

# COMMISSION EXHIBIT 1

911 Audio Recording, [REDACTED] Avenue



**ERIE COUNTY STATE OF NEW YORK**  
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**MATTER OF HON. MARK J. GRISANTI,**

New York State Court of Claims  
Acting Supreme Court Justice

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Recording of call to Erie County 911 Dispatch Center

████████████████████  
Buffalo, New York 14216  
June 22, 2020

Parties Involved:

HON. MARK J. GRISANTI

911 OPERATOR



(911 call [REDACTED] Ave, June 22, 2020)

1 911 OPERATOR: 911, where is your emergency?  
2 JUDGE GRISANTI: Well, it's not an emergency, but I called D District,  
3 and they said I have to call 911 for an idiot neighbor  
4 across the street where they have four cars on my  
5 side parking, and two of them are blocking my  
6 driveway.  
7 911 OPERATOR: Okay. What's the address?  
8 JUDGE GRISANTI: [REDACTED] Avenue. One of the trucks is from New  
9 Jersey, and nobody likes this neighbor across the  
10 street, so he parks his cars on top of everybody's  
11 driveway.  
12 911 OPERATOR: Mm-hmm.  
13 JUDGE GRISANTI: And that's what's happening right now. I never--  
14 911 OPERATOR: --Okay--  
15 JUDGE GRISANTI: --called before and complained, but [REDACTED]  
16 Avenue. There's a truck from New Jersey. There's  
17 another a, a, like, a, a Chevy Traverse. They're, like,  
18 literally on top of your driveway--  
19 911 OPERATOR: --Okay--  
20 JUDGE GRISANTI: --And when I came in, I almost hit 'em. And, and--  
21 911 OPERATOR: --Okay--  
22 JUDGE GRISANTI: --and listen. I, I have daughters, and sons, and son-  
23 in-law that are police, that are the fire department,  
24 and... Listen. Whatever it's worth, the mayor's not  
25 doing things right with you guys. But, I don't care if

(911 call [REDACTED] Ave, June 22, 2020)

1 | you guys come now or 12:00, but if the car's still  
2 | there, I want a ticket--  
3 | 911 OPERATOR: --Mm--  
4 | JUDGE GRISANTI: --on it, or I want it towed because it's blocking part  
5 | of our driveway.  
6 | 911 OPERATOR: Okay. Alright. There's a New Jersey, the truck  
7 | from New Jersey, and a Chevy Traverse blocking  
8 | your driveway--  
9 | JUDGE GRISANTI: --Yeah--  
10 | 911 OPERATOR: --Either way, if that's-- Okay--  
11 | JUDGE GRISANTI: --It's on [REDACTED] Avenue--  
12 | 911 OPERATOR: --Okay--  
13 | JUDGE GRISANTI: --Yeah. Because they, they don't like the fact that,  
14 | that I, like, that I (unintelligible) the concrete up and  
15 | expanded the driveway. So--  
16 | 911 OPERATOR: --Okay--  
17 | JUDGE GRISANTI: --that's their problem, but it was all legal and by  
18 | permit.  
19 | 911 OPERATOR: Okay. Alright, [REDACTED] Avenue--  
20 | JUDGE GRISANTI: --Thank you--  
21 | 911 OPERATOR: --in Buffalo. I'll put a call in.  
22 | JUDGE GRISANTI: Bye.  
23 | 911 OPERATOR: Alright, bye.  
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25 |

(911 call [REDACTED] Ave, June 22, 2020)

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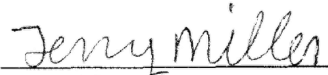
(Conclusion of 911 call as provided by Erie County  
Law Enforcement Communications)

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CERTIFICATION

I, TERRY MILLER, a Secretary of the State Commission on  
Judicial Conduct, do hereby certify that the foregoing is a true and  
accurate transcript of the audio recording described herein to the best of  
my knowledge and belief.

