

Exhibit 12

From: [Prussien, Kingdar](#)
To: "Todd, Christopher V."
Cc: [Miller, Atara](#); [Taylor, Errol](#); [Wellin, Andrew](#); [Lovin, Samantha](#); [Pere, Lyndsey](#)
Subject: RE: FOIL Request Correspondence Reference # LB 649-20
Date: Monday, May 10, 2021 2:42:00 PM
Attachments: [image001.png](#)

Mr. Todd,

I hope this email finds you well. I understand that you were away on family leave from March 26 to April 20, and that you are now back in the office.

As you may recall, after a series of productive meet-and-confers held on December 29, 2020 and January 7, 2021, the Nassau County Police Department (“NCPD”) rescinded its December 11, 2020 denial of certain of the New York Civil Liberties Union’s Freedom of Information Law requests sent on September 15, 2020 (the “Requests”). Thereafter, on February 10, we sent you a letter clarifying several of the Requests as part of our ongoing effort to work collaboratively with NCPD in locating and identifying records. On February 24, you confirmed by email that “[t]he Department is in the process of reviewing your amended request and will provide a response within twenty (20) business days.” NCPD’s response was due on March 24, but no response was given on that date and you subsequently went on leave.

On the morning of April 13, Ms. Ann Calvo, your administrative assistant, confirmed by telephone that you were scheduled to return to the office on April 20, and informed us that she would send you a message to contact us promptly upon your return. During the afternoon of April 13, we sent you a message through Ms. Calvo, stating that we expected a response to the Requests by no later than April 23. Nevertheless, we have yet to receive any response.

At this point, NCPD’s time for objecting to the Requests has long passed, and therefore have been waived, and we expect a response soon. If we do not receive a response by the end of the day on Wednesday, May 12, we will interpret that as a constructive denial and seek the appropriate remedies.

Regards,

Kingdar

Kingdar Prussien | [Milbank](#) | Associate
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T: +1 212.530.5262
KPrussien@milbank.com | milbank.com

From: Prussien, Kingdar
Sent: Monday, March 29, 2021 11:01 AM
To: Todd, Christopher V. <CVTodd@PDCN.ORG>
Cc: Miller, Atara <AMiller@milbank.com>; Taylor, Errol <ETaylor@milbank.com>; Wellin, Andrew

<awellin@milbank.com>; Lovin, Samantha <SLovin@milbank.com>; Pere, Lyndsey
<lpere@milbank.com>

Subject: RE: FOIL Request Correspondence Reference # LB 649-20

Mr. Todd,

We are following up on the below because we anticipated a response last week. Please let us know (1) when we can expect a response to our more particularized FOIL requests, and (2) whether NCPD intends to object to producing documents or information related to unfounded and/or unsubstantiated civilian complaints against police officers.

We look forward to continued cooperation throughout this process.

Regards,

Kingdar

Kingdar Prussien | [Milbank](#) | Associate

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From: Todd, Christopher V. <CVTodd@PDCN.ORG>

Sent: Wednesday, February 24, 2021 1:32 PM

To: Prussien, Kingdar <KPrussien@milbank.com>

Cc: Miller, Atara <AMiller@milbank.com>; Taylor, Errol <ETaylor@milbank.com>; Wellin, Andrew <awellin@milbank.com>; Lovin, Samantha <SLovin@milbank.com>; Pere, Lyndsey <lpere@milbank.com>

Subject: [EXT] RE: FOIL Request Correspondence Reference # LB 649-20

Mr. Kingdar –

The Department is in the process of reviewing your amended request and will provide a response within twenty (20) business days.

Thank you,



Christopher V. Todd

Deputy Bureau Chief

Nassau County Police Department

Legal Bureau

1490 Franklin Avenue

Mineola, NY 11501

(516) 573-7210
cvtodd@pcdn.org

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From: Prussien, Kingdar <KPrussien@milbank.com>
Sent: Wednesday, February 24, 2021 1:23 PM
To: Todd, Christopher V. <CVTodd@PDCN.ORG>
Cc: Miller, Atara <AMiller@milbank.com>; Taylor, Errol <ETaylor@milbank.com>; Wellin, Andrew <awellin@milbank.com>; Lovin, Samantha <SLovin@milbank.com>; Pere, Lyndsey <lpere@milbank.com>
Subject: RE: FOIL Request Correspondence Reference # LB 649-20

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Mr. Todd,

We are following up on the below to see (1) when we can expect a response to our more particularized FOIL requests, and (2) whether NCPD intends to object to producing documents or information related to unfounded and/or unsubstantiated civilian complaints against police officers. Please let us know as soon as possible.

We look forward to continued cooperation throughout this process.

Regards,

Kingdar

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KPrussien@milbank.com | milbank.com

From: Lovin, Samantha <SLovin@milbank.com>
Sent: Friday, February 19, 2021 12:44 PM
To: CVTodd@PDCN.ORG
Cc: Miller, Atara <AMiller@milbank.com>; Taylor, Errol <ETaylor@milbank.com>; Wellin, Andrew <awellin@milbank.com>; Prussien, Kingdar <KPrussien@milbank.com>; Pere, Lyndsey <lpere@milbank.com>
Subject: RE: FOIL Request Correspondence Reference # LB 649-20

Mr. Todd,

We are following up on the below to inquire when we can expect a response to our more particularized FOIL requests.

On a related note, we understand from the Article 78 petition that Newsday recently filed regarding its FOIL request directed to the Nassau County Police Department's ("NCPD"), that the NCPD took the position that Public Officers Law Section 87(2)(b) permits it to withhold (or redact) unsubstantiated and unfounded civilian complaints against police officers. Based on NCPD's response to our FOIL requests and our prior discussions, we had understood that unsubstantiated or unfounded civilian complaints will be produced in response to our request for all disciplinary records. Please let us know by no later than Tuesday, February 23, whether NCPD intends to object to producing documents or information related to unfounded and/or unsubstantiated complaints.

Thank you,
Samantha

Samantha Lovin | [Milbank](#) | Associate
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slovin@milbank.com | milbank.com

From: Lovin, Samantha
Sent: Wednesday, February 10, 2021 11:18 AM
To: 'CVTodd@PDCN.ORG' <CVTodd@PDCN.ORG>
Cc: Miller, Atara <AMiller@milbank.com>; Taylor, Errol <ETaylor@milbank.com>; Wellin, Andrew <awellin@milbank.com>; Prussien, Kingdar <KPrussien@milbank.com>; Pere, Lyndsey <lpere@milbank.com>
Subject: FOIL Request Correspondence Reference # LB 649-20

Mr. Todd,

Please see the attached correspondence.

Regards,
Samantha

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