

STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT

In the Matter of the Proceeding
Pursuant to Section 44, subdivision 4,
of the Judiciary Law in Relation to

LINDA S. JAMIESON,

a Justice of the Supreme Court,
9th Judicial District, Westchester County.

**NOTICE OF FORMAL
WRITTEN COMPLAINT**

NOTICE is hereby given to Respondent, Linda S. Jamieson, a Justice of the Supreme Court, 9th Judicial District, Westchester County, pursuant to Section 44, subdivision 4, of the Judiciary Law, that the State Commission on Judicial Conduct has determined that cause exists to serve upon Respondent the annexed Formal Written Complaint; and that, in accordance with said statute, Respondent is requested within twenty (20) days of the service of the annexed Formal Written Complaint upon her to serve the Commission at its New York office, 61 Broadway, Suite 1200, New York, New York 10006, with her verified Answer to the specific paragraphs of the Complaint.

Dated: July 22, 2019
New York, New York

ROBERT H. TEMBECKJIAN
Administrator and Counsel
State Commission on Judicial Conduct
61 Broadway
Suite 1200
New York, New York 10006
(646) 386-4800

To: Richard M. Maltz, Esq.
Attorney for Respondent
488 Madison Avenue, 10th Floor
New York, New York 10022

STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT

In the Matter of the Proceeding
Pursuant to Section 44, subdivision 4,
of the Judiciary Law in Relation to

**FORMAL
WRITTEN COMPLAINT**

LINDA S. JAMIESON,

a Justice of the Supreme Court,
9th Judicial District, Westchester County.

1. Article 6, Section 22, of the Constitution of the State of New York establishes a Commission on Judicial Conduct (“Commission”), and Section 44, subdivision 4, of the Judiciary Law empowers the Commission to direct that a Formal Written Complaint be drawn and served upon a judge.

2. The Commission has directed that a Formal Written Complaint be drawn and served upon Linda S. Jamieson (“Respondent”), a Justice of the Supreme Court, 9th Judicial District, Westchester County.

3. The factual allegations set forth in Charges I and II state acts of judicial misconduct by Respondent in violation of the Rules of the Chief Administrator of the Courts Governing Judicial Conduct (“Rules”).

4. Respondent was admitted to the practice of law in New York in 1980. She has been a Justice of the Supreme Court, 9th Judicial District, Westchester County, since 2003, having previously served as a Judge of the Family Court, Westchester County, from 1996 to 2002. Respondent’s current term expires on December 31, 2030.

CHARGE I

5. Respondent filed financial disclosure statements with the Ethics Commission of the Unified Court System for the years 2006 through 2016 that were materially inaccurate, in that Respondent failed to disclose a debt owed to her in excess of \$1,000.

Specifications to Charge I

6. On or about August 11, 2005, Respondent loaned \$50,000 to Nicholas Natrella to start a business. Mr. Natrella is the son of Vincent Natrella, then the Chairman of the Westchester County Conservative Party.

7. The loan was memorialized by a promissory note that provided that the debt was payable on demand with a 6% annual interest rate. Mr. Natrella repaid approximately \$10,000 of the loan.

8. Under Part 40 of the Rules of the Chief Judge (22 NYCRR Part 40), judges are required to file annual statements of financial disclosure with the Ethics Commission for the Unified Court System.

9. Question 18 of the financial disclosure statement requires the following:

List below all notes and accounts receivable, other than from goods or services sold, held by the reporting individual at the close of the taxable year last occurring prior to the date of filing and other debts owed to such individual at the close of the taxable year last occurring prior to the date of filing, in EXCESS of \$1,000, including the name of the debtor, type of obligation, date due and the nature of the collateral securing payment of each, if any, excluding securities reported in item 16 herein above. Debts, notes and accounts receivable owed to the individual by a relative shall not be reported.

10. Respondent failed to list the debt owed to her by Mr. Natrella on her financial disclosure statements for the years 2006 through 2016.