Dated: July 29, 2021

  
\_\_\_\_\_  
Terry Miller

# COMMISSION EXHIBIT 2

[Mele Home Security Video \(1\)](#)

ERIE COUNTY STATE OF NEW YORK

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**MATTER OF HON. MARK J. GRISANTI**

New York State Court of Claims  
Acting Supreme Court Justice

-----X

Transcript of Mele Family Home Security Camera Footage

████████ Avenue  
Buffalo, New York 14216

June 22, 2020

Parties Involved:

HON. MARK J. GRISANTI

MARIA GRISANTI

JOSEPH MELE

GINA A. MELE

DR. THERESA DANTONIO

LINDA CHWALINSKI

UNIDENTIFIED INDIVIDUAL

*(Mele Security Camera Footage, June 22, 2020)*

1 [00:00 - 05:56]  
2 MS. GRISANTI: --Have they tried (unintelligible)?  
3 UNKNOWN: (Unintelligible).  
4 MS. GRISANTI: Her and him (unintelligible) from the car.  
5 UNKNOWN: (Unintelligible).  
6 MS. MELE: (Unintelligible).  
7 MR. MELE: What's the problem?  
8 UNKNOWN: Yeah, Joe. (Unintelligible).  
9 JUDGE GRISANTI: There's a problem. Your truck's in my driveway--  
10 MS. GRISANTI: --Don't, don't talk to (unintelligible)--  
11 MS. MELE: --Well, what's the problem guys (unintelligible)--  
12 MR. MELE: --What's your problem?  
13 MS. MELE: What's the problem?  
14 MR. MELE: Huh? Shut up--  
15 JUDGE GRISANTI: --I've already called the cops--  
16 MS. MELE: --Fuck you, Maria--  
17 MR. MELE: --Shut up. What's your problem--  
18 MS. GRISANTI: --Don't worry--  
19 MS. MELE: --You're a fucking cunt--  
20 JUDGE GRISANTI: --Your, your truck's, your truck's in my driveway.  
21 MS. GRISANTI: Don't worry--  
22 JUDGE GRISANTI: --Okay?  
23 MS. MELE: Don't worry--  
24 JUDGE GRISANTI: --But there's a whole 'nother eight--  
25 MS. MELE: --Don't worry--

*(Mele Security Camera Footage, June 22, 2020)*

1 MS. GRISANTI: --(Unintelligible)--  
2 JUDGE GRISANTI: --feet here--  
3 MS. MELE: --about what--  
4 MS. GRISANTI: --Don't worry, fat ass--  
5 MS. MELE: --Your wife is so miserable--  
6 MS. GRISANTI: --(Unintelligible)--  
7 JUDGE GRISANTI: --There's eight feet here--  
8 MR. MELE: --Don't yous have--  
9 JUDGE GRISANTI: --There's eight feet here--  
10 MR. MELE: --anything better to do--  
11 MS. GRISANTI: --Don't worry, fat ass--  
12 MS. MELE: --You've nothing better to do--  
13 MS. GRISANTI: --motherfucker--  
14 JUDGE GRISANTI: --Why'd, why'd you (unintelligible)--  
15 MS. MELE: --Okay, then--  
16 JUDGE GRISANTI: --do other--  
17 MS. GRISANTI: --(Unintelligible)--  
18 MR. MELE: --Shut up. Will you shut up--  
19 JUDGE GRISANTI: --I'm going--  
20 MS. MELE: --Linda the second--  
21 JUDGE GRISANTI: --to pull my cars right up to your--  
22 MS. MELE: --Linda the second--  
23 JUDGE GRISANTI: --driveway apron--  
24 MR. MELE: --Go ahead. And I'm going to--  
25 JUDGE GRISANTI: --every (unintelligible)--



