

At the Supreme Court of the State of New York, held in and for the County of Tompkins, at the Courthouse, located at 320 N. Tioga Street, Ithaca, NY, on the ___ day of November, 2016.

P R E S E N T:

Hon. _____
Justice

-----X

In the Matter of the Application of

JOHN DOE

Petitioner,

Index No.: _____/2016

FOR A JUDGMENT PURSUANT TO ARTICLE 78
AND SECTION 3001 OF THE CPLR

ORDER TO SHOW CAUSE

-against-

RJI No. _____

CORNELL UNIVERSITY, and
SARAH AFFEL, in her official capacity as
the Title IX Coordinator at Cornell University,

Respondents.

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Upon the reading and filing of the annexed Verified Petition of John Doe, sworn to on November 4, 2016 together with the exhibits annexed thereto, the Affirmation of Alan E. Sash dated November 10, 2016, the accompanying Memorandum of Law, and upon all the papers and proceedings heretofore had herein,

ORDERED that Respondents Cornell University and Sarah Affel or their attorneys show cause at Room ____ of this Court at the Courthouse located at 320 N. Tioga Street, Ithaca, New York, on the ___ day of November, 2016 at _____ a.m./p.m. or as soon

thereafter as counsel can be heard, why an Order and Judgment should not be entered herein that:

(a) declares that Respondents are unlawfully refusing to promptly process and investigate John Doe's sex discrimination complaint against the Investigator, a Cornell employee;

(b) directs the Respondents to immediately process and investigate John Doe's sex discrimination complaint against the Investigator, a Cornell employee, pursuant to Cornell Policy 6.4 and applicable statutes and regulations; and

(c) orders such other and further relief that the Court deems just and proper.

SUFFICIENT CAUSE BEING ALLEGED THEREFORE, it is:

ORDERED that service of a copy of this Order and the papers upon which it is based upon the Office of the University Counsel for Cornell University by overnight delivery on or before the ____ day of November 2016, shall be deemed sufficient service hereof;

ORDERED that answering papers, if any, shall be served upon Petitioner's attorneys, McLaughlin & Stern, LLP, 260 Madison Avenue, 20th Floor, New York, New York 10016, Attn. Alan E. Sash, so as to be received in hand no later than seven (7) days prior to the return date of this application and reply papers, if any, shall be served upon Respondents (or, if applicable, their counsel) so as to be received in hand no later than two (2) days prior to the return date of this petition.

E N T E R:

J. S. C.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF TOMPKINS

-----X

In the Matter of the Application of

JOHN DOE

Petitioner,

Index No.: _____/2016

FOR A JUDGMENT PURSUANT TO ARTICLE 78
AND SECTION 3001 OF THE CPLR

VERIFIED PETITION

-against-

RJI No. _____

CORNELL UNIVERSITY, and
SARAH AFFEL, in her official capacity as
the Title IX Coordinator at Cornell University,

Respondents.

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Petitioner John Doe respectfully alleges, on personal knowledge and upon information and belief, by his attorneys McLaughlin & Stern, LLP, that:

Parties and Jurisdiction

1. This is a special proceeding brought against Cornell University (“Cornell”) and Sarah Affel (“Affel”), in her official capacity as Title IX Coordinator at Cornell University, pursuant to Article 78 and Section 3001 of the CPLR.

2. This proceeding arises out of Cornell and Affel’s refusal to promptly process and investigate John Doe’s claim of sex discrimination against an investigator (the “Investigator”), a Cornell employee. John Doe seeks to have the Respondents comply with their own Policy 6.4 addressing sex discrimination by Cornell faculty and staff and the applicable laws and regulations related thereto.

3. John Doe (“Doe”) is a resident of Onondaga County, New York, and currently enrolled and matriculated in a state-supported college at Cornell through the SUNY system.

4. Cornell is a university located in Ithaca, New York, and receives federal funds. It has fourteen colleges and schools, four of which are state-supported colleges through the SUNY system. Cornell is chartered by the regents and incorporated by special act of the legislature and maintains its principal campus within the State of New York, County of Tompkins, City of Ithaca.

5. Affel is the Title IX Coordinator at Cornell. Her duties and responsibilities include overseeing Cornell’s response to, and investigation of, complaints of sex discrimination. She also oversees Cornell’s compliance with Title IX, New York State Education Law Article 129-B, and related federal and state laws and regulations.

