

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
JOSHUA BRINN,

Plaintiff,

-against-

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.
-----X

Index No.: 09 CV 1151

**AFFIDAVIT OF
SHERRI N. PAVLOFF**

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

SHERRI N. PAVLOFF, being duly sworn, deposes and says:

1. I am a partner in the law firm of FARBER BROCKS & ZANE, L.L.P., attorneys for the third party defendant, Utica National Insurance Company (“Utica”) in the above-captioned action. I am fully familiar with the facts and circumstances at issue herein.

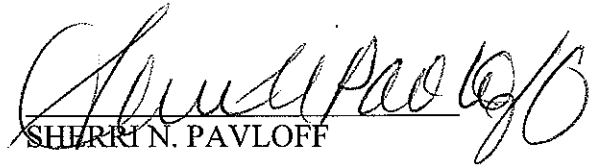
2. This Affidavit is submitted in support of Utica’s motion for an Order pursuant to FRCP 12(b)(6) dismissing the Complaint against Utica, together with any and all cross-claims asserted or to be asserted against Utica herein.

3. Included with this Motion is an Affidavit from Robyn Nelson, a Claims Supervisor for Utica, which attaches to it, as Exhibits:

- Exhibit 1, the First Notice of Claim referenced in the Complaint;

- Exhibit 2, the letter of a October 15, 2007, from the Library to the Plaintiff, referenced in the Complaint.

4. The Motion also relies the Summons and Complaint in this matter.


SHERRY N. PAVLOFF

Sworn to before me on this
11th day of September, 2009


Notary Public

AMY MEACHUM
Notary Public, State of New York
No. 01ME6136095
Qualified in Suffolk County
Commission Expires Oct. 31, 2013