

G O D D A R D L A W P L L C

39 Broadway, Suite 1540 | New York, NY 10006

Office. 646.964.1178

Fax. 212.473.8705

Megan@goddardlawnyc.com

WWW.GODDARDLAWNYC.COM

August 19, 2024

VIA ECF AND EMAIL

Hon. Richard G. Latin, J.S.C.
Supreme Court of the State of New York
New York County
71 Thomas Street, Room 210
New York, New York 10013
jmdorman@nycourts.gov
morcha@nycourts.gov

Re: *Beach Mathura v. Adams, et al.*
Index No.: 952335/2023

Dear Honorable Justice Latin:

I write on behalf of Plaintiff Lorna Beach-Mathura in response to the August 12, 2024, letter by Defendants Eric Adams, City of New York, and the Transit Bureau of the New York Police Department (collectively, “Defendants”), in response to Defendants’ letter dated August 12, 2024, setting forth unsubstantiated deficiencies in Plaintiff’s interrogatory answers and seeking a discovery conference. Defendants’ decision to file a lengthy letter on the public docket replete with false, inflammatory, and irrelevant statements about Plaintiff is nothing more than a shameless attempt to influence public opinion by litigating this matter in the press.

When questioned by the press about their letter, Defendants accused Plaintiff of providing “very little information in response to multiple requests.”¹ This is a blatant misstatement of the truth. In fact, Plaintiff’s interrogatory responses include the names of over fifty fact witnesses, including nine individuals [and their known contact information] whom Plaintiff told about Defendant Adams’ sexual assault on her, seven of whom she told *before* the Adult Survivor’s Act allowed her the right to sue. Plaintiff has also produced documentary evidence showing that she sent emails about Defendant Adams’ assault on her during his mayoral campaign, again before the existence of the Adult Survivor’s Act. For these reasons, we are surprised by Defendants’ representation that Plaintiff is “exhibiting a pattern of delay and obfuscation to avoid having this case proceed towards a resolution.” Such allegations are outrageous when, at the same time, Defendants have inexplicably failed to produce even the most basic employment records that show whether or not Plaintiff and Defendant Adams worked together at the Transit

¹ [Adams' sex assault accuser IDs people with 'knowledge' of her claims, but his lawyer demands more info \(nydailynews.com\), https://www.nydailynews.com/2024/08/14/adams-sex-assault-accuser-ids-people-with-knowledge-of-her-claims-but-his-lawyer-demands-more-info/, last accessed August 18, 2024.](https://www.nydailynews.com/2024/08/14/adams-sex-assault-accuser-ids-people-with-knowledge-of-her-claims-but-his-lawyer-demands-more-info/)

Department for the City of New York. Given the fact that Defendant Adams has repeatedly denied knowing Plaintiff, Defendants' failure to produce the relevant employment records speaks volumes.

Plaintiff specifically responds to each of Defendants alleged deficiencies as follows:

Interrogatory No. 2 seeks specificity of Plaintiff's interactions with Defendant Adams. Plaintiff's response refers Defendants to Paragraph Nos. 39 and 48-76 of her Complaint and states that she 1) saw Defendant Adams at various Guardians' events during her employment; 2) interacted with him while she was employed at District 34 and District 2; and 3) met with him as described in the Complaint where he sexually assaulted her. Plaintiff further responded that she was not withholding any other information. Aside from the interactions set forth in her complaint, none of Plaintiff's interactions with Defendant Adams, all of which were simple, ordinary work-related interactions, were meaningful or memorable.

Interrogatory No. 3: Defendants requested names and contact information for those who witnessed or were aware of Plaintiff's interactions with Defendant Adams. Although Defendants are already in possession of (but have yet to provide) the records of the people who worked with and were Guardian members with Plaintiff and Defendant Adams, Plaintiff has provided a list of the individuals she recalls who may have knowledge of their interactions.

Interrogatory No. 4: Defendants requested the names and dates of when Plaintiff told others about Defendant Adams' sexual assault against her, and Plaintiff identified the approximate dates that she told nine individuals (seven of whom were told before the Adult Survivors Act allowed her the right to sue). Plaintiff also produced two documents which show she emailed about Defendant Adams' assault against her in 2021.

Defendants' legal arguments concerning the "prompt outcry" exception are misleading and unavailing. Defendant Adams has not only denied Plaintiff's allegations but has publicly sought to discredit Plaintiff using every means available to him. Accordingly, Plaintiff need not establish the "prompt outcry" exception in order to introduce evidence that she told numerous individuals about the sexual assault before she had any justiciable claim to pursue². Defendants' carefully-worded legal argument concedes that the timing of those statements is primarily relevant as to whether they predate any alleged motive to fabricate. The Adult Survivors' Act which gave Plaintiff the right to bring this lawsuit was not enacted until 2022.

Interrogatory No. 7: Defendants asked Plaintiff for the factual basis for her claims that her refusal to allow Defendant Adams to sexually assault her caused her transfer to another department. Plaintiff has fully responded to this interrogatory by referencing her Complaint which contains the required specificity. Notably, despite the fact that Plaintiff requested same, Defendants have not produced the relevant documents related to Plaintiff's transfer, including when and why the transfer was decided.

² (Guide to New York Evidence Rule 8.31[2] and [3] [Prior Consistent Statement, https://www.nycourts.gov/judges/evidence/8-HEARSAY/8.31_PRIOR_CONSISTENT_STATEMENT.pdf, last accessed August 17, 2024).

Interrogatories Nos. 8-9: This interrogatory seeks identification of Plaintiff's damages. Plaintiff's response to this interrogatory— providing Defendants with HIPAA compliant authorizations for her medical records, which would include all diagnosis and emotional distress – is appropriate. In addition to providing authorizations for medical records, Plaintiff also stated that she is entitled to compensatory damages related to her claims, emotional distress damages, punitive damages, and attorneys' fees. It is premature for Plaintiff to assess the actual amount of the foregoing categories of damages and Plaintiff will provide such information in the appropriate course of litigation. Additionally, it is up to a jury to decide whether and how much a Plaintiff should be awarded at trial.

We thank the Court for its time and attention to this matter.

Respectfully submitted,

GODDARD LAW PLLC

By: */s/ Megan S. Goddard*

Megan S. Goddard, Esq.
Siobhan Klassen, Esq.
39 Broadway, Suite 1540
New York, New York 10006
(646) 964-1178
megan@goddardlawnyc.com

Attorneys for Lorna Beach-Mathura

cc: All counsel [*Via ECF*]