Statement of Facts

Background

6. John Doe was the victim of a sexual assault by Jane Roe, a female student at Cornell. He filed a complaint of sexual assault against her.

7. Based upon the same incident, Jane Roe accused John Doe of sexual assault and filed a complaint.

8. Both of these complaints were filed under Cornell Policy 6.4 (Students) which seeks to investigate and adjudicate, among other things, claims for sexual assault at Cornell. Cornell has two policies designated as “Cornell Policy 6.4,” one addressing conduct by students, one addressing conduct by faculty and staff. The former policy will be referred to here as “Policy 6.4 (Students)”; and the latter policy will be referred to as “Cornell Policy 6.4 (Staff).”

9. Affel referred these complaints to the Investigator, a Cornell employee, who was supposed to investigate these claims in a fair and impartial manner.

The Investigator Discriminates Against John Doe Based on His Sex

10. John Doe explained to the Investigator that he is a scholarship student at Cornell, in good standing, and prior to Jane Roe's allegations, was never accused of misconduct at Cornell.

11. On September 30, 2016, the Investigator produced a draft investigative record. This record contains transcripts of interviews of John Doe, Jane Roe, and other witnesses, and documents and materials obtained during the investigation. It is apparent from the draft investigative record that the Investigator was ignoring John Doe's complaint of sexual assault. She was only investigating Jane Roe's claims and was intentionally failing to investigate John Doe's complaint against Jane Roe. She also was impermissibly discriminating against John Doe and in favor of Jane Roe in other ways.

12. For example, in violation of Cornell Policy 6.4 (Students), the Investigator, *inter alia*:

- (a) Refused to conduct any investigation of John Doe's sexual assault complaint;
- (b) Refused to investigate evidence that incriminated Jane Roe and exculpated John Doe;
- (c) Conducted biased interviews of John Doe and Jane Roe, during which she asked misleading, prejudicial and slanted questions only of John Doe;
- (d) Conducted an unrecorded interview of a witness adverse to John Doe and then drafted a summary of it which cannot be fact checked;
- (e) Refused to investigate evidence of an improper disclosure of confidential information concerning John Doe;

- (f) Refused to request that Jane Roe preserve and produce all of her text messages regarding John Doe's complaint against her despite John Doe's request that she do so;
- (g) Refused to request that third party witnesses preserve and produce all of their text messages regarding John Doe's complaint against Jane Roe despite John Doe's request that she do so;
- (h) Mischaracterized statements given by the parties to the detriment of John Doe; and
- (i) Refused John Doe's request during an interview to speak to his attorney/advisor in private and instead demanded that he immediately answer a question that she knew was improper, and was otherwise abusive, disrespectful and insensitive to him during questioning, all in contrast to the respect and sensitivity that she exhibited towards Jane Roe.

13. On the other hand, the Investigator has fully investigated Jane Roe's complaint and, during questioning of John Doe, posed questions that assumed the truth of Jane Roe's complaint and statements despite contrary scientific and objective evidence.

Affel Informs John Doe That He Can File a Policy 6.4 (Staff) Sex Discrimination Complaint Against the Investigator, But Cornell and Affel Then Ignore it and Refuse to Process or Investigate It

14. Policy 6.4 (Staff) applies to employees at Cornell including the Investigator. In particular, Policy 6.4 (Staff) prohibits any Cornell employee from discriminating against a student based on his or her sex. A true and correct copy of Policy 6.4 (Staff) is annexed hereto as Exhibit "A."

15. Under Policy 6.4 (Staff), every student at Cornell who believes that he or she has been subjected to sex discrimination by a staff member has the right to, among other things, "... [p]articipate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard." *Id.* at 13.

16. The Policy 6.4 (Staff) process referenced above includes the right of a student to file a complaint against Cornell staff. Once a complaint has been filed, Cornell must “accept,” “process,” and “undertake to resolve these complaints impartially [and] promptly ...” *Id.* at 22. Cornell then has 60 days to complete its investigation of the complaint. *Id.* at 23.

