

Affidavit of Lagayette D. Smith in the matter of Akil Al-Jundi, et al. against Estate of Russell G. Oswald, etc.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

AKIL AL-JUNDI, et al.
Plaintiffs, 75 CIV 132E

-against- AFFIDAVIT

ESTATE OF RUSSELL G. OSWALD, etc.
Defendants.

STATE OF NEW YORK |
COUNTY OF ERIE |

LAGAYETTE D. SMITH, being duly sworn, deposes and says that:

1. I was one of the trial jurors in the trial of this matter from October of 1991 to February of 1992. I served as the jury's recording secretary throughout our deliberations. I am fully familiar with all the facts relating to the jury's deliberations, decisions and verdicts.

2. I am making the affidavit at the request of the attorneys for the plaintiff class. I am making this statement voluntarily and the facts stated herein are true to the best of my knowledge.

THE JURY'S UNSUPPORTED VERDICT ON QUESTION 4(C)

3. I submit this affidavit because the trial record does not fully and accurately reflect the jury's findings and answers to the questions asked in the special verdict abstract [questions].

4. Specifically the jury unanimously answered "Yes" to Question C on Court Exhibit 4. (For brevity, the questions on Court

Affidavit of Lagayette D. Smith in the matter of Akil Al-Jundi, et al. against Estate of Russell G. Oswald, United States District Court, Western District of New York. The Affidavit is dated December 18, 1992. Attached as exhibits are: January 27, 1992 note to Honorable John T. Elfvin from The 9 Jurors; response from Judge Elfvin on the same date; February 4, 1992 note to Judge Elfvin from The 9 jurors; response from Judge Elfvin on the same date; and a January 22, 1992 letter to Judge Elfvin from the Attica Trial Jurors.

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Alternate Identifier

Case Files: 75-132

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