  
4 activity, by cataloguing those locations, to  
5 include mosques is not investigating  
6 political activity. So, I would say that  
7 them visiting by itself does not fall into  
8 investigating political activity.

9 Q Am I correct that what you're  
10 saying in your understanding is the visits  
11 to the mosques aren't even covered by the  
12 Handschu Guidelines?

13 MR. FARRELL: Objection.

14 A I'm saying the cataloguing of  
15 mosques does not necessarily fall under the  
16 investigation of political activity.

17 Q I'm a little concerned. I think  
18 we're talking slightly passed each other.  
19 What I'm hearing you say is that the visits  
20 to mosques for the purpose of cataloguing  
21 them is not gathering information about  
22 political activity if you don't even get to  
23 the Handschu Guidelines? Is that what  
24 you're saying?

25 In other words, you don't have to

1 T. Galati  
2 identify a provision of the Handschu  
3 Guidelines that would authorize it because  
4 it's not even covered by the Handschu  
5 Guidelines?

6 MR. FARRELL: Objection.

7 A No. What I'm saying is that  
8 their function by itself by just cataloguing  
9 may or may not fall into that depending on  
10 what the result of that visit is. But, the  
11 basic identification of locations and  
12 cataloguing by itself is not investigations  
13 of political activity.

14 Q So that, a demographics member of  
15 the force assigned to the Demographics Unit  
16 who goes to a mosque for the purpose of  
17 finding out what kind of a mosque it is and  
18 what community goes there is not using the  
19 authority that is granted under this  
20 section?

21 I'm going to quote, "For the  
22 purpose of detecting or preventing terrorist  
23 activity, the NYPD is authorized to visit  
24 anyplace and attend any event that is open  
25 to the public on the same terms and

1 T. Galati  
2 conditions as members of the public  
3 generally.

4 No information obtained from such  
5 visits shall be retained unless it relates  
6 to potential unlawful or terrorist  
7 activity."

8 My question is, are you saying  
9 that, in your understanding, when a member  
10 of the Demographics Unit goes to a mosque  
11 for the purpose of finding out who goes  
12 there, what community goes there, what  
13 community it's related to, that member of  
14 the force assigned to the Demographics Unit  
15 is not using the authority granted by the  
16 section?

17 MR. FARRELL: Objection. I'm  
18 objecting. It calls for a legal  
19 conclusion.

20 You can answer the question.

21 A That section applies to a broader  
22 goal with the Handschu Guidelines. 882 is  
23 one part of a broader guideline, the  
24 Handschu Guidelines, and the Handschu  
25 Guidelines describe the main function of the

1 T. Galati

2 investigation of political activity.

3 What I'm saying is, by itself  
4 there are levels that can and cannot take it  
5 into 882.

6 By itself, cataloguing locations,  
7 to know the ethnicity of the community is  
8 not investigating political activity.

9 Q Let's just take a member of the  
10 force assigned to the demographics community  
11 goes into a mosque.

12 Are you saying that whether it's  
13 covered by the guidelines depends on what  
14 that member of the force brings away? In  
15 other words, if he only brings away  
16 information about the ethnicity of the  
17 people at that mosque, it's not covered by  
18 the Handschu Guidelines at all?

19 Is that an example of what you're  
20 saying or have I got it wrong?

21 MR. FARRELL: Objection.

22 A I think by identifying locations  
23 and cataloguing them, finding out the  
24 ethnicity by itself, is not investigating  
25 political activity.

1 T. Galati

2 Q Do you know what instructions  
3 have been given to members of the force  
4 assigned to the Demographics Unit who are  
5 deployed to visit mosques? Do you want to  
6 hear that question back?

7 A That question may be different at  
8 different times. I can't give you a direct  
9 answer. I did answer a question earlier  
10 that we tell the officers to try and make  
11 observations that can help us identify a  
12 location with the goal of trying to find out  
13 what country of concern may go there, should  
14 we need to identify an Islamic that's  
15 Radicalized towards violence, maybe hiding  
16 in for police action, should it arise.

17 Q Are members of the force assigned  
18 to the Zone Assessment or Demographics Unit,  
19 who are deployed to go into mosques, given  
20 instructions about section 882 of the  
21 Handschu Guidelines?

22 In other words, are they told  
23 that information obtained on the visits is  
24 not to be retained unless it's related to  
25 potential, unlawful or terrorist activity?

1 T. Galati

2 MR. FARRELL: Objection.

3 A You stated that members of the  
4 unit are being sent into mosques. I didn't  
5 state that. I stated to you that the goal  
6 is for them to identify the mosque and the  
7 community, countries of interest that may be  
8 associated with that mosque.

9 However, the Demographics Unit  
10 does receive instructions on 882, so they do  
11 know what 882 is.

12 Q Is that instruction something  
13 that's given on a regular basis, had been  
14 given ones? What's the drill in relation to  
15 instructions about 882 to members of the  
16 Demographics Unit or Zone Assessment Unit  
17 going into the community?

18 A I think that we instruct all  
19 members of the Demographics Unit on 882 as  
20 part of a broader training that we do on all  
21 of Handschu, and I will state that they  
22 receive training early on. Every member  
23 that's assigned to the division received  
24 training. I'm aware of counsel giving  
25 personal training on the matter at some

1 T. Galati

2 point.

3 Every year, every member of the  
4 division comes back to training, and then,  
5 issues that arise during the course of daily  
6 events we have meetings and we bring people  
7 in, and if they need to be trained on a  
8 particular area there, we'll address it like  
9 that. We do many, many things to make sure  
10 that everybody understands the entire  
11 guideline, not just the 882.

12 MR. EISENSTEIN: Can I have this  
13 marked as Exhibit 4.

14 (Plaintiff's Exhibit 4, a  
15 document, was marked for identification,  
16 as of this date.)

17 Q I've put in front of you what's  
18 been marked as Exhibit 4. My first question  
19 is, have you seen this document before?

20 A I have seen this document as one  
21 of the documents I reviewed that was  
22 released by the AP Articles.

23 Q Do you know whether the statement  
24 of particular speakers at particular mosques  
25 that are reproduced in Exhibit 4 were

1 T. Galati

2 gathered by the Demographics Unit, whether  
3 all or any of them were gathered by the  
4 Demographics Unit?

5 A I would say that none of this  
6 information was gathered by the Demographics  
7 Unit.

8 Q What is the basis for that  
9 statement?

10 A Can I consult?

11 Q Sure.

12 A This information is gathered  
13 based on authorized Handschu investigation.

14 Q The date of this document,  
15 Exhibit 4, is before you took command of the  
16 Intelligence Division, correct?

17 A Correct.

18 Q You or someone under your  
19 direction reviewed those compiled statements  
20 and determined that they were all as a  
21 result of authorized investigations?

22 A Yes.

23 Q Did you make that determination  
24 yourself or did you have someone review this  
25 document and determine that?



1 T. Galati

2 THE WITNESS: Can I consult you?

3 MR. FARRELL: Sure.

4 A I know most of these personally  
5 with my own knowledge, and the few that I  
6 was unaware of, I did have checked.

7 Q I want to direct your attention  
8 to an entry on the third page relating to  
9 mosque Jade, J-A-D-E, M-A-S-J-I-D,  
10 D-A-W-U-D-I on February 6, 2006.

11 Are you able to tell me whether  
12 that was one you knew about yourself?

13 A That is not one that I know about  
14 myself.

15 Q Are you able to tell me what  
16 level of investigation under the Handschu  
17 Guidelines these reports come from?