17. As set forth more fully below, Cornell and Affel have violated Policy 6.4 (Staff). They have intentionally refused to process and investigate John Doe’s complaint of sex discrimination against the Investigator and have admitted that they have no intention of doing so in the near future. Affel, who first informed John Doe that he had a “right” to file such a complaint, now inconsistently claims, without any support in Policy 6.4 (Staff), that “[o]ur process is not designed to permit a party to file a separate complaint against an investigator”

18. The draft investigative record, which was distributed by the Investigator to the parties on Friday, September 30, 2016, reflected the investigation she had done up to that date. On Monday, October 2, 2016, John Doe sent a seventeen-page letter to Affel, documenting sex discrimination by the Investigator as revealed in the draft investigative record. John Doe sought Affel’s guidance regarding redress for the Investigator’s discriminatory conduct. Specifically, in the letter and an accompanying e-mail message, John Doe asked Affel whether it was proper to file a complaint with Cornell’s Office of Workplace Policy and Labor Relations (“WPLR”), which accepts sex discrimination complaints by students against staff under Cornell Policy 6.4 (Staff). On October 3, 2016, John Doe sent Affel another copy of that letter with two typographical errors corrected. A true and correct redacted copy of John Doe’s October 3, 2016 letter to Affel is annexed hereto as Exhibit “B.”

19. Affel responded on October 3, 2016, stating in an e-mail message that John Doe's letter to her was a "Complaint of Gender Discrimination." Affel's message informed John Doe that he has "rights and options under Policy 6.4 (Staff) with respect to how, or if, he chooses to proceed with a formal complaint under Policy 6.4 (Staff)." It advised that he could contact WPLR and that Deputy Title IX Coordinator Laurie Johnston ("Johnston") could meet with him so he could file a formal complaint. Affel offered her "assistance connecting with Laurie Johnston regarding filing a formal complaint under Policy 6.4 (Staff)" and shared John Doe's October 3, 2016 letter with Johnston. A true and correct redacted copy of Affel's October 3, 2016 email to John Doe is annexed hereto as Exhibit "C."

20. The following day (October 4th), John Doe and his father met with Johnston to lodge his complaint against the Investigator. After listening to them, Johnston promised that she would promptly draft a formal complaint of sex discrimination against the Investigator and forward it to John Doe and his father for their review. Despite this, Johnston did not prepare the promised complaint or notify John Doe that she was refusing to do so.

21. Two days later (October 6th), John Doe's father followed up with Johnston inquiring about the status of the complaint against the Investigator. A true and correct redacted copy of this email is annexed hereto as Exhibit "D." Johnston did not respond to that inquiry.

22. After waiting a week and receiving no response from Johnston, counsel for John Doe wrote Affel on October 14th. A true and correct copy of the letter is annexed hereto as Exhibit "E." Among other things, counsel informed Affel that the Investigator continued to discriminate against John Doe by: (a) failing to investigate John Doe's sexual assault complaint against Jane Roe; (b) failing to follow the proper procedures outlined in Policy 6.4 (Students) in

order to favor Jane Roe; (c) continuing her history of bias against male students (the Investigator was videotaped shredding the U.S. Constitution stating that it is a flawed document written by flawed men); and (d) ignoring material evidence favorable to John Doe. Affel also was informed that the Investigator's sex discrimination against John Doe was further evidenced by her response to his recent request for relevant information from Jane Roe. On October 10th, the Investigator ignored part of John Doe's request, wrongly characterized its objective, and then used it to demand additional information from him. *Id.*

23. In the same letter, counsel for John Doe reminded Affel that her office's inaction on John Doe's complaint of sex discrimination is in direct contravention of Policy 6.4 (Staff) which provides, *inter alia*, that Cornell will "respond to such incidents *when they occur*" recognizing "that the more time lapses, the more difficult it is to obtain information, contact witnesses, or the alleged perpetrator may no longer be affiliated with the university." *Id.* referring to Exhibit A at 6 and 21, respectively (emphasis added).

24. Within a few hours of counsel sending the aforementioned letter, Johnston emailed John Doe. On the one hand, she provided John Doe with a formal complaint form for his signature, which she had promised to provide ten days earlier; on the other hand, she said that she would not act upon his complaint in a timely or prompt manner. In particular, Johnston wrote:

... our practice has been that when issues are raised in another matter, 6.4 or other, specifically when the resolution of the pending 6.4 matter may resolve those issues, we allow the pending 6.4 matter to be completed before we proceed with the second matter. Accordingly, the investigation of this complaint will occur when the pending 6.4 matter is final.