*(Mele Security Camera Footage, June 22, 2020)*

1 MS. MELE: --You know what--  
2 MR. MELE: --park on top of yours, asshole--  
3 MS. MELE: --(Unintelligible) the fuck--  
4 MR. MELE: --Come on, Mark--  
5 JUDGE GRISANTI: --every fucking, every fucking (unintelligible)  
6 Thursday--  
7 MS. GRISANTI: --Fuck--  
8 MS. MELE: --(Unintelligible)--  
9 MR. MELE: --Come on, Mark--  
10 MS. GRISANTI: --you--  
11 MR. MELE: --Come on, Mark--  
12 MS. MELE: --He's a chicken shit--  
13 JUDGE GRISANTI: --(Unintelligible) geez, this asshole--  
14 MR. MELE: --Come on, motherfucker.  
15 MS. MELE: He's a chicken shit--  
16 MR. MELE: --Come on, you cocksucker--  
17 JUDGE GRISANTI: --Come on--  
18 MR. MELE: --you. Let's see--  
19 JUDGE GRISANTI: --Come on--  
20 MR. MELE: --what you've got, tough guy?  
21 JUDGE GRISANTI: Come on--  
22 MS. GRISANTI: --You let go. You let go--  
23 MR. MELE: --Come on--  
24 JUDGE GRISANTI: --What do you got--  
25 MS. GRISANTI: --(Unintelligible)--

*(Mele Security Camera Footage, June 22, 2020)*

1 MR. MELE: --motherfucker--  
2 MS. GRISANTI: --(Unintelligible).  
3 MR. MELE: Take your fucking shot--  
4 MS. GRISANTI: --(Unintelligible)--  
5 JUDGE GRISANTI: --What do you got--  
6 MS. GRISANTI: --(Unintelligible)--  
7 JUDGE GRISANTI: --(Unintelligible)--  
8 MR. MELE: --Take your fucking shot--  
9 MS. MELE: --Don't touch my husband.  
10 MR. MELE: Get the fuck out of here--  
11 MS. GRISANTI: --Don't touch my husband.  
12 MR. MELE: Come on, motherfucker--  
13 MS. GRISANTI: --Motherfucker--  
14 MR. MELE: --I'll fucking--  
15 JUDGE GRISANTI: --Fucking asshole--  
16 MR. MELE: --knock you out.  
17 DR. DANTONIO: Listen, listen, you--  
18 MS. MELE: --(Unintelligible)--  
19 DR. DANTONIO: --listen.  
20 MS. MELE: Don't fucking touch my fucking--  
21 DR. DANTONIO: --Listen.  
22 MR. MELE: You bit my arm, you fucking--  
23 MS. MELE: --Don't you ever--  
24 JUDGE GRISANTI: --Get off--  
25 MS. MELE: --fucking touch my fucking--

*(Mele Security Camera Footage, June 22, 2020)*

1 DR. DANTONIO: --Don't you touch my (unintelligible)--  
2 MS. GRISANTI: --Get the fuck out of here--  
3 DR. DANTONIO: --Wait, are you drunk--  
4 JUDGE GRISANTI: --Come on--  
5 MS. GRISANTI: --Yeah, I'm drunk--  
6 JUDGE GRISANTI: --you think we're done?  
7 MS. MELE: Fucking drunk.  
8 JUDGE GRISANTI: Come on.  
9 MS. GRISANTI: (Unintelligible).  
10 MS. MELE: You motherfucker.  
11 MS. GRISANTI: You're mine now. I (Unintelligible)--  
12 MS. MELE: --Come on, you bitch.  
13 DR. DANTONIO: I (unintelligible)--  
14 MS. GRISANTI: --(Unintelligible) I'm drunk--  
15 MS. MELE: --Come on, you bitch.  
16 DR. DANTONIO: Gina--  
17 JUDGE GRISANTI: --(Unintelligible).  
18 MS. MELE: Come on.  
19 DR. DANTONIO: Let go of her.  
20 MS. CHWALINSKI: Let go of Maria--  
21 MS. MELE: --Choke her, choke her. Give her a chokehold,  
22 Theresa--  
23 MS. CHWALINSKI: --Call 911--  
24 MS. MELE: --Fucking choke her.  
25 MS. CHWALINSKI: Call 911. Fucking assholes.