18 In other words, were they from  
19 preliminary investigations?

20 MR. FARRELL: Objection. I'm  
21 going to instruct the witness not to  
22 answer. That's not within the scope of  
23 this deposition.

24 Q Does the NYPD use the term  
25 rhetoric? Does the Intelligence Division

1 T. Galati

2 use the term rhetoric?

3 MR. FARRELL: Objection.

4 A That's a term that's been used.

5 Q Is the determination of whether a  
6 person is or a place of interest based in  
7 part on what the NYPD refers to as rhetoric?

8 MR. FARRELL: Objection.

9 A It could.

10 Q What is meant by the term  
11 rhetoric?

12 MR. FARRELL: Objection. I need  
13 to consult with the witness.

14 (Recess at 2:00).

15 Q That's the pending question.  
16 What is meant in that setting by the term  
17 rhetoric?

18 A I would say that rhetoric is  
19 overheard conversation which would be  
20 inciting somebody or encouraging somebody to  
21 commit an unlawful act.

22 Q Is that something that's the  
23 subject of a written standard? What  
24 constitutes rhetoric that would cause  
25 someone or some place to be of interest?

1 T. Galati

2 A Can you rephrase it?

3 Q Sure. You just gave an answer of  
4 inciting, of someone committing an unlawful  
5 act. I'm asking if that's a definition of a  
6 subject of written standard anywhere?

7 A I don't believe that's a written  
8 standard.

9 Q In 882 of the Handschu  
10 Guidelines, there's a reference to  
11 information: "No information obtained from  
12 such visits shall be retained unless it  
13 relates to potential unlawful or terrorist  
14 activity."

15 Would you say that as applied in  
16 882, the same definition that you had just  
17 given me of rhetoric applies? In other  
18 words, that rhetoric wouldn't pertain or  
19 relate to potential unlawful or terrorist  
20 activity unless it involves someone saying  
21 to someone else or advocating that someone  
22 committed an unlawful act?

23 MR. FARRELL: Objection.

24 A Is your question that --

25 Q I'll ask it again. It's an after

1 T. Galati

2 lunch question. You have to forgive me.

3 Does any other unit besides the  
4 Demographics Unit within the Intelligence  
5 Division engage in the activity that are  
6 described and authorized in 882?

7 A No, the Demographics Unit is the  
8 only unit.

9 Q Are members of the force assigned  
10 to the Demographics Unit instructed to  
11 report back about certain kinds of rhetoric?

12 MR. FARRELL: Objection.

13 Q If they hear it.

14 MR. FARRELL: Objection.

15 A What I would say is, the function  
16 of the Demographics Unit is to go out,  
17 catalog locations. There are times when  
18 there are World events, and during the times  
19 of World events, then they would be going  
20 out looking to gage, I guess gage the  
21 feeling or the sentiment of the situation  
22 related to it. It's a reaction area. That  
23 would be the Demographics Unit that would go  
24 into the location to gage that sentiment.  
25 It's based often on a World event or could

1 T. Galati

2 be based on an event.

3 Q Taking that as an example, in  
4 that reaction situation, are the members of  
5 the force assigned to the Demographics Unit  
6 instructed to report back about what they  
7 hear on that subject, on the subject of the  
8 event?

9 A I guess it would depend on what  
10 they heard about that subject. I would say  
11 that they are to report if they have  
12 overheard a conversation which would gain a  
13 reaction. We're looking for a reaction.

14 Q You're looking for what the  
15 reaction is to that World event, correct?

16 A I would like to say the reaction  
17 to determine if it has any implications for  
18 New York City for that particular community  
19 or anything. So, is this Global event going  
20 to have an adverse reaction in a particular  
21 area, community, particular people that may  
22 cause the police department to have to react  
23 to it?

24 Q I don't have any copies of this.  
25 The record should reflect that there are



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[REDACTED]

Q Am I correct that this is contained in a Zone Assessment Unit report about a visit to a commercial establishment?

A Yes.

Q My question is, was this an activity that was undertaken by the member of the force assigned to the Zone Assessment Unit covered by 882 of the Handschu Guidelines?

A Just say the question one more time.

Q That's okay. Is this document, bates stamped 904, part of a report of a member of the force assigned to the Zone Assessment Unit conducting a visit pursuant to section 882 of the Handschu Guidelines?

A Yes.

Q Under section 882 of the Handschu Guidelines, as you understand the

1 T. Galati  
2 guidelines, is it permissible to record the  
3 information about this conversation given  
4 the restriction that says no information  
5 retained from such visits shall be retained  
6 unless it relates to potential unlawful or  
7 terrorist activity?

8 MR. FARRELL: Objection.

9 A The main purpose of the  
10 Demographics Unit/Zone Assessment Unit helps  
11 us identify locations if we're faced with a  
12 threat that's coming from a country of  
13 concern and we're looking to find a  
14 terrorist that's likely to commit a  
15 terrorist attack.

16 The police department needs to  
17 know where we should go and look for that  
18 particular terrorist. A lot of information  
19 that the Zone Assessment Unit captures helps  
20 us identify locations that we should look or  
21 not look for.

22 In this document, it's clear that  
23 speaking in Urdu officers indicate they are  
24 Pakistani. It does have value to us for  
25 potential terrorist or unlawful activity in



1 T. Galati  
2 the sense that it's telling us, in this  
3 particular location at [REDACTED], we  
4 would be able to find -- that's a location  
5 where we would possibly find -- I'm not  
6 telling you that would be a Pakistani  
7 location and we're going to find someone  
8 that speaks Urdu, a terrorist from a  
9 particular region in Pakistan where they  
10 speak Urdu or if we're looking for an Urdu  
11 Pakistani male that would commit a terrorist  
12 attack. This piece of information would be  
13 very valuable to us.

14 We retain that information  
15 because it may seem like minutia. The fact  
16 that they speak Pakistani and Urdu is  
17 something that I find useful in my quest.

18 Q You comment speaking in Urdu and  
19 Pakistani.

20 A Yes.

21 Q From the point of view of what  
22 you just described and I'm not seeking to  
23 argue with you, isn't the information that  
24 this is a location where we could find  
25 Pakistanis who speak Urdu -- let me ask the

1 T. Galati

2 question in a different way.

3 How is the police function  
4 advanced or aided by the content of this  
5 conversation in which one person is  
6 complaining to the other about [REDACTED]  
7 [REDACTED] worker who supposedly burned the  
8 quran was rehired?

9 Does that information relate to  
10 potential unlawful activity or terrorist  
11 activity?

12 A I would say we're not looking for  
13 Pakistanis that speak Urdu. That's not what  
14 we're looking for. The goal of the  
15 information collected is so that when we're  
16 looking for a terrorist, Islamic radicalized  
17 towards violence, that we have threat,  
18 information that has come in and we need to  
19 start looking for that person. We have  
20 information that indicates that this person  
21 is Pakistani, speaks Urdu or may even to  
22 some extent based on Urdu give us a  
23 particular region where they might be from.

24 That information is very valuable  
25 when we're faced with an intimate threat and

1 T. Galati

2 we have to look for it.

3 My point is that that  
4 conversation is indicating that these males  
5 who speak Urdu is valuable to us in  
6 detecting or preventing a terrorist  
7 activity.

8 That's really what I'm focusing  
9 on, is the fact that these two men at that  
10 location, [REDACTED] speaking [REDACTED] are angry  
11 about what happened to someone who burned  
12 the quran. Is that of value? Is that  
13 useful? The phrase in 882 information  
14 relates to potential unlawful activity, not  
15 their ethnicity, not their language, not the  
16 region where they're from.