11. By reason of the foregoing, Respondent should be disciplined for cause, pursuant to Article 6, Section 22, subdivision (a), of the Constitution and Section 44, subdivision 1, of the Judiciary Law, in that Respondent failed to uphold the integrity and independence of the judiciary by failing to maintain high standards of conduct so that the integrity and independence of the judiciary would be preserved, in violation of Section 100.1 of the Rules; failed to avoid impropriety and the appearance of impropriety, in that she failed to respect and comply with the law and failed to act in a manner that promotes public confidence in the integrity and impartiality of the judiciary, in violation of Section 100.2(A) of the Rules; and failed to conduct her extra-judicial activities so as to minimize the risk of conflict with judicial obligations, in that she failed to disclose a debt owed to her as required by Part 40 of the Rules of the Chief Judge, in violation of Section 100.4(I) of the Rules.

CHARGE II

12. In or about September 2014, Respondent lent the prestige of her judicial office and/or permitted her extra-judicial activities to detract from the dignity of her office when she communicated with a bankruptcy attorney, Anne Penachio, and suggested that Ms. Penachio's client sign a confession of judgment and/or exclude the debt that he owed the judge from his bankruptcy filing.

Specifications to Charge II

13. On or about August 11, 2005, Respondent loaned \$50,000 to Nicholas Natrella. Mr. Natrella is the son of Vincent Natrella, then the Chairman of the

Westchester County Conservative Party. Mr. Natrella repaid approximately \$10,000 of the loan.

14. In or about August 2014, attorney Philip Shelly called Mr. Natrella and left a voicemail message stating that he was calling on behalf of Respondent to settle the matter of the loan. Mr. Natrella informed Anne Penachio, an attorney representing him in connection with a bankruptcy filing, about Mr. Shelly's message.

15. That same day, Ms. Penachio returned Mr. Shelly's call. Mr. Shelly *inter alia* said that he represented Respondent and requested a confession of judgment from Mr. Natrella. Ms. Penachio *inter alia* told Mr. Shelly that Mr. Natrella would not sign a confession of judgment.

16. In the course of the discussion, Mr. Shelly suggested that Mr. Natrella did not have to list Respondent's loan in his bankruptcy filing. Ms. Penachio responded, in words or substance, that the 2005 amendments to the bankruptcy code required that all debts be listed.

17. In or about September 2014, Respondent called Ms. Penachio concerning the death of a mutual former client. At one point during the call, Respondent and Ms. Penachio discussed the loan that Respondent had made to Mr. Natrella. Respondent stated, in words or substance, that she "wanted her money back" from Mr. Natrella. When Ms. Penachio explained that Mr. Natrella had no money and was filing for bankruptcy, Respondent replied that Mr. Natrella could sign a confession of judgment and that he did not have to "list" the loan.

18. At the time of the phone call, Respondent had known Ms. Penachio for approximately 20 years, having practiced law in the same community and attended the same bar association meetings and events. Respondent was aware that Ms. Penachio knew her to be a judge, and Ms. Penachio had practiced before Respondent.

19. In or about January 2013, Respondent issued an order *inter alia* denying a motion filed by Ms. Penachio and her co-counsel in *Verna B. Neilson v. 6D Farm Corporation, et al.* In or about May 2013, Respondent issued a second order in *Neilson* that *inter alia* directed Ms. Penachio and her co-counsel to turn over all books, records and assets belonging to a defendant. Ms. Penachio and her co-counsel appealed Respondent's orders to the Appellate Division, Second Department.

20. On or about December 3, 2014, the Appellate Division, Second Department, affirmed Respondent's orders in *Neilson*. Pursuant to her May 2013 order, Respondent entered an order on or about January 9, 2015 appointing a referee to oversee the delivery of documents.

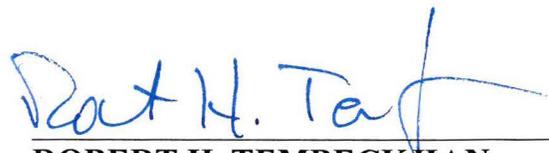
21. On or about January 21, 2015, Ms. Penachio filed a motion seeking Respondent's recusal in *Neilson* based upon *inter alia* the requests made by Respondent and Mr. Shelly during their telephone conversations. On or about May 12, 2015, Respondent granted the motion. Her decision stated that "although the allegations supporting the motion are entirely baseless and distorted," she was recusing herself "to avoid any appearance of impropriety."

