

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF NEW YORK



31435

AFFIDAVIT OF SERVICE

Index no : 1:13-CV-1211 (GLS/TWD) Date Filed: 09/27/2013

Plaintiff(s): MATTHEW CARON, ET AL. Defendant(s): ANDREW CUOMO, ET AL.

STATE OF NEW YORK COUNTY OF ALBANY ss.:

Ryan Gagliardi, the undersigned, being duly sworn, deposes and says that I was at the time of service over the age of eighteen and not a party to this action. I reside in the STATE OF NEW YORK.

On 01/06/2014 at 10:48 AM, I served the within SUMMONS IN A CIVIL ACTION AND AMENDED COMPLAINT on JOSEPH D' AMICO, IN HIS OFFICIAL CAPACITY AS SUPERINTENDENT OF THE DIVISION OF STATE POLICE at 1220 Washington Avenue, Building 22, Albany, NY 12226-2252 in the manner indicated below:

SUITABLE AGE: by delivering thereat a true copy of each to JILL BERTRAND, SECRETARY COUNSELS OFFICE of JOSEPH D' AMICO, IN HIS OFFICIAL CAPACITY AS SUPERINTENDENT OF THE DIVISION OF STATE POLICE, a person of suitable age and discretion. Said premises is JOSEPH D' AMICO, IN HIS OFFICIAL CAPACITY AS SUPERINTENDENT OF THE DIVISION OF STATE POLICE's usual place of business within the state.

On 01/07/2014, deponent enclosed a copy of same in a first class postpaid envelope bearing the words "Personal & Confidential" properly addressed to defendant and defendant's usual place of business, at 1220 Washington Avenue, Building 22, Albany, NY 12226-2252 and deposited said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the defendant.

A description of the Recipient, or other person served on behalf of the Recipient is as follows:

Table with 6 columns: Sex, Color of skin/race, Color of hair, Age, Height, Weight. Row 1: Female, Caucasian, Brown, 45, 5Ft8In, 140 lbs. Row 2: Other Features:

I asked the person spoken to whether Defendant(s) was in the active military service or financially dependent upon any one who is in the military service of the United States or of the State of New York in any capacity whatever and received a negative reply. The source of my information and belief are the conversations above narrated. Upon information and belief I aver that the recipient is not in the military service of New York State or of the United States as that term is defined in either the State or in the Federal statutes.

Sworn to and subscribed before me on 1/7/14, 2014

[Handwritten signature of Notary Public]

Notary Public

X [Handwritten signature] Ryan Gagliardi Lightning Legal Services, LLC P. O. Box 9132 Albany, NY 12209 518.463.1049

[] Nancy E. Gunner Notary Public, State of NY No. 01GU6179812 Qualified in Albany County Commission expires 2/4/16

(X) Jessica M. DeVoe Notary Public, State of New York No. 01DE6042657 Qualified in Albany County Commission Expires May 30, 2014

[] Sherie A. Searles Notary Public, State of NY No. 01SE6179623 Qualified in Albany County Commission expires 12/17/15