25. A true and correct copy of this email is annexed hereto as Exhibit "F." Johnston did not

explain why she had delayed providing the complaint form for ten days or why she had not responded to John Doe's October 6, 2016 inquiry about the status of the complaint. According to Johnston, she will only "be in touch" with John Doe regarding his claim of sex discrimination against the Investigator after the pending 6.4 matter between him and Jane Roe "is final." *Id.*

26. On October 17th, counsel for John Doe wrote to Affel appealing Johnston's decision and explaining how it was contrary to Policy 6.4 (Staff) and law. A true and correct copy of this letter is annexed hereto as Exhibit "G." First, Johnston's response was arbitrary (the resolution of the Policy 6.4 (Students) complaint between John Doe and Jane Roe has nothing to do with John Doe's complaint of sex discrimination against the Investigator). Moreover, John Doe has an independent right to invoke Policy 6.4 (Staff) regardless of any collateral issue that he may be having with Jane Roe. Second, this approach (which Johnston says is her "practice") has no basis in Policy 6.4 (Staff) and, in fact, violates it. Policy 6.4 (Staff) requires that Cornell investigate John Doe's complaint in an impartial and prompt manner. *See*, Exhibit A at 22. Third, federal law mandates that claims of sex discrimination be promptly investigated by universities. *See*, 45 C.F.R. §86.8(b) (requiring educational institutions receiving federal funds to "adopt grievance procedures providing for *prompt* and equitable resolution of student and employee complaints" alleging sex discrimination) (emphasis added). Fourth, delaying the investigation against the Investigator incentives her to further discriminate against John Doe (if the Investigator continues to ignore evidence in favor of John Doe, he may be expelled and his claim against the Investigator will never be heard).

27. After hearing no response from Affel, counsel for John Doe followed up with her on October 20th. A true and correct copy of this letter is annexed hereto as Exhibit "H."

28. Affel ultimately responded on October 25th stating: “until the [dispute between Jane Roe and John Doe is resolved] the [complaint against the Investigator] will not proceed.” A true and correct copy of this email is annexed hereto as Exhibit “I.”

29. On October 27, 2016, counsel for John Doe asked Affel in writing – (a) whether her refusal to promptly investigate John Doe’s sex discrimination complaint against the Investigator is appealable to anyone else at Cornell, and (b) whether she has ever refused to promptly process or investigate a woman’s complaint of sex discrimination against a Cornell employee. A true and correct copy of this letter is annexed hereto as Exhibit “J.” Affel responded on November 1st and did not answer either of the questions posed to her. A true and correct copy of this email is annexed hereto as Exhibit “K.”

30. Instead, Affel refused to remove the Investigator (something that the letter from John Doe’s counsel did not request and is not requested in this petition) and ignored that she originally told John Doe to file the complaint with WPLR/Johnston. She also mistakenly conflated Policy 6.4 (Students) with Policy 6.4 (Staff) and wrongly claimed that “[o]ur process is not designed to permit a party to file a separate complaint against an investigator.” In fact, these are two wholly independent policies -- Cornell Policy 6.4 (Students) governs sexual assault and similar conduct alleged to have been committed by a student; Cornell Policy 6.4 (Staff) addresses discriminatory conduct by faculty and staff. To claim, as Affel now has, that a student who seeks redress under Cornell Policy 6.4 (Students) for sexual assault, like John Doe, is foreclosed from also seeking relief from sex discrimination committed by a Cornell staff member, is flatly inconsistent with Cornell Policy 6.4 (Staff) and the law.

The Investigator Continues to Discriminate Against John Doe

31. Since John Doe's October 2, 2016 complaint regarding the Investigator, she has continued to discriminate against him. For example, in violation of Cornell Policy 6.4, the Investigator has, *inter alia*:

- a. Refused to accept the expert medical report submitted by John Doe that incriminates Jane Roe and refutes Jane Roe's claims unless certain edits and redactions were made to it;
- b. Treated Jane Roe more favorably by not requiring her to turn over her telephone and text message records, yet requiring John Doe to produce his;
- c. Refused to meet with John Doe, despite his repeated requests, to discuss the investigation (or lack thereof) of his complaint against Jane Roe; and
- d. Refused to redact improper and prejudicial information that she inserted into the investigative record in violation of Policy 6.4.

Affel and Cornell Are Violating Cornell Policy 6.4 (Staff)

32. Affel is refusing to process and investigate John Doe's complaint against the Investigator. As a result, the Investigator who is discriminating against John Doe continues to investigate him.