*(Mele Security Camera Footage, June 22, 2020)*

1 MR. MELE: Come on, motherfucker.  
2 JUDGE GRISANTI: Cops were already fucking called--  
3 MS. CHWALINSKI: --(Unintelligible) the cops (unintelligible)--  
4 MR. MELE: --Good, good--  
5 MS. CHWALINSKI: --Calling 911 right now.  
6 MR. MELE: Come on, motherfucker--  
7 MS. CHWALINSKI: --I saw her punching her and I saw her choking her  
8 (unintelligible)--  
9 MS. GRISANTI: --Fuck you.  
10 DR. DANTONIO: (Unintelligible)--  
11 MS. GRISANTI: --Fuck you.  
12 DR. DANTONIO: Keep your hands off my sister--  
13 MS. CHWALINSKI: --Calling 911 right now.  
14 MS. GRISANTI: Fuck you--  
15 DR. DANTONIO: --Keep your hands off my sister--  
16 MS. GRISANTI: --Fuck you--  
17 MS. CHWALINSKI: --Calling 911 (unintelligible)--  
18 MR. MELE: --Ah, fucker.  
19 JUDGE GRISANTI: Fucker.  
20 MR. MELE: (Grunting).  
21 MS. CHWALINSKI: I saw (unintelligible) choking her--  
22 MS. MELE: --That chain is not yours. That chain is not yours--  
23 UNKNOWN: --Come on--  
24 JUDGE GRISANTI: --It's fucking my chain--  
25 MS. GRISANTI: --(Unintelligible) yeah--

*(Mele Security Camera Footage, June 22, 2020)*

1 JUDGE GRISANTI: --It ripped off my neck.  
2 MS. MELE: Really--  
3 UNKNOWN: --Mark, come on. Come on, please--  
4 MS. GRISANTI: --Fuck you, you fat fuck (unintelligible).  
5 MS. MELE: (Laughing).  
6 MR. MELE: Fucking motherfucker--  
7 MS. GRISANTI: --(Unintelligible). Really--  
8 MS. MELE: --(Unintelligible)--  
9 JUDGE GRISANTI: --Stop--  
10 UNKNOWN: --Come on, come on--  
11 MS. GRISANTI: --Really?  
12 UNKNOWN: The cops are going to be here in (unintelligible)--  
13 MS. GRISANTI: --Really--  
14 JUDGE GRISANTI: --(Unintelligible)--  
15 MS. MELE: --(Unintelligible)--  
16 MS. GRISANTI: --Really?  
17 MS. MELE: (Unintelligible)--  
18 JUDGE GRISANTI: --Stop--  
19 MR. MELE: --(Unintelligible)--  
20 MS. GRISANTI: --Go on, you fucking--  
21 JUDGE GRISANTI: --(Unintelligible)--  
22 MS. GRISANTI: --weeble wobble--  
23 MS. MELE: --You don't bother me--  
24 MS. GRISANTI: --Go on--  
25 JUDGE GRISANTI: --(Unintelligible) the truck.

*(Mele Security Camera Footage, June 22, 2020)*

1 MS. GRISANTI: You got a--  
2 MR. MELE: --Come on, go home--  
3 MS. GRISANTI: --miserable fucking life--  
4 MR. MELE: --Come on--  
5 MS. MELE: --You're a fucking drunk.  
6 MS. GRISANTI: You guys (unintelligible)--  
7 JUDGE GRISANTI: --You're on my fucking driveway.  
8 MS. MELE: Fuck you--  
9 JUDGE GRISANTI: --(Unintelligible)--  
10 MS. DANTONIO: --Am I in your fucking driveway?  
11 JUDGE GRISANTI: Yeah, you are.  
12 DR. DANTONIO: You're a--  
13 MR. MELE: --Come on--  
14 DR. DANTONIO: --fucking drunk.  
15 MS. GRISANTI: (Unintelligible)--  
16 MS. MELE: --You're a fucking--  
17 MS. GRISANTI: --I'm a fucking drunk--  
18 MR. MELE: --You're a drunk--  
19 JUDGE GRISANTI: --She's not a drunk.  
20 MS. MELE: You think we don't know?  
21 MS. GRISANTI: Fuck you--  
22 MS. MELE: --(Unintelligible)--  
23 MR. MELE: --Come on.  
24 MS. GRISANTI: Fuck you--  
25 MS. MELE: --And you do (unintelligible)--

