

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JOSHUA BRINN, :

Plaintiff, :

-against- :

**DECLARATION of
JOSHUA BRINN, Esq.**

SYOSSET PUBLIC LIBRARY, MORRIS DUFFY :

ALONSO & FALEY, UTICA NATIONAL :

INSURANCE COMPANY, JUDITH LOCKMAN, :

Director of the SYOSSET PUBLIC LIBRARY, :

in her individual and professional :

capacities, ROBERT GLICK, Trustee of :

the SYOSSET PUBLIC LIBRARY in his :

individual and professional capacities, :

Defendants. :

09-01151 (TCP) (WDW)

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JOSHUA BRINN, Esq., declares under the penalties of perjury, pursuant to 28 U.S.C. Section 1746, as follows:

1. I am the plaintiff in the above matter and submit this Declaration in opposition to Defendants' motions to dismiss.
2. Annexed hereto as Exhibit 1 is a fax cover sheet along with a notarization page of a document which states, in part: "In Witness Whereof, the RELEASOR has hereunto set RELASOR'S hand and seal on the ___ day of ____, 2008."
3. On or about April 16, 2008, while I was at work for Morris Duffy, Andrea Alonso, Esq., a partner at MORRIS DUFFY ALONSO & FALEY ("Morris Duffy"), directed me to sign a document. The document was pre-notarized. I refused to sign the document, and I was terminated.

4. The fax header on the notarized page indicates that Spellman Rice, counsel for the Library, faxed the document on April 7, 2008. Utica National Insurance faxed the document on April 8, 2008. My employer presented it to me on April 16, 2008. Though the two sheets indicate that the document is a release, I was never permitted to view the document, other than the fax cover sheet and the notarization page.



JOSHUA BRINN, Esq.

DATED: Mineola, NY
October 9, 2009

CERTIFICATE OF SERVICE

I certify that on October 12, 2009, I, Raymond Nardo, served via
 mailed, first class return receipt requested

overnite mailed faxed

personally served ~~ECP~~ Electronically mailed

the enclosed:

Declaration of Joshua Brinn, Esq. with supporting Exhibits
to Counsel for the defendants:

Peter Contini, Esq.
L'Abbate, Balkan, Colavita & Contini, L.L.P.
1001 Franklin Avenue
Garden City, NY 11530

Thomas A. Catalano, Esq.
Lester Schwab Katz & Dwyer
120 Broadway
New York, NY 10271

Sherri N. Pavloff, Esq.
FARBER BROCKS & ZANE L.L.P.
51 Charles Street, Second Floor
Mineola, NY 11501

10/12/09
DATE


 _____

EXHIBIT 1



Utica National Insurance Group
Insurance That Starts With You

FACSIMILE TRANSMISSION

RUSH <input type="checkbox"/>	Attention of: Randi/Joshua Brinn
Date 04/08/2008	Company: Morris Duffy Alonso & Faley
Page 1 of 3	FAX #: 212 766 3252
	From: Betty Winkler
	Office or Dept.: NYMRO Claims P.O. BOX 6589, UTICA, NY 13504-6589
	Office Phone: (516)479-5116
Claim#: 0001026555	Return Fax: (315)266-4109
Subject: General Release	
<p>Confidentiality Notice: The information and any documents accompanying this facsimile message is intended only for the use of the individual or entity to whom it is addressed and may contain information that is confidential and protected from disclosure by law. If you are not the intended recipient, you are hereby notified that any disclosure, copying distribution or taking of any action in reliance on the contents of this telecopied information is strictly prohibited. If you have received this communication in error, please notify us immediately so that we can arrange for the return of the original document to us at no cost to you.</p>	

Attached please find a copy of the general release we discussed.

Please have Mr. Brinn sign the general release and have his signature notarized. Send me the original and fax me a copy.

The \$10 mentioned in the release is standard language and no money will be paid to Mr. Brinn.

Any questions, please contact me at 516 479 5116. Thank you.

-----X

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 :
 Plaintiff, :

-against- : 09-01151 (TCP) (WDW)

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INSURANCE COMPANY, JUDITH LOCKMAN, :
Director of the SYOSSET PUBLIC LIBRARY, :
in her individual and professional :
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the SYOSSET PUBLIC LIBRARY in his :
individual and professional capacities, :
 :
 Defendants. :

-----X

DECLARATION OF JOSHUA BRINN, Esq.

LAW OFFICE OF RAYMOND NARDO
129 THIRD STREET
MINEOLA, NY 11501
(516)248-2121

ATTORNEY FOR
PLAINTIFF

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