33. It should be noted that Affel and the Investigator are colleagues and work in the same office (150 Day Hall) together. In addition, prior to becoming the Title IX Coordinator, Affel was the lead Title IX investigator, the very job the Investigator holds today.

34. Policy 6.4 (Staff) cannot be subverted by cronyism and protectionist attitudes at Cornell. Affel should not be able to shield her subordinate from investigation for discriminatory conduct.

35. By refusing to promptly process and investigate John Doe's complaint against the

Investigator, Affel is in violation of Policy 6.4 (Staff) and the law, both of which require the prompt investigation of claims regarding sex discrimination.

Respondents' Inconsistent Positions on John Doe's Rights under Policy 6.4 (Staff)

36. Affel has taken multiple inconsistent positions about John Doe's ability to seek redress for the Investigator's discrimination. First, she told John Doe that he had a "right" to pursue a formal complaint. Then, she refused to intervene when Johnston ignored John Doe's efforts to file a complaint for ten days. Then, she endorsed Johnston's claim that it was Cornell's "practice" to arbitrarily delay investigating claims of sex discrimination until other proceedings are completed. More recently, she has stated that "[o]ur process is not designed to permit a party to file a separate complaint against an investigator." In fact, Policy 6.4 unambiguously gives John Doe the right to file a sex discrimination complaint and to have his complaint promptly and impartially processed and investigated.

37. Most recently, on November 7, 2016, Respondent Cornell, through its counsel, has adopted yet another different reason for denying John Doe, the victim of sex discrimination by a Cornell staff member, his rights under Cornell Policy 6.4 (Staff) and federal law to seek redress. Specifically, Cornell University Counsel, told counsel for John Doe that John Doe can remedy any claim of sex discrimination against the Investigator using the Policy 6.4 (Students) process. Once again, Respondents are doing everything they can to protect the Investigator and prevent any investigation into her conduct.

38. Cornell's most recent argument of November 7th is inconsistent with its previous statements to John Doe:

(a) as per Respondent Affel's email dated October 2, 2016, John Doe has a "right" to pursue

a sex discrimination complaint under Policy 6.4 (Staff) through WPLR;

(b) as per WPLR's Johnston's promise to John Doe on October 4, 2016, that she would promptly prepare a formal complaint of sex discrimination under Policy 6.4 (Staff) for his signature;

(c) as per both Affel and Johnston, on October 14, 2016 and October 25, 2016, respectively, that John Doe could file and pursue his complaint against the Investigator with WPLR under Policy 6.4 (Staff) but that they would not promptly process or investigate it; and

(d) as per University Counsel, on November 7th, John Doe has no claim under Policy 6.4 (Staff) and can only rely on Policy 6.4 (Student) for redress.

39. Policy 6.4 (Students) does not address complaints of sex discrimination against Cornell staff. That policy is wholly inapplicable here because it only deals with complaints of sexual assault. At best, Policy 6.4 (Students) enables John Doe only to request that the Investigator undo certain decisions. It provides no mechanism for investigating whether the Investigator has discriminated against John Doe, for a determination of such discrimination if it occurred, or for imposing remedial measures against her. Policy 6.4 (Staff), by its terms, is the only mechanism within the Cornell system by which John Doe can seek redress for sex discrimination.

40. Cornell's most recent argument is really an attempt to miscast John Doe's complaint against the Investigator in order to ensure that no one investigates her. Instead of acknowledging that John Doe has a complaint of sex discrimination and investigate it, Cornell argues that his remedy is better suited under Policy 6.4 (Students). Cornell refuses to process, investigate, and address John Doe's claim of sex discrimination. Respondents are ignoring John Doe's claim of

sex discrimination, something that the law and Policy 6.4 (Staff) prohibits.

41. Although there are serious flaws in the way in which the Investigator is handling the investigation, that is not the issue before this Court. The issue here is narrow -- whether Respondents' failure to process and investigate John Doe's claim of sex discrimination is in violation of law and Policy 6.4 (Staff). The within petition only seeks to give John Doe the process to which he is entitled to under the law and Policy 6.4 (Staff). This petition does not seek to have the Investigator recused or to involve the Court in the dispute between John Doe and Jane Roe.

42. By preventing John Doe from pursuing his claim of sex discrimination under Policy 6.4 (Staff), Respondents are shielding the Investigator from an investigation, exposure, and accountability. In addition, by refusing to give John Doe access to the Policy 6.4 (Staff) process, the issue of whether the Investigator discriminated against him will never be determined because only Policy 6.4 (Staff) can address and decide that issue.

