

SUPREME COURT OF THE STATE OF  
NEW YORK, COUNTY OF ALBANY

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In the Matter of the Application of  
The NEW YORK STATE COMMISSION  
ON JUDICIAL CONDUCT,

AFFIDAVIT

Petitioner,

For an Order Pursuant to CPLR 2308 compelling  
compliance with a subpoena

Index No.  
08115-22

-against-

GREGORY PEIREZ, ESQ., and  
SHAWN SMITH, ESQ.,

Respondents.

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ALBANY COUNTY CLERK

2022 NOV 14 PM 2:25

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**RYAN FITZPATRICK**, being duly sworn, deposes and says:

1. I am a Senior Investigator employed by the New York State Commission on Judicial Conduct ("Commission"). In that capacity, I was assigned to the Commission's investigation of the complaint against a judge of the Unified Court system that gave rise to the above-captioned proceeding.

2. In connection with the above-reference investigation, I was assigned to contact attorneys Gregory Peirez and Shawn Smith, the

Respondents in this proceeding, to notify them that their testimony was requested and that certain emails to which they were parties would need to be produced in connection with their testimony.

3. In or about September 2022, in a telephone conversation, Mr. Smith expressed his concerns that the subpoenaed emails were overbroad and an invasion of his “privacy.” In response, I advised him that the Commission would have to view the emails to determine their relevance, that it could not be left to him to decide what might be relevant, and that because Commission proceedings were confidential by statute, I could not disclose to him the subject matter of the complaint against the judge.



Ryan Fitzpatrick, Senior Investigator  
New York State Commission on  
Judicial Conduct, Empire State Plaza,  
Corning Tower, Suite 2301, Albany,  
New York 12223

Sworn to before me this 14<sup>th</sup> day  
of November, 2022



Notary Public

SIMON P. PEDROTTY  
Notary Public, State of New York  
No. 02PE6243159  
Qualified in Saratoga County  
Commission Expires 6/13/23