

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

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YU PRIDE ALLIANCE, MOLLY MEISELS, DONIEL
WEINREICH, AMITAI MILLER, and ANONYMOUS,

Index No.: 154010/2021

Plaintiffs,

**DEMAND FOR
BILL OF PARTICULARS**

-against-

YESHIVA UNIVERSITY and PRESIDENT ARI BERMAN,

Defendants.
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C O U N S E L O R S :

PLEASE TAKE NOTICE, that, pursuant Sections 3041, 3042, 3043 and 3044 of the Civil Practice Law and Rules, Plaintiffs are required to serve a Bill of Particulars upon the attorneys for Defendants, **YESHIVA UNIVERSITY** and **PRESIDENT ARI BERMAN** (hereinafter Defendants), within thirty (30) days after receipt of this Demand. Each item and subdivision of this Demand must be answered separately and categorically under its own number, without reference to the Complaint or to other portions of the Bill of Particulars. *See Whirl Knits v. Adler Business Machines, Inc.*, 54 A.D.2d 760.

1. Set forth each individual Plaintiff's full name including all prior legal names, maiden names, and any aliases used throughout Plaintiff's life, and the approximate period(s) of time over which such names were used.

2. Set forth each individual Plaintiff's date of birth and social security number.

3. For Plaintiff YU Pride Alliance set forth each officer's full name, including all prior legal names, maiden names, and any aliases used throughout such officer's life, and the approximate period(s) of time over which such names were used, as well as each officers role in the association.

4. Set forth the names of all members of Plaintiff YU Pride Alliance with information about any injury sustained by YU Pride Alliance as the result of Defendants' alleged conduct.

5. Set forth the name and contact information of any individual(s) with knowledge of any injuries sustained by Plaintiffs as a result of Defendants' alleged conduct.

4. Describe and set forth the date(s), time(s), and location(s) of the alleged acts and/or omissions with Plaintiffs claim as the basis of the alleged violations of the New York City Human Rights Law.

5. Describe and set forth the date(s), time(s) and locations of the alleged acts and/or omissions which Plaintiffs claim as the basis for their request for damages, including any compensatory, consequential, special, or punitive damages.

6. Identify each and every physical, emotional, psychological and psychiatric injury, disease, diagnosis, condition or syndrome (collectively, "injury") that Plaintiffs allege as damages in this action, including:

- a) when the alleged injury first occurred or manifested;
- b) when, where and by whom (name and address) each alleged injury was first diagnosed;
- c) when, where, and by whom (name and address) treatment was sought (indicate all dates of examination and treatment) for each alleged injury;
- d) the dates and length of time of any confinement to bed and/or home allegedly resulting from each alleged injury;
- e) if Plaintiffs were confined to hospital or any other treatment facility, provide for each alleged injury the (i) names of each such hospital and/or facility and (ii) the approximate dates of admission and discharge;
- f) the dates and length of time of any incapacitation from activities of daily living allegedly resulting from each alleged injury; and
- g) whether each alleged injury identified is claimed to be permanent in nature, and if not permanent, when it resolved.

8. If Plaintiffs allege aggravation or exacerbation of any preexisting injury, state:
 - a) when the alleged aggravation or exacerbation first occurred or manifested;
 - b) when, where and by whom (name and address) each (i) alleged injury was first diagnosed and (ii) aggravation or exacerbation was first diagnosed;
 - c) when, where and by whom (name and address) treatment for (i) the preexisting injury was sought and (ii) the subsequent, aggravation or exacerbation was sought (indicate all dates of examination and treatment) for each alleged injury;
 - d) the dates and length of time of any confinement to bed and/or home allegedly resulting from each alleged preexisting injury and subsequent aggravation or exacerbation;
 - e) if Plaintiffs were confined to hospital or any other treatment facility allegedly resulting from each alleged preexisting injury and subsequent aggravation or exacerbation, provide for each alleged injury the (i) names of each such hospital and /or facility and (ii) the approximate dates of admission and discharge;
 - f) the dates and length of time of any incapacitation from activities of daily living allegedly resulting from each alleged preexisting injury and subsequent aggravation or exacerbation; and
 - g) whether each alleged injury identified is claimed to be permanent in nature, and if not permanent, when it resolved.