22. By reason of the foregoing, Respondent should be disciplined for cause, pursuant to Article 6, Section 22, subdivision (a), of the Constitution and Section 44,

subdivision 1, of the Judiciary Law, in that Respondent failed to uphold the integrity and independence of the judiciary by failing to maintain high standards of conduct so that the integrity and independence of the judiciary would be preserved, in violation of Section 100.1 of the Rules; failed to avoid impropriety and the appearance of impropriety, in that she failed to respect and comply with the law and failed to act in a manner that promotes public confidence in the integrity and impartiality of the judiciary, in violation of Section 100.2(A) of the Rules, and lent the prestige of judicial office to advance her own private interest, in violation of Section 100.2(C) of the Rules; and failed to conduct her extra-judicial activities so as to minimize the risk of conflict with judicial obligations, in that she failed to conduct her extra-judicial activities so that they do not detract from the dignity of judicial office, in violation of Section 100.4(A)(2) of the Rules.

WHEREFORE, by reason of the foregoing, the Commission should take whatever further action it deems appropriate in accordance with its powers under the Constitution and the Judiciary Law of the State of New York.

Dated: July 22, 2019
New York, New York



ROBERT H. TEMBECKJIAN
Administrator and Counsel
State Commission on Judicial Conduct
61 Broadway
Suite 1200
New York, New York 10006
(646) 386-4800

STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT

In the Matter of the Proceeding
Pursuant to Section 44, subdivision 4,
of the Judiciary Law in Relation to

VERIFICATION

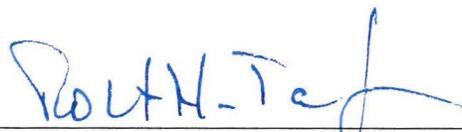
LINDA S. JAMIESON,

a Justice of the Supreme Court,
9th Judicial District, Westchester County.

STATE OF NEW YORK)
 : ss.:
COUNTY OF NEW YORK)

ROBERT H. TEMBECKJIAN, being duly sworn, deposes and says:

1. I am the Administrator of the State Commission on Judicial Conduct.
2. I have read the foregoing Formal Written Complaint and, upon information and belief, all matters stated therein are true.
3. The basis for said information and belief is the files and records of the State Commission on Judicial Conduct.



Robert H. Tembeckjian

Sworn to before me this
22nd day of July 2019



Notary Public

LATASHA Y. JOHNSON
Notary Public, State of New York
No. 01JO6235579
Qualified in New York County
Commission Expires Feb. 17, 2023

STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT

-----X

In the Matter of the Proceeding Pursuant
To Section 44, subdivision 4, of the
Judiciary Law in Relation to

LINDA S. JAMIESON,

VERIFIED ANSWER

a Justice of the Supreme Court,
9th Judicial District, Westchester County

-----X

Respondent, Linda S. Jamieson, by her undersigned attorney, hereby alleges as her
Verified Answer to the Formal Written Complaint of the State Commission on Judicial Conduct:

1. Paragraph 1 is a legal conclusion, but respondent does not deny it accurately states the law.
2. Respondent denies knowledge or information sufficient to form a belief as to paragraph 2.
3. Paragraph 3 is a legal conclusion and respondent admits in part, and denies in part, paragraph 3's legal conclusion.
4. Admits paragraph 4.

CHARGE 1

5. Respondent admits paragraph 5 to the extent that she filed financial disclosure forms that did not include a loan to Vincent Natrella, a friend and potential business partner of her "significant other" who she lived with, Joseph Rende. Mr. Natrella, was not then, and is not now, an attorney or a litigant before her.

Specifications as to Charge 1

6. Respondent admits paragraph 6, but the loan was given not because Mr. Natrella was the son of the Chairman of the Westchester County Conservative Party, which is wholly irrelevant to this investigation. The loan was given to Mr. Natrella because he was a potential business partner of Mr. Rende and a friend of hers through Mr. Rende.

7. Respondent admits paragraph 7 and the \$10,000 was returned shortly after the loan was made.

8. Paragraph 8 is a legal conclusion but respondent does not dispute the description of the law.

9. Respondent admits paragraph 9.

10. Respondent admits paragraph 10, but she denies she had any intent to hide the loan from the Ethics Commission because she had nothing to hide. The loan was not to or from a lawyer who had business before her, as Mr. Natrella is not now and has never been a lawyer. Similarly, the loan was not to or from a litigant before her; Mr. Natrella was never a litigant before her. The loan was not an “arm’s length” loan. The loan was to a friend of her significant other.