17 The particular grievance where  
18 they were exchanging about, it's the  
19 information that's contained in the  
20 conversation that's of value. We're  
21 identifying these people. It may not be  
22 Pakistani. It's frequently by a Pakistani  
23 individual that speaks Urdu. That's an  
24 important part. It's the information  
25 contained in the conversation that would

1 T. Galati

2 help us when we have to start looking.

3 This is something that we can  
4 turn to. We can start saying, where should  
5 we be looking for a terrorist who's planning  
6 or recruiting potential attack in New York  
7 City and we know that that person is  
8 Pakistani and Urdu.

9 Based on the language that would  
10 be important to us, I would say, not  
11 necessarily the content, everything  
12 contained in it, the information that the  
13 conversation has that I consider of value.

14 Q I'm focusing on the content and  
15 on the specific provision of 882 because, in  
16 fact, in this report the content was  
17 retained. In other words, this is a  
18 document from -- I don't remember if it's  
19 2010 or 2011. It's relatively the last  
20 couple of years. What I'm trying to find  
21 out is whether from your vantage point as  
22 Commander of the Intelligence Division, in  
23 terms of instructing these people of the  
24 force who are doing the work of the Zone  
25 Assessment Unit, do you understand the

1 T. Galati

2 retention of the content?

3 What I mean by the content is the  
4 expressed grievance about this [REDACTED]  
5 [REDACTED] workers, the retention of that  
6 content. Is that consistent with 882 saying  
7 no information shall be retained unless it  
8 relates to potential unlawful or terrorist  
9 activity?

10 MR. FARRELL: Objection.

11 A What I'm saying is that as a  
12 whole, this statement has value to us in the  
13 protection or prevention of a terrorist act.

14 Q Take a look at 833. Let me just  
15 have the book back to make sure I'm giving  
16 you the right page. It's 836. If you  
17 would, read it. Since I don't have a copy  
18 of it, read the conversation that's  
19 reproduced on 836.

20 A [REDACTED]  
[REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

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Q In relation to the content of

19

that conversation, from your vantage point

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as commander of the Intelligence Division,

21

is the information, the content, not the

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fact that these are Pakistani males, not the

23

fact that they were conversing in Urdu, but

24

the content of their conversation, is it

25

authorized under 882 to retain that?

1 T. Galati

2 Does that information relate to  
3 unlawful potential activity or terrorism?

4 A I have to state that in these  
5 conversations, when they indicate signals to  
6 us that we can use as far as identifying  
7 people from countries of concern, it is of  
8 value.

9 I can't take the content without  
10 taking the description and the Urdu in it.  
11 I would say that it does have value to us.

12 And under 882, I would state that  
13 we could retain that.

14 Q Can you articulate how it has  
15 value? What is the thought process that  
16 leads you to conclude that the phrase is no  
17 information obtained from such visits shall  
18 be retained unless it relates to potential  
19 unlawful or terrorist activity?

20 If you could, tell us how you  
21 would express what the value is?

22 A I think I did explain it in the  
23 last example, but I will explain it again.  
24 The purpose of the demographics cataloged in  
25 these locations, collecting information at

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these locations are for the police department to respond to a threat that they may be facing.

When we are faced with a threat or we have information about a threat that is present and we need to go out and we need to try and mitigate that threat, we have to be able to, at our fingertips, find what is the most likely location that that terrorist is going to go to and hide out amongst other people from the same country.

But, this is the person that is going to commit a terrorist attack. To value what's in here, that I know if I'm looking for a terrorist who is Pakistani, from a region in Pakistan who speaks Urdu, I'm not going to waist my time in a restaurant where they speak Arabic.

I want to know where the restaurant is that are going to be Pakistanis. Mostly likely, Postun that's speaking Urdu. So that's value to me to prevent or detect terrorism that I'm now facing the threat.



1 T. Galati

2 I know where it's coming from. I  
3 want to go to these locations so I can  
4 either find somebody that's hiding in these  
5 locations, recruiting in these locations.  
6 That's the value of it.

7 Q Would you agree that there are a  
8 number of locations that have been mapped by  
9 the Zone Assessment Unit where Pakistani  
10 people speaking Urdu congregate?

11 A I believe that they have  
12 identified numerous locations where people  
13 speak Urdu.

14 Q The question that I'm asking is,  
15 are you saying that the fact that two people  
16 at a particular location complained about  
17 [REDACTED] in  
18 the manner that is described in that  
19 conversation makes that place more likely to  
20 be a haven for someone engaging in a  
21 terrorist act and therefore, that  
22 information relates to potential terrorist  
23 activity?

24 MR. FARRELL: Objection.

25 Q Do you understand my question?

1 T. Galati

2 A I understand the question. I  
3 would say no, I am not telling you that this  
4 place is more likely than another place  
5 where they speak Urdu. What I'm saying is  
6 that, depending on what threat we're facing,  
7 we need to be able to look at what  
8 information we have collected so we could  
9 properly deploy and try to find the threat  
10 or the terrorist and the tension that are  
11 going to help us in the information  
12 contained.

13 The fact that it's Pakistani,  
14 Urdu is a very important factor. It doesn't  
15 mean that there's more of a chance that he's  
16 going to be in this particular one. It's  
17 important for me to know this is one of the  
18 locations that we're going to have a  
19 Pakistani community that speaks Urdu that's  
20 radicalized towards violence that would  
21 either try to either hide or recruit.

22 Q I understand what you're saying.  
23 This is the quran. What I'm asking you is  
24 about 882. Correct me if I'm wrong, a part  
25 of the Handschu rule that places some

1 T. Galati

2 restriction on what information can be  
3 retained, right?

4 A Yes.

5 Q And the guidelines for what  
6 information can be retained are captured in  
7 the World related to potential unlawful or  
8 terrorist activity, right? That's where the  
9 limitation resides, so to spoke?

10 A Yes.

11 Q Let's take this page 834 or 6,  
12 whatever it is.

13 A 836.

14 Q There's certain information at  
15 this place, Pakistanis who speak Urdu  
16 congregate and talk to each other. That's  
17 one set of information. Okay? You've told  
18 me that that's extremely valuable for you to  
19 know about if you're addressing a threat,  
20 right?

21 A Yes.

22 Q I'm apologizing for taxing you  
23 about this. I'm focused on whether the  
24 retention of the specific conversation for  
25 another word complaining about the threat of

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these [REDACTED].

You told me that that piece of information that there are two guys there complaining about the [REDACTED]

[REDACTED] does not make it more likely that a terrorist would go, am I correct so far?

A You'd have to repeat that.

Q I think you've told me that the fact that at this particular location where there are Pakistanis speaking Urdu, the Zone Assessment Unit heard two men complaining about the [REDACTED]

[REDACTED] That fact alone, their complaint expressed to each other doesn't make it more likely that this is a place where a terrorist would go?

A It doesn't make it more likely or less likely. It's a tool for us to look for that person that we're looking for that has that same characteristic that's going to hide or recruit within a place that he or she is comfortable in.

For a terrorist person that we're

1 T. Galati

2 trying to secrete themselves in this  
3 particular community, I can't tell you it's  
4 more likely or less likely. It's a tool for  
5 us to look in the right place.

6 Q If it's either more likely or  
7 less likely, the specific conversation about  
8 the [REDACTED]

9 [REDACTED], how does that piece of information  
10 relate to potential unlawful or terrorist  
11 activity?