9. Describe in detail any other injury suffered by any of the Plaintiffs as a result of Defendants alleged conduct.

10. State separately the total amounts claimed by Plaintiffs as special damages for each of the following:

- a) Physicians' services and medical services, including mental health, psychology, psychiatric, social work, counseling and therapy services, with names and addresses of all providers who treated Plaintiffs for said injuries, and the dates of each treatment;
- b) Prescriptions for any medications taken for said injuries;
- c) Each projected or anticipated item of future expenses which Plaintiffs will claim at trial; and
- d) Any other expenses.

11. If Plaintiffs received reimbursement for any of medical expenses incurred in connection with the treatment of the injuries complained of in the complaint, set forth:

- (a) the source of the reimbursement, including:
 - (i) the name of the indemnitor (such as Blue Cross, GHI, etc.),
 - (ii) the group or policy number and Plaintiff's identification number for each provider,
 - (iii) Medicaid and/or Medicare number;
- (b) the dates and amounts of reimbursement.

12. If Plaintiffs are aware of any liens state:

- (a) the source of each lien (e.g., Medicare and/or Medicaid)
- (b) the amount of each lien.

13. If it is claimed that the Defendants are responsible vicariously for the acts or omissions of other(s), state the name of each such individual. If the name is not known, describe the physical appearance with sufficient clarity for ready identification, and state the occupation of each such person and the date and place of the act or omission.

PLEASE TAKE FURTHER NOTICE, that in the event that Plaintiffs fail to comply with the foregoing demand within thirty (30) days, Defendants will move to preclude the offering of any evidence as to the matters herein demanded, together with the costs of such application.

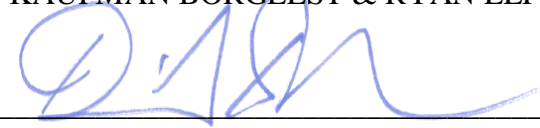
Dated: New York, New York
January 13, 2023

To the best of my knowledge, information and belief, formed after an inquiry reasonable under the circumstances, the presentation of this paper or the contentions herein are not frivolous, as that term is defined in Part 130 of the Court Rules.

Yours, etc.,

KAUFMAN BORGEEST & RYAN LLP

By:



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SUPREME COURT OF THE STATE OF NEW YORK
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YU PRIDE ALLIANCE, MOLLY MEISELS, DONIEL
WEINREICH, AMITAI MILLER, and ANONYMOUS,

Index No.: 154010/2021

Plaintiffs,

-against-

YESHIVA UNIVERSITY and PRESIDENT ARI BERMAN,

Defendants.
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**DEFENDANTS' FIRST
DEMAND FOR
DOCUMENT
PRODUCTION**

C O U N S E L O R S :

PLEASE TAKE NOTICE, that pursuant to Article 31 of the CPLR, defendants **YESHIVA UNIVERSITY** and **PRESIDENT ARI BERMAN**, by and through their attorneys, hereby demand that Plaintiffs produce for inspection, marking and copy at the law office of KAUFMAN BORGEEST & RYAN LLP, located at 120 Broadway, 14th Floor, New York, New York 10271, the following items of discovery within twenty (20) days:

DEFINITIONS

A. The term “document” or “documents” means and includes any writing or record of any type or description known to exist, wherever located, and whether printed, or recorded, or filmed, or reproduced by hand, and whether a draft or final version, or any original master or copy, including non-identical copy, whether different from the original because of alterations, notes, comments or other material contained thereon or attached thereto, including without limitation, the following items: emails, text messages, agreements; diaries, contracts; correspondence; letters; cablegrams; radiograms; teletypes; telefax; telegrams; notes; memoranda; agendas; summaries; minutes; audio/video records of conversations whether by telephone or other means, meetings and conferences; summaries and records of personal

conversations or interviews; books; manuals; publications; diaries; laboratory and engineering reports and notebooks; statistics; charts; graphs; plans; specifications; sketches and drawings; photographs, whether still or motion picture; computer tapes or print outs; reports and summaries of investigations; studies; statements; opinions and reports of consultations; transcripts of testimony; appraisals; estimates; invoices; receipts; checks; reports and summaries of negotiations; brochures; pamphlets; catalogs and catalog sheets; advertisements; bulletins; circulars; trade records; press, publicity trade and produce releases; drafts or original preliminary notes on and marginal comments appearing in any documents; prospectuses; other reports and records; graphic or manual records or representations of any kind, such as, but not limited to, microfiche, microfilm, videotapes, electronic, mechanical or electronic records or representations of any kind, such as, but not limited to tapes, cassettes, discs, and recordings, and any other retrievable data whether taped or coded electrostatically, electromagnetically, or otherwise. Documents claimed to be privileged shall be so identified.