11. Respondent admits paragraph 11 to the extent she violated the court rule by not listing the loan on her financial disclosure forms. However, respondent denies that: her conduct failed to uphold the integrity and independence of the judiciary; that she intentionally engaged in impropriety; and that her conduct, in context, would fail to promote public confidence in the integrity and impartiality of the judiciary. Further, she denies that she failed to conduct her extra-judicial activities so as to create a risk of conflict with her judicial obligations.

CHARGE II

12. Respondent denies the facts alleged in paragraph 12 and denies that her conduct with respect to Ann Penachio, lent the prestige of her judicial office for any non-judicial purpose and did not permit her extra-judicial activities to detract from the dignity of her office.

Specifications to Charge II

13. Respondent admits paragraph 13 but denies that the fact that Vincent Natrella, formerly Chairman of the Westchester County Conservative party and the father of Vincent Natrella, had any impact upon, or relevance to, the loan.

14. As to paragraph 14, respondent denies knowledge or information sufficient to form a belief as to what occurred between Mr. Natrella and Mr. Shelly or what occurred between Mr. Natrella and Ms. Penachio, but does not dispute that Mr. Shelly left a message for Mr. Natrella.

15. As to paragraph 15, respondent denies knowledge or information sufficient to form a belief as to what occurred between Ms. Penachio and Mr. Shelly.

16. As to paragraph 16, respondent denies knowledge or information sufficient to form a belief as to what occurred between Ms. Penachio and Mr. Shelly.

17. Respondent admits paragraph 17 to the extent there was a conversation about the death of a mutual friend. Respondent does not recall discussing a confession of judgment but never discussed not listing Mr. Natrella's debt on his bankruptcy petition. Respondent has no memory of specifically asking for her money back, but she does recollect telling Mr. Penachio that she was disappointed and hurt by Mr. Natrella ignoring her and her debt, since she thought of him as a friend.

18. Respondent admits paragraph 18.

19. Respondent admits paragraph 19, but the decisions were issued the year BEFORE any interaction between respondent, Mr. Shelly and Ms. Penachio. Respondent adamantly contends that those decisions were properly decided on the merits. This is confirmed by the Appellate Division affirming the decisions.

20. Respondent admits paragraph 20.

21. Respondent admits paragraph 21 but denies the validity of the arguments submitted by Ms. Penachio in support of her motion to recuse.

22. Paragraph 22 are legal conclusions and are not facts which respondent can admit or deny but, as a matter of law, she disputes the legal conclusions.

AFFIRMATIVE DEFENSES AND MITIGATION

(i) The Natrella Loan

23. Justice Jamieson admits she did not include her loan to Vincent Natrella, made in August 2005 ("Loan"), on her financial disclosure form with the Ethics Commission. However, this omission was a mistake. It was not intentional, venal or with some illicit or dishonest motive.

24. This loan was not an arms-length transaction. Justice Jamieson had known Mr. Natrella for more than twenty years. Justice Jamieson's longtime (live-in) significant other, Joseph Rende, worked with Mr. Natrella at the same company for many years and Mr. Rende was close to Natrella's father. Mr. Rende was like an older brother to Mr. Natrella.

25. Sometime in 2005, Mr. Rende approached Justice Jamieson and asked if she would loan \$50,000 to Natrella because he was interested in opening his own heating and air conditioning business. The Loan was going to be seed money for his business. Justice Jamieson believed that Mr. Rende might eventually join Natrella in the business, so the Loan was

potentially for his future too.

26. The Loan was confirmed in a simple note ("Note"). The Note was signed at Justice Jamieson's house. Mr. Rende, Mr. Natrella, Mr. Natrella's wife and Justice Jamieson were present. The Note was a Demand Note that charged 6% interest. In other words, there was no set term and no proscribed payment schedule. Mr. Natrella and his then-wife both signed the Note for \$50,000. Shortly after Mr. Natrella was given the money, he returned \$10,000 and told Justice Jamieson he did not need the entire amount.