12 A I'm taking the conversation as a  
13 whole. I'm looking in that conversation.  
14 I'm seeing Urdu. I'm seeing them identify  
15 the individuals involved in that are  
16 Pakistani.

17 I'm using that information for me  
18 to determine that this would be a kind of  
19 place that a terrorist would be comfortable  
20 in and I'm retaining that for the fact that  
21 I can retain it, if it's going to help me  
22 detect or prevent a potential unlawful or  
23 terrorist attack.

24 So, a potential terrorist could  
25 hide in here and that piece of information

1 T. Galati  
2 is important for me to know. That this is  
3 where I'm going to find somebody that speaks  
4 Urdu. And again, I'll go far beyond  
5 Pakistan. Most Urdu speakers from that  
6 region would be of concern, so that's why  
7 it's important to me.

8 Q The fact that these two guys are  
9 grieved about something that happened in the  
10 U.S., is that of importance to you?

11 A That is less important to me than  
12 the fact that they are Pakistanis and that  
13 they are speaking Urdu.

14 Within this, this is the  
15 important pieces that I'm looking for.

16 Q Is the fact that these two guys  
17 are grieved about something, is that  
18 something that happened in the U.S., does  
19 that fact relate to potential unlawful or  
20 terrorist activity, the fact alone that they  
21 are grieved about something that happened?

22 A Say your question one more time.

23 Q I understand what you said about  
24 Pakistani, probably Postun, Urdu speaking,  
25 all of the specification of ethnicity.

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Putting that aside, I'm asking

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about the fact that these two guys are

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grieved about something that happened in the

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U.S. is that fact related to potential

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terrorist or unlawful activity?

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A I can't separate the conversation

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based out of the value that I see in the

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conversation, what their grievance is. It's

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not what I'm focused on. I'm focused on the

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identification that I'm getting out of the

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conversation.

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Q I'm showing you now what's been

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Bates stamped as page two in the document

15

production. There's a conversation in

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boldface, [REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED] [REDACTED]

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Q Am I correct that this page two

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from the Bates stamped two is part of, I

21

guess, Demographics Unit report of a visit

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to a location conducted by the Demographics

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Unit under the authority of section 882 of

24

the Handschu Guidelines? Am I correct that

25

that's what this represents?



1 T. Galati

2 MR. FARRELL: Objection.

3 A This is a report I believe that  
4 we call a weekly report of numerous  
5 locations that were visited.

6 Q These visits were conducted under  
7 section 882 of the Handschu Guidelines?

8 MR. FARRELL: Objection.

9 A The visits and cataloguing alone  
10 are not. However, there are a spectrum of  
11 things that may in fact fall under 882.

12 Q What are the things that fall in  
13 882?

14 A You're asking me about this whole  
15 entire document, so, there are numerous  
16 locations.

17 Q Just focusing on the section that  
18 I asked you to read, does that part of the  
19 report fall under 882?

20 A I would say, yes.

21 Q I just want to understand and  
22 bear with me with this question, and tell me  
23 if you don't understand it. A member of the  
24 force assigned to the Demographics Unit goes  
25 into a location. At the moment he goes in,

1 T. Galati

2 I understand you to be saying that that's  
3 not necessarily covered by 882. Not  
4 necessarily doesn't necessarily have to be  
5 authorized by 882.

6 Before he hears a word just going  
7 into the location, he's been assigned to go  
8 to the location. He steps in the door. I  
9 want to try to break it down in some way.  
10 This won't be useful, but I'll try.

11 A When we go out and try to  
12 catalogue locations so that we could  
13 determine what country of concern would go  
14 to that, the simple fact that we're  
15 cataloguing locations does not necessarily  
16 fall in 882. However, the authority that we  
17 go out and go to these locations and at  
18 times have these overheard conversations  
19 does fall within 882, and the reason why we  
20 retain them is because we have value in the  
21 statements which would help us prevent or  
22 detect terrorism activity.

23 Q Thank you. You got a little  
24 ahead of me. That visit to [REDACTED]

[REDACTED] what is it that made it subject to

1 T. Galati

2 882?

3 A Say it again.

4 Q Maybe I need to back up.

5 MR. FARRELL: I want to put on  
6 the record, you had asked a question  
7 about what the witness has said. It may  
8 be confusing as to what it may fall  
9 under, but we'll look at it in the  
10 review process.

11 MR. EISENSTEIN: So noted that  
12 you noted it.

13 Q Just focusing on the portion of  
14 the report that relates to what the  
15 reporting officer saw and heard at [REDACTED]  
16 [REDACTED], is that section of the  
17 report subject to section 882 of the  
18 Handschu Guidelines covered by 882?

19 MR. FARRELL: The part that he  
20 just read into the record?

21 MR. EISENSTEIN: Correct.

22 A I would say yes.

23 Q What is it about that section of  
24 the report that in your understanding makes  
25 it subject to that rule, the 882?

1 T. Galati

2 A Information contained within  
3 there, which has given us other information  
4 that could be helpful in the purpose of  
5 preventing terrorist activity.

6 Q What is the information contained  
7 in what you read that I'm going to use the  
8 phrase from 882 that relates to potential  
9 unlawful or terrorist activity?

10 A Well, the fact that they are  
11 speaking in Bengali is a factor that I would  
12 want to know. Being that it's a [REDACTED]  
13 store, I would want to know that. There are  
14 things in here that has helped me identify  
15 who would go and visit this store. So those  
16 factors tell me something that I consider of  
17 value.

18 Q Am I correct that if they simply  
19 reported a location where they speak [REDACTED]  
20 and [REDACTED] and they are from a certain  
21 region, that's all they wrote down from your  
22 understanding, that would not involve 882?  
23 That's just a mapping function, correct?

24 A No, it would help us. Mapping is  
25 telling us where the places are. Some of

1 T. Galati  
2 these observations and overheard  
3 conversations just give us more information,  
4 so it goes beyond the simple just  
5 cataloguing of a location.

6 Q I understand that, chief. What  
7 I'm asking you about is everything gives you  
8 more information. In other words, every  
9 word that they write gives you more  
10 information about that location, correct?

11 A Correct.

12 Q But, there's a limitation in the  
13 Handschu rules about what information you  
14 can retain, right?

15 A Correct.

16 Q Isn't the retention of a  
17 conversation in which one [REDACTED] customer  
18 says to the guy behind the counter, that  
19 [REDACTED] is correct and the [REDACTED] government  
20 is not corrupt the way third world countries  
21 are corrupt? I'm sorry for the double  
22 negative. Isn't that information that does  
23 not relate to potential unlawful or  
24 terrorist activity?

25 MR. FARRELL: Objection.

1 T. Galati

2 A I am taking the conversation as a  
3 whole and I'm reading about two [REDACTED]  
4 people that are speaking in [REDACTED] in a  
5 [REDACTED] store. I find value in that for some  
6 reason. This information is solely used for  
7 the purpose of being able to identify a  
8 location where I should face a threat, where  
9 I'm facing a threat of a terrorist and that  
10 terrorist is [REDACTED].

11 This piece of information would  
12 be valuable to me. I take it as a whole. I  
13 take it as the conversation. I take it as  
14 [REDACTED] and that's what I feel is of value.  
15 The sole purpose is for identifying a  
16 location where I would find somebody that  
17 was hiding who is a terrorist from [REDACTED].

18 MR. EISENSTEIN: I need to take  
19 a bathroom break.

20 (Recess taken at 3:15 p.m.)