B. As used herein “all documents” means every document whether original or an unidentified copy, as above defined, and every such document which can be discovered by reasonably diligent efforts.

C. The word “identify” when used in connection with an individual, means to state the full name; business title, if any; and his or her present or last known business and residence address and telephone number.

D. The word “communication” means any information obtained from another person, whether oral or written.

E. The words “oral communication” means any utterance heard by another person, by telephone or otherwise.

F. The word “identify” when used in conjunction with an oral communication means to state the date, time, and place of the oral communication, the means of the communication, e.g. whether in person, by telephone, or otherwise, and all persons present.

G. The word “identify” with respect to a written document means to attach a copy to your answers or to state:

- 1) The date of the document;
- 2) The type of document;
- 3) Identify the person who prepared the document;
- 4) The general subject matter;
- 5) The author(s), addressee(s), and recipient(s) of the document; and
- 6) Identify the person who has possession of the original document, or if this is not available, to identify persons having a copy.

H. “Plaintiffs” shall collectively refer to: YU PRIDE ALLIANCE, MOLLY MEISELS, DONIEL WEINREICH, AMITAI MILLER and ANONYMOUS.

I. The “Individual Plaintiffs” shall refer to: MOLLY MEISELS, DONIEL WEINREICH, AMITAI MILLER and ANONYMOUS.

J. “Defendants” shall refer to: YESHIVA UNIVERSITY and PRESIDENT ARI BERMAN.

K. Each Document Request herein should be read to seek documents that are in Plaintiffs’ custody, possession and control.

INSTRUCTIONS

1. In producing documents requested herein, please produce documents in full, without abridgment, abbreviation or expurgation of any sort.

2. With respect to all documents requested, please segregate such documents in accordance with the numbered and lettered paragraphs and subparagraphs herein.

3. If a document is called for under more than one Document Request, it should be produced in response to the first Request and a notice appended to it stating the other Request(s) to which it is claimed that such document is responsive.

4. If copies or drafts exist of documents, the production of which has been requested herein, please produce and submit for inspection and copying each and every copy and draft which differs in any way from the original document or from any other copy or draft.

5. If any documents requested herein have been destroyed, placed beyond your control, or otherwise disposed of, please identify such document by: author(s), addressee(s), date, type of document, subject matter, number of pages, number of attachments or appendices, indicated or blind copies, all person(s) to whom distributed, shown or explained, date of destruction or other disposition, reason for destruction or other disposition, person(s) authorizing destruction or other disposition, person(s) destroying or otherwise disposing of document, and if not destroyed, the person(s) in possession of the document otherwise disposed of.

6. In the event you can identify no documents, communications, or oral communications responsive to a request, please specify the methods of search and inquiry undertaken to identify documents.

DOCUMENT REQUESTS

1. Copies of all documents referred to in Plaintiffs' Complaint.

2. Copies of all party statements and any documents that relate or refer to any admission(s) against interest Plaintiffs contend were made by any party to this lawsuit.

3. Copies of all documents, recordings, photographs and any other records you intend to introduce into evidence at the trial of this matter.

4. Copies of all correspondence, emails, documents and other communications exchanged between Plaintiffs and Defendants, regarding the occurrences alleged in the Complaint, to the present date.

5. Copies of all correspondence, emails, text messages, and other written or recorded communications exchanged between Plaintiffs and any persons (excluding any privileged attorney-client materials), pertaining in any way to the occurrences alleged in the Complaint, to the present date.

6. Copies of all documents and records which purportedly demonstrate the damages or losses allegedly suffered by Plaintiffs as a result of the claimed acts and/or omissions by Defendants referred to in the Complaint, to the present date.

7. Copies of all social media, news articles, opinion essays, editorials, blog postings Plaintiffs have published in relation to the allegations contained in the Complaint, including any drafts of such documents, to the present date.

8. Copies of all notes, journal or diary entries, or other writings in any form that Plaintiffs have generated in relation to the allegations contained in the Complaint, to the present date.

9. Copies of all documents supporting Plaintiffs' contention that "Plaintiffs have each been harmed by Defendants' denial of the YU Pride Alliance and its predecessor, the GSA" as alleged in ¶ 118 of the Complaint.