27. It is true that Justice Jamieson's failure to disclose the Loan occurred on disclosure forms from 2006-2016. However, once Justice Jamieson had failed to focus on and recognize that this type of "friendly" loan had to be disclosed she never focused upon it again. Thus, the initial mistake in 2006 was just repeated without any thought. Consequently, the fact that there was no disclosure for ten years does not reflect that Justice Jamieson willfully and intentionally planned not to disclose each year.

28. Moreover, there was no hidden benefit or an illicit motive not to disclose. Mr. Natrella was not an attorney, so he could never appear before her. He was not at the time of the loan, or any time, a litigant before her. In fact, Justice Jamieson believes that had by chance any civil litigation involving Mr. Natrella been assigned to her that she would have had to recuse herself, due to her relationship with him and Mr. Rende and the outstanding Loan.

29. In short, the failure to disclose the loan must be viewed in context and with consideration of Justice Jamieson's state of mind.

(ii) Ms. Penachio's Allegation

30. At some point in 2014, Justice Jamieson heard that Mr. Natrella might be going out of business. Justice Jamieson attempted to contact him, but he would not return her

telephone calls. She asked her friend Philip Shelly, Esq. to contact Mr. Natrella. Mr. Shelly contacted Mr. Natrella and learned that he was represented by Anne Penachio, Esq.

31. Justice Jamieson was a professional colleague and friendly with Anne J. Penachio, Esq. for many years. They worked in the same building, socialized at bar meetings, they occasional saw each other at social events and Ms. Penachio sent the Judge Christmas cards over the years. The Judge was also friendly with Ms. Penachio's father and attended one of her father's birthday parties.

32. Mr. Shelly reached out to Ms. Penachio. Justice Jamieson did not believe there was anything wrong with her asking Mr. Shelly to try to work out payment of a personal loan with Mr. Natrella.

33. When Mr. Shelly contacted Ms. Penachio to see if he could work out a plan for Mr. Natrella to pay Justice Jamieson, he learned for the first time that Mr. Natrella intended to, but had not yet, filed for bankruptcy. Mr. Shelly wanted to work out a way for payment of the loan, notwithstanding the future bankruptcy filing, because Justice Jamieson had lent Mr. Natrella money as a friend and she was extremely accommodating about not demanding payment for a very long time.

34. Mr. Shelly requested that Mr. Natrella sign a Confession of Judgment. He believed that there was nothing wrong with requesting a Confession of Judgment before a bankruptcy was filed. When disclosed to the Bankruptcy Court, the Court would determine whether it was enforceable or a preferential transaction (which could be set aside). Upon information and belief, Ms. Penachio asked her client about it and he refused.

35. At around the time Mr. Shelly made his inquiry, Justice Jamieson called Ms. Penachio about the death of the Judge's former client who was subsequently represented by Ms.

Penachio. During that conversation, Ms. Penachio mentioned Mr. Natrella's debt and that she was initially unaware of the Loan. Justice Jamieson remembers telling Ms. Penachio, as a colleague and friend, in sum and substance, to make sure she got paid if she is doing legal work for Mr. Natrella. She made this comment because the Judge had learned that Mr. Natrella had not paid another attorney for legal work, who was a friend of the Judge, and he was not paying child support and other debts. This was a friendly, casual, protective comment.

36. Justice Jamieson denies Ms. Penachio's allegation that in this conversation she mentioned a Confession of Judgment or made any type of demands about the Loan.

37. Justice Jamieson neither in this conversation or at any time threatened Ms. Penachio directly or implicitly, by virtue of her position as a Justice, with respect to Ms. Penachio's representation in the Neilson Litigation.

38. In 2015, approximately four months after this conversation, Ms. Penachio filed a motion to recuse Justice Jamieson in the Neilson Litigation. Instead of a straightforward motion simply describing the relationships involved and her contention as to why this created a conflict or an appearance of a conflict, she included in a public filing irrelevant, inaccurate, unnecessary and gratuitous *ad hominin* attacks against Justice Jamieson. Although Justice Jamieson believed there was no basis for the motion, she granted the motion to avoid even an appearance of impropriety.