21 A I just want to clarify some of  
22 the information: When the information is  
23 collected, it is taken back and looked at by  
24 an analyst. Analysts make determinations of  
25 the information contained in conversations.

1 T. Galati

2 To the extent of that, what is  
3 the community's reaction to let's say events  
4 or things. Also, I think what's important  
5 for us is, if the conversations indicate  
6 support for let's say Osama Bin Laden or  
7 Iran or depends on a particular  
8 conversation, it's important for us to know  
9 because that might be a place that a  
10 terrorist could recruit from.

11 So, the content of the  
12 conversations may give us an idea of the  
13 place that a terrorist would be comfortable  
14 being in, so he could recruit from a  
15 location like that. I think also the fact  
16 that current events would tell us if the  
17 community's upset, if that's going to have  
18 any implication within the city.

19 So just a little bit more in  
20 those conversations.

21 Q Who are the analysts that make  
22 the kind of determination or assessment that  
23 you've just been talking about? What their  
24 names are, where do they fit in the  
25 structure of the Intelligence Division?

1 T. Galati

2 A The analysts are non-police  
3 officers. They are not police officers  
4 that are hired there. They look at whatever  
5 they look at, World events.

6 They look at local events. They  
7 look at information that comes in from many  
8 different parts of the Intelligence  
9 Division, and it's their job to make an  
10 assessment on whether or not there's an  
11 issue of concern that we must address.

12 Q Are they under your command? Are  
13 they within the chain of command of the  
14 Investigations Unit, Intelligence Unit?

15 A Yes.

16 Q If they make an assessment of  
17 what's being brought in, warrants, some  
18 action, does that indicate that an  
19 investigation has commenced?

20 MR. FARRELL: Objection.

21 A Related to Demographics, I can  
22 tell you that information that have come in  
23 has not commenced an investigation.

24 Q You're saying that based on what  
25 has occurred during your tenor, correct?



1 T. Galati

2 A Yes.

3 Q Do you know whether that was also  
4 the case before you took over the  
5 Intelligence Division?

6 A I think that prior to me, there  
7 had been indication that there was one place  
8 that was visited later, that later on became  
9 subject of an investigation.

10 However, I have not been able to  
11 determine that. That case involved a  
12 prosecution, but I have not been able to  
13 definitively say that it was because of  
14 Demographics.

15 I believe it was because of the  
16 Handschu investigation.

17 Q After Demographics provided  
18 whatever information, it provided an analyst  
19 go over it. If the analyst doesn't find  
20 anything that signals a threat or concern,  
21 are the reports retained in any event?

22 In other words, are the  
23 Demographics reports, whatever they contain  
24 or the zone Assessment reports, whatever  
25 they contain after they have gone to the

1 T. Galati  
2 analyst, retained? Whether or not they are  
3 contained, anything that was specifically  
4 useful or specifically worth analyzing?

5 MR. FARRELL: Objection.

6 A The information in the  
7 Demographics reports does have value. So,  
8 yes, it is retained because the report  
9 itself contains a lot of bits and pieces of  
10 value, of intelligence value.

11 Q What is your understanding of the  
12 meaning of the phrase investigation of  
13 political activity?

14 A It's in relation to persons or  
15 people or groups that want to exercise their  
16 right to try and effect change or maintain  
17 government or social status. That's what  
18 political activity means.

19 Q [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

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██████████."

Q I understand that that document,  
page one of the bates stamped documents was  
prior to your watch, so to speak, right?

A Yes.

Q Are locations selected quotations  
to be investigated where the zone assessment  
based on rhetoric --

MR. FARRELL: Objection.

A They are not selected based on  
rhetoric. To go to a location, it's not  
based on rhetoric.

Q Was that a change or are you  
saying that that change doesn't mean that  
that location or selected based on rhetoric?  
Am I making myself clear?

A What I believe in this report  
here is he's indicating that he listed these  
locations due to rhetoric event flyers.

Q You're saying, he went to a  
larger group of places, but listed these  
either because of rhetoric that was  
overheard there or event flyers that he saw?

A That's how I understand it.

1 T. Galati

2 Q Under your command, are locations  
3 visited or revisited by the Zone Assessment  
4 Unit based on rhetoric heard at those  
5 locations?

6 MR. FARRELL: Objection.

7 A I think when we're looking for a  
8 reaction because of a World event, locations  
9 are picked because those locations have  
10 characteristics that would make it easier  
11 for them to gage that reaction.

12 So, we would be looking for a  
13 place that would be more populated, that  
14 would be less populated, so that's what I  
15 would say about how we would deploy for a  
16 reaction.

17 Q There's a reference in there.  
18 I'll find it if I need to do a place  
19 investigated as part of a [REDACTED]  
20 operation.

21 Do you know what a [REDACTED]  
22 operation is? I'm representing to you that  
23 there's a reference. I'll tell you what  
24 page it is.

25 MR. FARRELL: In the document.

1 T. Galati

2 Q In the document that you --

3 MR. FARRELL: This particular  
4 document in front of him?

5 Q Yes, it is in that volume  
6 somewhere.

7 MR. FARRELL: You can pose your  
8 question.

9 Q Have you heard that phrase?

10 A We use the word [REDACTED], yes.

11 Q Can you tell me what that means?

12 A [REDACTED] is a listening post  
13 based on event. So if something happened,  
14 they would deploy so they can hear the  
15 reaction to what happened.

16 Q I need to put a couple of books  
17 in front of you.

18 MR. EISENSTEIN: Peter, would you  
19 write down these numbers? 281, 512, 709,  
20 898.

21 Q If you look at these three tabbed  
22 pages, just focusing on them --

23 MR. FARRELL: You want him to  
24 read the whole thing or a particular  
25 part?

1 T. Galati

2 Q Let me say what I'm looking for.  
3 I'm representing to you and you'll see  
4 whether I'm right or not, that a place in  
5 [REDACTED] called [REDACTED] was visited  
6 by the Zone Assessment Unit on January 5,  
7 2010, January, 14, 2010 and January 21,  
8 2010.

9 After you've looked at it, in  
10 terms of the purposes that you've described  
11 to me of the Demographics Unit or of the  
12 Zone Assessment Unit, what is the purpose of  
13 going back to this location three times of a  
14 period of 11 days or 15 days? The question  
15 is, why is the Zone Assessment Unit going  
16 back to this location three times in a short  
17 period of time?

18 A I can't tell you exactly the  
19 reason why we went to these three locations  
20 in a short period of time. I can tell you  
21 that there are times when we work in a  
22 particular area and that may be the reason  
23 why they went to it. To give you a  
24 definite -- I can't tell you why they went  
25 to that location.

1 T. Galati

2 Q I mean, are there multiple teams  
3 operating? Is it possible that they are  
4 just going back because they don't know if  
5 another team was there?

6 A I don't want to guess on  
7 something. I don't know the answer to that.  
8 I don't want to guess on it.

9 Q Putting aside the specification  
10 and you don't know why that happened, is  
11 there a reason? I can give you other  
12 examples, but you probably will tell me you  
13 don't know the specifics of that.

14 But, there are several places  
15 where their reports of visits over a short  
16 period of time. Without going to the  
17 specifics of any particular one, and again  
18 focusing on the function of the Zone  
19 Assessment Unit, if they have established  
20 that a place is owned by and patronized by  
21 Pakistanis from a particular region who  
22 speak Urdu and Postun, what are they going?