COUNT I
(Declaratory Judgment)

43. John Doe repeats, reiterates, and realleges the allegations contained within this petition as if fully set forth herein.

44. A genuine dispute exists between the parties as to whether, under Policy 6.4 (Staff), and the applicable laws and regulations, Respondents are required to promptly process and investigate John Doe's sex discrimination complaint against the Investigator.

45. A declaratory judgment on this issue would have the effect of establishing the legal rights and obligations among and between the parties to this proceeding.

46. Based upon the foregoing, John Doe is entitled to a judgment pursuant to CPLR §3001 declaring that the Respondents are unlawfully refusing to promptly process and investigate his sex discrimination complaint against the Investigator in violation of Policy 6.4 (Staff) and applicable laws and regulations.

COUNT II
(Injunctive Relief)

47. John Doe repeats, reiterates, and realleges the allegations contained within this petition as if fully set forth herein.

48. John Doe will suffer serious and irreparable injury if an injunction is not granted compelling the Respondents to immediately process and investigate his complaint of sex discrimination against the Investigator. Cornell's own Policy 6.4 (Staff) recognizes this irreparable harm. According to Policy 6.4 (Staff), Cornell will "respond to such incidents *when they occur*" because "the more time lapses, the more difficult it is to obtain information, contact witnesses, or the alleged perpetrator may no longer be affiliated with the university." *See*, Exhibit A at 6 and 21, respectively (emphasis added).

49. The failure to issue an injunction will deny John Doe his rights under Policy 6.4 (Staff) and the applicable laws and regulations. It will also permit the Investigator, a biased investigator, to continue her biased investigation against him without any inquiry into her objectivity.

50. Without an injunction, the record in the matter between John Doe and Jane Roe will be irreparably tainted because the Investigator is ignoring evidence that is exculpatory to John Doe and incriminating against Jane Roe.

51. An injunction will afford John Doe the opportunity to address his claims against the Investigator in a timely manner that is contemplated under Policy 6.4 (Staff) and the law. Delaying the claim against the Investigator pending the outcome of the claims between Jane Roe and John Doe serves no useful purpose and will only cause further prejudice against John Doe and embolden the Investigator's discriminatory behavior towards him.

52. Given the significant harm that will be suffered by John Doe if an injunction against the Respondents is not granted, compared to the lack of prejudice to those Respondents if the injunction is granted, the equities tip sharply in John Doe's favor.

53. John Doe is likely to succeed on the merits of his claim because neither the law nor Policy 6.4 (Staff) permit Respondents to unduly delay the processing or investigating of his complaint. In fact, they require the exact opposite – the prompt processing and complete investigation of John Doe's complaint within 60 days.

54. Accordingly, the Respondents should be directed to immediately process and investigate John Doe's sex discrimination complaint against the Investigator pursuant to Policy 6.4 (Staff) and applicable statutes and regulations.

Requested Relief

For the aforementioned reasons, Petitioner respectfully requests that this Court:

(a) declares that Respondents are unlawfully refusing to promptly process and investigate John Doe's sex discrimination complaint against the Investigator; (b) directs the Respondents to immediately process and investigate John Doe's sex discrimination complaint against the Investigator; and (c) order such other and further relief that the Court deems just and proper.

Dated: November 10, 2016

McLaughlin & Stern, LLP

By 

Alan E. Sash
260 Madison Avenue
New York, NY 10016
(212) 448-1100

Attorneys for Petitioner

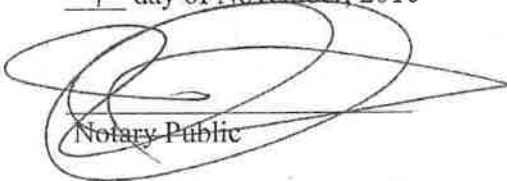
VERIFICATION

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

John Doe, being duly sworn, deposes and says, that deponent is the Petitioner in the within action; that deponent has read the foregoing Petition and knows the contents thereof; and that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters deponent believes it to be true.

John Doe
John Doe

Sworn to before me this
4 day of November, 2016



Notary Public

JOHN ALDEN STEVENS
Notary Public, State of New York
No. 4719047
Certified in Tompkins County
Term Expires August 31, 20 ~~12~~