39. Ms. Penachio never filed a complaint with the Commission. Two years after the recusal motion, Ms. Penachio's client, Patrick Carr, Esq., filed a complaint with the Commission, which included a conspiracy theory that alleged that Justice Joan B. Lefkowitz and Justice William J. Giacomo engaged in retaliatory action against him at the behest of Justice Jamieson. In addition, Ms. Penachio also requested that retired Appellate Division Justice

Robert Spolzino not be permitted to act as Referee in the case and, in response, Justice Spolzino asserted that the recusal request was unsupported by any pertinent facts that he could discern. There was also another recusal motion against Justice Orazio R. Bellantoni, although the basis is unknown. Justice Charles Wood was assigned the Neilson Litigation after Justice Jamieson and he also recused himself.

40. One hypothesis for why Ms. Penachio sought a recusal of Justice Jamieson on behalf of her client, was posited by M. Breeze McMennamin, Esq., Mr. Carr's adversary in the Neilson Litigation. In his submission opposing Justice Jamieson's recusal, Mr. McMennamin argued that Mr. Carr was moving for recusal to create a basis, albeit frivolous basis, to invalidate a prior order by Justice Jamieson in the Neilson Litigation that was extremely detrimental to Mr. Carr.

41. Critical to the analysis of Justice Jamieson's conduct was her state of the mind at the time of the events. In comparison, Mr. Penachio's explanation of her statement of mind is not credible considering the speculative nature of what Justice Jamieson would do to her through her client in the Neilson Litigation (who was unconnected in any way to Mr. Natrella), for Ms. Penachio not somehow forcing her client, Mr. Natrella, to pay his debt.

42. Ms. Penachio claims that she "felt extreme undue pressured [sic] . . ." from Mr. Shelly and Justice Jamieson's contact. Although allegedly she may have personally felt pressured, she has admitted that neither Mr. Shelly and Justice Jamieson acted professionally and never threatened her or suggested either directly or implicitly that Justice Jamieson would be influenced in the Neilson litigation by her defense of Natrella. The pressure she felt was self-imposed and not anything said by Mr. Shelly or Justice Jamieson.

43. In fact, Ms. Penachio alleged that she was a "friend" of the Judge, as described

above. This supports Justice Jamieson's contention that she never imagined Ms. Penachio would feel threatened by any conversation about Mr. Natrella. In fact, Justice Jamieson's belief that she did not even consider that Ms. Penachio would feel threatened is strongly supported by a Ms. Penachio's speculative and far-fetched allegation.

44. Specifically, Justice Jamieson would have had to determine that Ms. Penachio believed that the Judge would punish an innocent party in the Neilson litigation, who had no connection to Mr. Natrella, in order to punish Ms. Penachio, for being unable to "force" Mr. Natrella to acquiesce to pay the Judge. This attenuated conjecture is why it is credible that Justice Jamieson did not realize or suspect at the time she spoke to Ms. Penachio that Ms. Penachio felt pressured because this potential "threat" was inconsistent with their relationship and who she knew the Judge to be. Needless to say, Ms. Penachio's subjective feeling of "pressure" is not the objective standard that the Commission should apply when considering whether a Judge lent the prestige of her office to advance her own private gain.

45. To the degree that there was any type of appearance of a conflict, when Ms. Penachio file a motion to recuse, Justice Jamieson recused herself on that basis.

WHEREFORE, Justice Jamieson respectfully requests that all charges against her be dismissed or that the Commission issue any Order deemed fair, just or equitable.

Dated: September 12, 2019
New York, NY


RICHARD M. MALTZ

VERIFICATION

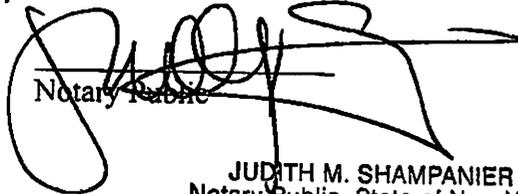
STATE OF NEW YORK)
) ss.:
COUNTY OF WESTCHESTER)

I, Linda S. Jamieson, being duly sworn, says:

1. I am the respondent in the within matter.
2. I have read the annexed Answer and know the contents thereof.
3. The same is true to my knowledge, except as to the matters stated to be alleged on information and belief, and as to those matters I believe them to be true.