23 In general, why would Zone  
24 Assessment Unit teams be going back to such  
25 a location repeatedly in a short period of

1 T. Galati

2 time?

3 A Let me add one factor to this.  
4 These three situations, there's no reason to  
5 some World event that it went on any  
6 specific reaction activity, correct? Just  
7 using that as an example. So, I'm focusing  
8 on that situation where they are not  
9 reacting, not seeking reaction to a  
10 particular World event.

11 Q Can you think of a reason in  
12 terms of the functions of the Zone  
13 Assessment Unit going back to a location  
14 multiple times in a short period of time.

15 A Well, I can tell you that Zone  
16 Assessment Unit does not monitor locations,  
17 so they are not going there because they are  
18 concerned or have conducted an investigation  
19 on the location. That's not their duty and  
20 responsibility. Zone Assessment people are  
21 deployed by us and then help us identify  
22 locations for places, for people,  
23 communities of concern may shop or gather.  
24 They frequently go back to locations to make  
25 sure the locations haven't changed often. I



1 T. Galati

2 see even on this, this is a new location  
3 that just recently reopened.

4 Part of their duties and  
5 responsibilities is to make sure that they  
6 update their information, so that's a reason  
7 why they do go back.

8 Another thing that they do is  
9 identify places that may be better suited to  
10 go to in the event of a World event, where  
11 they have to hear an overheard conversation.

12 Similar to what I said, it would  
13 be better to go to a location, to go to a  
14 location that has more people than less.  
15 That's why they would go to a particular  
16 location if it was based on a reaction,  
17 community, sometimes they are small. So if  
18 they are trying to gage reaction in a  
19 particular community, that doesn't have many  
20 places and many different parts of the city.

21 They could be in that particular  
22 area. Those are some of the reasons why  
23 they could go to a location more than once.

24 However, I can't tell you why in  
25 this case, in these other instances -- I

1 T. Galati

2 don't know what this span is, a week, a  
3 month, two months. I can't comment on  
4 those.

5 Q Take a look please at page 101 to  
6 105. I'm going to also ask you about 96  
7 through 100. If you would look at both of  
8 those and let me know when you're done so I  
9 can ask you questions.

10 A You said 101?

11 Q Yes, and then 101 to 105. First  
12 question, one of those are two [REDACTED] i  
13 locations. One a [REDACTED], another one  
14 a [REDACTED], right?

15 A Yes.

16 Q The officer assigned the Zone  
17 Assessment Unit, officer described the  
18 [REDACTED] or check location of concern for  
19 the [REDACTED] and did not check location of  
20 concern for the [REDACTED].

21 A Yes.

22 Q First question: Are the  
23 reporting officers making that judgement or  
24 are they simply checking off what they have  
25 been told already?

1 T. Galati

2 In other words, are they  
3 assessing these places as locations of  
4 concern or not locations of concern based on  
5 what they are going out and seeing or are  
6 they going because it's already a location  
7 of concern or maybe there's a third  
8 alternative?

9 A We do not tell the demographics  
10 officers to go into a location that is part  
11 of some other Handschu investigation. They  
12 have no idea whether anybody in the division  
13 thinks it is or is not a place of concern.

14 When they reference a location of  
15 concern, they reference it in a way that, if  
16 there's an incident related to the  
17 [REDACTED] community, this is an  
18 identifiable location that they would be  
19 able to go into and that they would hear  
20 conversations.

21 If you look at the [REDACTED]  
22 and you look at the [REDACTED], it's exactly  
23 for that reason that you see a [REDACTED]  
24 isn't going to be filled with people that  
25 are going to have conversation.

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T. Galati

They wouldn't be able to gage community reaction to overseas or local events. In a [REDACTED], you would have more people. When they check it as a location of concern, concern is not necessarily indicating that that's a place that there's an investigation or should be an investigation.

A concern is their way of saying this is a place that we could go back to if we need to find something within the [REDACTED] community.

Q Of concern, that phrase or of interest or whatever it is, let's say of concern, is that phrase used differently in relation to commercial establishment say in relation to mosques?

MR. FARRELL: Objection.

A I believe that we make locations of concern for commercial establishments. It's not our policy to make locations of concern religious establishments. That being said, I can't tell you that that term has never been used for a mosque.

1 T. Galati

2 But, it is not the practice or  
3 the policy nor do I recall that being on any  
4 document that I've seen related to a  
5 religious institution. I have for  
6 commercial establishments.

7 Q Take a look at 164 actually. Let  
8 me give you a different one. Take a look at  
9 149. Does that relate to location 919?

10 A Yes.

11 Q [REDACTED] ?

12 A Yes.

13 Q Here is a [REDACTED], a  
14 [REDACTED] It's been checked  
15 as not a location of concern, right?

16 A Yes.

17 Q My question is, is the Zone  
18 Assessment Unit assigned officers making a  
19 judgement here? Two [REDACTED], both  
20 [REDACTED], in the same time frame,  
21 January, 2010 and they are saying -- I'm  
22 comparing it to 101. The one that I showed  
23 you before, page 101?

24 A Yes.

25 Q Location 493.

1 T. Galati

2 A Yes.

3 Q Here, in January of 2010, two  
4 [REDACTED]. They are saying  
5 one is a location of concern, the other one  
6 is not a location of concern. Are the  
7 officers making a judgement about whether a  
8 place is a location of concern based on the  
9 visit that they make, the Zone Assessment  
10 officers?

11 A Again, I will go back to the term  
12 of concern. The term location of concern is  
13 a place that we can go to that if there's an  
14 event and we needed to overhear something or  
15 get the feeling of community reaction to an  
16 event, overseeing that that happened and  
17 occurred here, where would we go to hear or  
18 get a feel for what's going on?

19 The only judgement that they are  
20 making is that this is a location where we  
21 may be able to hear something.

22 This is not -- one location is in  
23 [REDACTED], which may or may not be in the  
24 middle of a [REDACTED] area and one area is  
25 in a more densely [REDACTED] area.

1 T. Galati

2 Their judgement is, if we need to  
3 -- this would be a better place for us to  
4 hear. It has nothing to do with  
5 investigation, just where would we deploy if  
6 we needed to get a reaction, if we needed to  
7 get a [REDACTED] issue.

8 MR. FARRELL: Where?

9 A The first one is 101. I would  
10 like to add to that last conversation. If  
11 you look at the occupancy, the occupancy of  
12 the location that is not of concern has  
13 seating for 10 to 15 customers where the  
14 location that they have has seating for a  
15 capacity of 60 to 65 people.

16 Q Take a look at 639. You see  
17 there's a notation that the owner is a [REDACTED]  
[REDACTED] ?

19 A Yes.

20 Q Is that something that was  
21 furnished to the assigned officer in way of  
22 information when the assignment was made?

23 A No.

24 Q Would you say that that's  
25 something that the assigned officer would

1 T. Galati

2 know based on his personal history?

3 MR. FARRELL: Objection.

4 MR. EISENSTEIN: It's a stupid  
5 question. Let me ask it a different  
6 way.

7 Q Is that personal knowledge that  
8 that assigned officer is bringing to the  
9 report?

10 MR. FARRELL: Objection.

11 A The officers assigned to the  
12 Demographics Unit, Zone Assessment Unit,  
13 they have language skills. Maybe some of  
14 them are also born in these countries. They  
15 speak the language, they can determine  
16 things that maybe I can't determine.