10. Copies of all documents supporting Plaintiffs' contention that "Plaintiffs have all been negatively impacted by the lack of an official LGBTQ student group on campus during their time as undergraduate students at YU" as alleged in ¶ 119 of the Complaint.

11. Copies of all documents supporting Plaintiffs' contention that "Plaintiffs have experienced feelings of isolation, fear, and rejection. They have felt unwelcome and unwanted on their own campus. Because they do not have a club, Plaintiffs have been deprived a safe space to create a community of people facing these same challenges as LGBTQ Jewish individuals at YU" as alleged in ¶ 120 of the Complaint.

12. Copies of all documents supporting Plaintiffs' contention that "YU students have stated to Plaintiff John Doe [ANONYMOUS] that LGBTQ students and their allies do not have any right to 'their' campus and resources, or to make YU sanction an LGBTQ club, and that instead should leave campus and withdraw from YU" as alleged in ¶ 121 of the Complaint.

13. Copies of all documents supporting Plaintiffs' contention that "Plaintiffs have expended significant time and energy trying to persuade Defendants to recognize their student organization. The individual Plaintiffs have lost opportunities to further advance their students, engage with other clubs, participate in their own hobbies and activities, and spend time with friends and family" as alleged in ¶ 125 of the Complaint.

14. Copies of all documents upon which Plaintiffs intend to rely in support of their request for punitive damages.

15. Copies of all documents upon which Plaintiffs intend to rely in support of their request for attorneys' fees, costs, and expenses allegedly incurred in prosecuting this action.

16. Copies of the Individual Plaintiffs' federal and state income tax returns (together with all schedules and attachments to such returns) for 2018 to the present, and all other documents reflecting each source of income for such years, including W-2s or 1099s.

17. Provide duly executed and acknowledged authorizations permitting Defendants and their attorneys to obtain copies and have full disclosure the Individual Plaintiffs' federal and state tax returns from 2018 to the present.

18. Duly executed and acknowledged authorizations permitting Defendants and their attorneys to obtain copies and have full disclosure of each Individual Plaintiff's employment records from 2018 to the present, including copies of applications to any employment held by Individual Plaintiffs from 2018 to the present, along with any letters of recommendation or other supporting references provided by any member of Yeshiva University faculty or staff.

19. Duly executed and acknowledged authorizations permitting Defendants and their attorneys to obtain copies and have full disclosure of all academic and attendance records from every undergraduate and graduate school the Individual Plaintiffs attended from 2018 to the present, including applications to every undergraduate and graduate school attended by Individual Plaintiffs from 2018 to the present, including any letters of recommendation or other supporting references provided by any member of Yeshiva University faculty or staff.

20. To the extent emotional distress damages are claimed, duly executed and acknowledged HIPAA compliant authorizations permitting Defendants and their attorneys to obtain copies and have full disclosure of records from all mental health, psychology, psychiatric and social work treatment providers and/or facilities, therapists and/or other counselors, and pharmacies, unrestricted by date.

21. Each and every bill, statement of account, or itemized charge received by the Plaintiffs or anyone on their behalf pertaining to any special damages claimed in this lawsuit.

22. Copies of all documents purportedly reflecting efforts made by the Plaintiffs, if any, to avoid, minimize and/or mitigate the alleged damages they seek to recover in this action.

23. The names and addresses of all witnesses to the allegations set forth in the Complaint.

24. Pursuant to CPLR 3101(d), provide the name and address of each person whom Plaintiffs expect to call as an expert witness at trial and with respect to each such witness, set forth the following:

- a) Disclose in reasonable detail the subject matter on which the expert is expected to testify.
- b) Set forth the substance of the facts and opinion on which the expert is expected to testify.
- c) Set forth the qualifications of the expert.
- d) Set forth a summary of the grounds for the expert's opinion.
- e) All documents provided to any experts retained by Plaintiff in this action.
- f) The resume and reports of any expert witness retained by Plaintiff in this action.

25. If a privilege is being asserted with respect to any of the above requests, produce a privilege log of the documents withheld.

PLEASE TAKE FURTHER NOTICE, that this is a continuing request, creating an ongoing obligation to furnish the above requested documents upon your acquisition of same, until conclusion of the litigation.

Dated: New York, New York
January 13, 2023

To the best of my knowledge, information and belief, formed after an inquiry reasonable under the circumstances, the presentation of this paper or the contentions herein are not frivolous, as that term is defined in Part 130 of the Court Rules.

Yours, etc.,

KAUFMAN BORGEEST & RYAN LLP

By: _____

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