Linda S. Jamieson

Sworn to before me this
12th day of September, 2019


Notary Public

JUDITH M. SHAMPANIER
Notary Public, State of New York
No. 02SH6154229
Qualified in Westchester County
Commission Expires 12/10/2022

Index No. _____

Year 20 _____

STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT

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To Section 44, subdivision 4, of the
Judiciary Law in Relation to

LINDA S. JAMIESON,

a Justice of the Supreme Court,
9th Judicial District, Westchester County

VERIFIED ANSWER

RICHARD M. MALTZ, PLLC

Attorney for
488 MADISON AVENUE
10TH FLOOR
NEW YORK, NEW YORK 10022
(212) 705-4804

Pursuant to 22 NYCRR 130-1.1-a, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, (1) the contentions contained in the annexed document are not frivolous and that (2) if the annexed document is an initiating pleading, (i) the matter was not obtained through illegal conduct, or that if it was, the attorney or other persons responsible for the illegal conduct are not participating in the matter or sharing in any fee earned therefrom and that (ii) if the matter involves potential claims for personal injury or wrongful death, the matter was not obtained in violation of 22 NYCRR 1200.41-a.

Dated: Signature

Print Signer's Name.....

Service of a copy of the within is hereby admitted.

Dated:

.....
Attorney(s) for

PLEASE TAKE NOTICE

Check Applicable Box

that the within is a (certified) true copy of a
NOTICE OF entered in the office of the clerk of the within-named Court on 20
ENTRY

that an Order of which the within is a true copy will be presented for settlement to the
NOTICE OF Hon. _____, one of the judges of the within-named Court,
SETTLEMENT at _____
on _____ 20 _____, at _____ M.

Dated:

To:

Attorney(s) for

STATE OF NEW YORK, COUNTY OF

ss:

I, the undersigned, am an attorney admitted to practice in the courts of New York, and



Attorney's
Certification

certify that the annexed has been compared by me with the original and found to be a true and complete copy thereof.



Attorney's
Verification
by
Affirmation

say that: I am the attorney of record, or of counsel with the attorney(s) of record, for . I have read the annexed

know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon the following.

The reason I make this affirmation instead of is

I affirm that the foregoing statements are true under penalties of perjury.

Dated: _____
(Print signer's name below signature)

STATE OF NEW YORK, COUNTY OF

ss:

being sworn says: I am



Individual
Verification

in the action herein; I have read the annexed know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true.



Corporate
Verification

the of a corporation, one of the parties to the action; I have read the annexed know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true.

My belief, as to those matters therein not stated upon knowledge, is based upon the following:

Sworn to before me on , 20 _____
(Print signer's name below signature)

STATE OF NEW YORK, COUNTY OF

ss:

being sworn says: I am not a party to the action, am over 18 years of

age and reside at

On , 20 , I served a true copy of the annexed in the following manner:



Service
by Mail

by mailing the same in a sealed envelope, with postage prepaid thereon, in a post-office or official depository of the U.S. Postal Service, addressed to the address of the addressee(s) indicated below, which has been designated for service by the addressee(s) or, if no such address has been designated, is the last-known address of the addressee(s):



Personal
Service

by delivering the same personally to the persons at the address indicated below:



Service by
Facsimile

by transmitting the same to the attorney by facsimile transmission to the facsimile telephone number designated by the attorney for that purpose. In doing so, I received a signal from the equipment of the attorney served indicating that the transmission was received, and mailed a copy of same to that attorney, in a sealed envelope, with postage prepaid thereon, in a post office or official depository of the U.S. Postal Service, addressed to the address of the addressee(s) as indicated below, which has been designated for service by the addressee(s) or, if no such address has been designated, is the last-known address of the addressee(s):



Service by
Electronic
Means

by transmitting the same to the attorney by electronic means upon the party's written consent. In doing so, I indicated in the subject matter heading that the matter being transmitted electronically is related to a court proceeding:



Overnight
Delivery
Service

by depositing the same with an overnight delivery service in a wrapper properly addressed, the address having been designated by the addressee(s) for that purpose or, if none is designated, to the last-known address of addressee(s). Said delivery was made prior to the latest time designated by the overnight delivery service for overnight delivery. The address and delivery service are indicated below:

Sworn to before me on , 20 _____

(Print signer's name below signature)