17 This officer who, I believe, is  
18 [REDACTED] now knew that this guy was a

19 [REDACTED]

20 [REDACTED]

21 Q Is there an indication that this  
22 was the third visit in a couple of weeks?  
23 Do you see that? If you can't find it, I'll  
24 find it: Sometimes it says first visit,  
25 last visit.



1 T. Galati

2 MR. FARRELL: 639 is the one you  
3 have?

4 MR. EISENSTEIN: Yes.

5 MR. FARRELL: It's my notes  
6 comparing documents to each other.

7 Q If you look at 639 and 411, but  
8 as you may recall, I don't have copies of  
9 these.

10 MR. FARRELL: Can you pass us  
11 back 639?

12 MR. EISENSTEIN: Certainly.

13 Q According to my reading of these  
14 documents, this place [REDACTED] was  
15 visited by the Zone Assessment Unit on  
16 January 5, 2010, January 8, 2010 and again  
17 on January 19, 2010.

18 A What was January 8th?

19 Q In the 411, there's a reference  
20 to two reported ID's and it says visited  
21 1/5, and 1/8, maybe in the narrative. So  
22 here's the location: It's [REDACTED], it's  
23 [REDACTED]. It's a [REDACTED]. It's relatively  
24 large, so it's clearly a place where people  
25 would gather. All of that is known or

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knowable in the visit of January 5th.

My question is, for what reason is the Zone Assessment Unit going back to this particular place three times within 2 weeks?

A I can't give you a definite answer why they went back three times. I would say, it's not their job to monitor locations. Their job is to go when we tell them to go for community reaction and I can't definitively tell you.

It may have been an issue related to a [REDACTED] event. They wanted to go to a [REDACTED] location to overhear something. They may have gone to numerous [REDACTED]. They may have been working in that particular event.

I will tell you definitively they are not monitoring locations. They are not going back to locations because they are monitoring those locations.

Q Do you see any reference in any of the reports about that particular location, any of these three reports to any

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specific World event or local event?

A I do not see reference to it, but it does not mean they weren't deployed based on that. There are events that are big events and we decide to make -- I decide to make them go to a particular area because of the event that involves a particular community.

There are times when there are smaller events that officers from [REDACTED] or [REDACTED] that might pick up local things. What I mean, local from that country that they say, hey, this happened in [REDACTED], maybe we should go to a [REDACTED] area.

A sergeant may make that decision and he would deploy them because the sergeant does have the discretion unless he gets a specific assignment from me to go to a particular region to check on locations, to make sure they haven't changed. So they follow their own current event that happened in the World and you the sergeant says "Today we're going to go to an area that has

1 T. Galati

2 [REDACTED] community."

3 I can't tell you why they were in  
4 this place three times. I can tell you they  
5 are not monitoring these locations.

6 Q I take it that it doesn't relate  
7 to the fact that the proprietaries of the  
8 places identified as a [REDACTED]  
9 [REDACTED] ?

10 A [REDACTED] is not a  
11 designated terrorist organization as far as  
12 I know. I think that it has some value to  
13 tell you where from [REDACTED] he's from.

14 But, that is not the basis of why  
15 they would be deployed.

16 Q Have members of the force  
17 assigned to the Zone Assessment Unit ever  
18 been deployed to visit functions of any  
19 Muslim student association?

20 MR. FARRELL: I'm sorry, can you  
21 have that read back?

22 A No, the Zone Assessment  
23 Demographics Unit has never been deployed to  
24 a Muslim student association events.

25 Q Have officers assigned to the

1 T. Galati  
2 Zone Assessment Unit ever been deployed to  
3 visit locations outside of the confines of  
4 New York City?

5 A Yes.

6 Q Does that continue to occur up to  
7 the present time?

8 A They have not been deployed  
9 recently outside the confines of the city.

10 MR. EISENSTEIN: Mark  
11 Plaintiff's Exhibit 5.

12 (Plaintiff's Exhibit 5, a  
13 document, was marked for identification,  
14 as of this date.)

15 Q Chief, I'm showing you what had  
16 been marked as Exhibit 5. Have you seen  
17 that document before?

18 MR. FARRELL: Do you have a copy  
19 for me?

20 MR. EISENSTEIN: Sorry, I don't  
21 have a copy of that one.

22 A I have seen this document as a  
23 document that was looked at through the AP.  
24 That was the first time that I seen that  
25 document.

1 T. Galati

2 Q Is the activity described in that  
3 document something that would be assigned to  
4 the Zone Assessment Unit that is going to a  
5 mosque and recorded license plates of cars  
6 that came there?

7 A The Zone Assessment Unit has  
8 never, to my knowledge, recorded license  
9 plates.

10 MR. EISENSTEIN: Mark six  
11 please.

12 (Plaintiff's Exhibit 6, a  
13 document, was marked for identification,  
14 as of this date.).

15 Q As part of an authorized  
16 investigation, has any unit of the  
17 Intelligence Division recorded license  
18 plates of people attending a mosque?

19 A Outside of an authorized  
20 investigation, to the best of my knowledge,  
21 no. I would like to also clarify an answer  
22 that I gave earlier. It's not meant to be  
23 funny.

24 Sometimes these officers, when  
25 they go, they go to places that they may

1 T. Galati

2 like the food and go back for that reason,  
3 and I know that that has happened. So  
4 multiple visits might indicate such an  
5 event.

6 Q There are charges particularly on  
7 the DD five's for covering concealment. Is  
8 that reimbursement for buying food at the  
9 establishment that's been visited?

10 A Yes.

11 Q Do the officers assigned to the  
12 Zone Assessment Unit go to the locations in  
13 uniform or in plain clothes?

14 A They go in plain clothes.

15 Q Are the officers of the Zone  
16 Assessment Unit who are deployed to those  
17 locations in their communities, instructed  
18 that they are not affiliated with the NYPD?

19 A Yes.

20 Q So, that we might find some of  
21 the repeated places where the food is good?

22 A I'm not telling you that's the  
23 reason. I am telling you that the reality  
24 is that I have talked to people that they  
25 have indicated that this is a place that

1 T. Galati

2 they like to eat. So a repeated visit may  
3 be indicative of the like for food.

4 Q I'm showing you what had been  
5 marked as Exhibit 6. Have you seen that  
6 document before?

7 A I've seen it in relation to the  
8 AP Articles.

9 Q If you would take a look at the  
10 tab two, tab pages where I put the sticker  
11 on. Do you see a reference in one to  
12 rhetoric, level one and then the other one  
13 there's a rhetoric level two?

14 MR. FARRELL: Can we identify  
15 the document for the record? The title  
16 of it says Albanian locations of concern  
17 report.

18 Q Do you see the rhetoric level one  
19 and rhetoric level two?

20 A Yes.

21 Q Have you seen what those  
22 categories are used before?

23 A This is prior to my assignment.  
24 However, I have heard of level of rhetoric  
25 that was used for a short period of time.



1 T. Galati

2 Q Were there some written  
3 guidelines about rhetoric levels?

4 A I'm not sure if there's written  
5 guidelines or not. We presently do not use  
6 and have not used it since I'm here.

7 Q Are you able to tell me where  
8 you've seen it used other than Exhibit 6?

9 A I believe during my prep, there  
10 was discussion that I asked a question about  
11 this, where I was told that at one point  
12 there were levels of rhetoric that they  
13 used.

14 Q Do you know who told you that?

15 A Sergeant Matha, M-A-T-H-A.

16 Q Is Sergeant Matha still assigned  
17 to the Intelligence Division?

18 A Yes.

19 MR. EISENSTEIN: Mark that as  
20 seven.

21 (Plaintiff's Exhibit 7, a  
22 document, was marked for identification,  
23 as of this date.)

