

AFFIDAVIT OF THOMAS STICKEL, ESQ.

County of Dutchess )  
                          ) ss  
State of New York   )

I, Thomas Stickel, duly sworn, deposes and says:

1. I am the attorney who represents Kathleen Murray, widow of Brian J. Murray, in proceedings against the City of New York. See the Complaint, Kathleen Murray, as Administratrix of the Estate of Brian Murray v. City of New York, attached as Exhibit I to this affidavit.
2. A trial of the matter of Murray v. City of New York took place in June and July of 1982; I was the trial attorney in that action.
3. The decision was against my client, Ms. Murray, and that decision has been appealed and is now before the appellate courts.
4. The trial of the Murray v. City of New York case took over four and one half weeks.
5. In the case, Ms. Murray's principal contention was, and still is, that the New York City Police Department, through the direct actions of Sergeant McTigue, was grossly negligent in the manner in which it attempted to defuse the bomb, and that the negligence of Sergeant McTigue in directing the bomb

EXHIBIT D

disposal techniques caused the death of Officer Murray.

6. Prior to my work in this case, I had personal knowledge of bomb disposal practices. I served in the United States Army from 1966 to 1979, and I worked on bomb disposal matters.
7. Further, during the preparation for the trial of Murray v. City of New York, I consulted with many experts in bomb disposal practices.
8. It is my belief that the bomb placed in LaGuardia Airport by the Busics was designed not to explode and that, absent negligence, would never have exploded. ] ★
9. It is my belief that the individual who made the gravest errors of judgment about the bomb disposal was Sergeant McTigue.
10. At the trial of Murray v. City of New York, McTigue was on the witness stand over a period of four and one half days.
11. In preparation for trial, the New York City Police Department produced a Police Department Investigatory Report, made within weeks of the bomb's explosion.
12. That report, a copy of which is attached as Exhibit II to this affidavit, demonstrates that McTigue told two different stories about the events leading to the explosion. McTigue gave one version of the events at the time of the police investigation. Thereafter, as McTigue became aware of his own potential liability, his story changed, as his testimony ] ★

in both the criminal and civil cases indicates.

\* [ 13. In my opinion, McTigue's eagerness to blame the Busics stems from his fear -- realistically based -- that he, McTigue, was negligent and that his negligence resulted in Brian Murray's death.

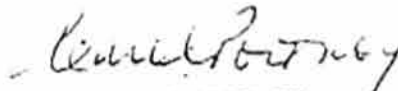
\* [ 14. Further, I believe that, given McTigue's supposed prominence in bomb demolition work, McTigue has a strong personal reason to avoid acknowledging his own role in Officer Murray's death. Instead, McTigue contrives, ~~unfairly~~ <sup>incorrectly</sup>, to place blame on the Busics.



Thomas Stickel

Attorney for Kathleen Murray

Signed and sworn this 1<sup>st</sup> day of June, 1983.

  
CAROL PORTNOY  
Notary Public, State of New York  
No. 24-472114  
Qualified in Kings County  
Commission Expires March 20, 1984