24 Q I want you to take a look at  
25 Exhibit 7. My question is going to be

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whether any of the activities reported on Exhibit 7 are activities of officers assigned to the Zone Assessment Unit?

A None of this is from the Zone Assessment Unit. This is all from authorized Handschu investigations. Can I clarify one thing about this report?

Rhetoric, that was used very early on when the unit first started and it was stopped at some point. I think it's important on this document that you're showing me and I don't know what the date is. It says 2006 here.

This information was not necessarily collected in 2006. This information most likely was collected in 2003. So, I just want to make sure that everybody understands that this is not necessarily a 2006 or whenever this document here was produced. This is older.

MR. FARRELL: So the record is clear, the witness was referring to Exhibit 6, not Exhibit 7.

MR. EISENSTEIN: Right. Good

1 T. Galati

2 point.

3 MR. EISENSTEIN: We're talking  
4 about the information that was checked  
5 in Exhibit 6. Exhibit 7 was checked in  
6 2008 or is dated in 2008.

7 Q To your knowledge, did any kind  
8 of written guidelines about rhetoric replace  
9 the level one/level two system that you've  
10 told us was used early on?

11 A Early on, I couldn't tell you  
12 definitely that there was guidelines on  
13 rhetoric policy. I know we don't have it  
14 now. I'm unaware that it exists prior, but  
15 I can't definitively tell you that there  
16 isn't a document.

17 Q There isn't one at the present  
18 time that defines, for example, what kind of  
19 rhetoric is considered actionable, so to  
20 speak?

21 MR. FARRELL: Objection.

22 A I don't know what you mean by  
23 rhetoric is considered actionable.

24 Q That rhetoric would be considered  
25 a basis for moving something into the realm

1 T. Galati

2 of investigation?

3 MR. FARRELL: Objection.

4 A If there was something that was  
5 recorded by the Demographics Unit that  
6 raised to the level that it needed to be  
7 generated, it would be looked at by the  
8 analytical shop and then it would be  
9 generated to the officer's attention, my  
10 attention, and I would make a decision on  
11 whether or not we would make a lead on this.

12 I could tell you that I have  
13 never made a lead from rhetoric that came  
14 from a Demographics report and I'm here  
15 since 2006. I don't recall other ones prior  
16 to my arrival. Again, that's always a  
17 possibility. I am not aware of any.

18 Q Where and in what form are the  
19 reports that are generated by the Zone  
20 Assessment Unit maintained? In other words,  
21 are they at some physical location and are  
22 they in paper form, electronic form, both?  
23 Those are the questions that I'm asking.

24 A Presently?

25 Q Yes.

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2 A Presently, when the zone  
3 assessment officers do their reports, they  
4 do an electronic report that is  
5 electronically held in our database which is  
6 a server database.

7 In addition, there's a standalone  
8 computer where information is inputted for  
9 the purpose of generating reports related to  
10 demographic areas and so on.

11 Q Does that mean that the reports  
12 are in electronic form? One in the  
13 standalone computer and the other one in the  
14 database on the server?

15 MR. FARRELL: Objection. Go  
16 ahead.

17 A Yes, they are produced and held  
18 on the server and they also input the  
19 information into a standalone for the  
20 generation.

21 This is the Zone Assessment Unit.  
22 They put it into the zone assessment  
23 database for generating special reports,  
24 requested reports.

25 Q The Zone Assessment Unit has its

1 T. Galati

2 own database? That's a question. Does the  
3 Zone Assessment Unit have its own database?

4 A Yes, it does.

5 Q There's also a larger  
6 Intelligence Division database?

7 A Yes.

8 Q If you'll give us 5 minutes, I  
9 want to make sure what's covered had been  
10 covered. Off the record.

11 (Recess taken).

12 Q At the present time, what is the  
13 procedure for members of the force assigned  
14 to the Zone Assessment Unit in terms of  
15 writing up what they have observed?

16 Do they do it everyday? Do they  
17 do it on a weekly basis?

18 A When they get back to where they  
19 were, they prepare an electronic what we  
20 call a DD five form, what they did for the  
21 day, for the visit.

22 Q They do that each day now?

23 A Yes.

24 Q Do they work steady day tours or  
25 do they work around the clock?

1 T. Galati

2 MR. FARRELL: I'm going to  
3 confer about privilege.

4 A I would say for the most part,  
5 they do daytime deployments, but we moved  
6 them periodically so we can understand  
7 different locations at different times.

8 Q To your knowledge, has any  
9 supervisor ever eliminated material from a  
10 report prepared by a zone and assessment  
11 unit officer because it was not related to  
12 potential, unlawful activity of terrorism?

13 Q To my knowledge, I am not aware  
14 of that, but I can't say that that hasn't  
15 happened. I'm not aware of that.

16 Q Do the supervisors in the Zone  
17 Assessment Unit have any instructions based  
18 on relating to section 882 of the Handschu  
19 Guidelines?

20 In other words, let me ask it in  
21 a different way. Are the supervisors  
22 instructed to look out for the retention of  
23 material, retention of information that's  
24 not related to potential unlawful or  
25 terrorist activity?

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2           A           The supervisors are aware of the  
3 procedure, the 882 and they're aware of the  
4 Handschu Guidelines in 882.

5                       We have a review process that we  
6 use where the reports get looked at, and if  
7 there's an issue related to that, it would  
8 be addressed in a training method.

9           Q           Who conducts the review in that  
10 review process?

11          A           One of the people that review it  
12 is our legal staff.

13          Q           That's the legal staff of the  
14 Intelligence Division?

15          A           Yes.

16          Q           Are they civilian employees or  
17 members of the force?

18          A           Both.

19          Q           To your knowledge, has the legal  
20 staff of the Intelligence Division ever  
21 directed or caused the removal of material  
22 from a Zone Assessment Unit report because  
23 it was not related to potential unlawful or  
24 terrorist activity?

25          A           The review process that they have



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is done after the report is prepared. So,  
if they seen something that they felt should  
be addressed, it would be addressed in a  
training issue. I can't tell you that the  
report would be changed. We have not  
changed reports once they are finalized.

MR. EISENSTEIN: I have no  
further questions. Thank you for your  
patience and I'm done.

(At 5:30 p.m., the Examination  
of this Witness was concluded.)

\_\_\_\_\_

THOMAS GALATI

Subscribed and sworn to before me this \_\_\_\_\_  
day of \_\_\_\_\_, .

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E X H I B I T S

PLAINTIFF'S EXHIBITS:

EXHIBIT	EXHIBIT	PAGE
NUMBER	DESCRIPTION	
1	Document	15
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I N D E X

EXAMINATION BY

PAGE

Mr. Eisenstein

10-129

INFORMATION AND/OR DOCUMENTS REQUESTED

INFORMATION AND/OR DOCUMENTS

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C E R T I F I C A T E

STATE OF NEW YORK            )  
                                  :  SS.:  
COUNTY OF KINGS            )

AYELET RUSSO, a Notary Public for  
and within the State of New York, do hereby  
certify:

That the witness whose examination is  
hereinbefore set forth was duly sworn and  
that such examination is a true record of  
the testimony given by that witness.

I further certify that I am not related  
to any of the parties to this action by  
blood or by marriage and that I am in no way  
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set  
my hand this 19th day of July, 2012.

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AYELET RUSSO

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**ERRATA SHEET**

**PAGE/LINE**

**CORRECTION**

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