*(Mele Security Camera Footage, June 22, 2020)*

1 JUDGE GRISANTI: --You want to go again, tough fucking  
2 guy--  
3 MS. MELE: --And you do (unintelligible).  
4 UNKNOWN: Stop (unintelligible)--  
5 MR. MELE: --Come on, motherfucker--  
6 JUDGE GRISANTI: --Tough guy, yeah.  
7 MR. MELE: Come on.  
8 JUDGE GRISANTI: I'll fucking flatten your face again--  
9 MS. GRISANTI: --(Unintelligible)--  
10 MR. MELE: --You ain't flattening nothing, asshole--  
11 MS. MELE: --You have no (unintelligible)--  
12 JUDGE GRISANTI: --I just did--  
13 MS. GRISANTI: --Oh, really, Joe? Okay--  
14 MR. MELE: --Come on--  
15 MS. GRISANTI: --Really--  
16 JUDGE GRISANTI: --I just did.  
17 MR. MELE: Come on--  
18 MS. GRISANTI: --Yeah, you're real good with your spitting--  
19 MR. MELE: --Come on--  
20 JUDGE GRISANTI: --Yeah, (unintelligible)--  
21 MR. MELE: --motherfucker.  
22 MS. GRISANTI: How's that? Huh?  
23 MS. MELE: Did you spit at me--  
24 MR. MELE: --You fucking--  
25 MS. GRISANTI: --How's that--

*(Mele Security Camera Footage, June 22, 2020)*

1 MR. MELE: --cocksucker--  
2 MS. MELE: --(Unintelligible)--  
3 UNKNOWN: --Shut up, Joe--  
4 MS. GRISANTI: --You--  
5 MR. MELE: --You're dead when I get (unintelligible)--  
6 MS. GRISANTI: --You're fucking in trouble.  
7 MR. MELE: Come on.  
8 MS. MELE: Oh, really? Really? Really--  
9 MS. GRISANTI: --You fuck with people, and guess what? Get out of  
10 here, fucking weeble--  
11 MS. MELE: --Fuck you (unintelligible)--  
12 MS. GRISANTI: --Two against one--  
13 MS. MELE: --There was no two against one--  
14 JUDGE GRISANTI: --(Unintelligible)--  
15 MS. GRISANTI: --Two against one? Really--  
16 MS. MELE: --Scumbag lowlife--  
17 MR. MELE: --(Unintelligible)--  
18 JUDGE GRISANTI: --No two against one--  
19 MS. GRISANTI: --Fuck you--  
20 MS. MELE: --(Unintelligible) piece of shit--  
21 MS. GRISANTI: --I'm a scumbag lowlife--  
22 JUDGE GRISANTI: --Two against one--  
23 MR. MELE: --Come on--  
24 MS. MELE: --(Unintelligible)--  
25 MS. GRISANTI: --Let's go--



*(Mele Security Camera Footage, June 22, 2020)*

1 JUDGE GRISANTI: --It was you and your husband--  
2 MR. MELE: --Come on--  
3 JUDGE GRISANTI: --you and your husband and your sister-in-law--  
4 MS. MELE: --(Unintelligible)--  
5 JUDGE GRISANTI: --against my daughter--  
6 MS. MELE: --perfect (unintelligible)--  
7 MR. MELE: --Go on, you fucker--  
8 JUDGE GRISANTI: --(Unintelligible)--  
9 MS. GRISANTI: --Fuck you--  
10 MS. MELE: --You're (unintelligible)--  
11 MR. MELE: --Gina, come on--  
12 MS. MELE: --I'm coming--  
13 MS. GRISANTI: --Go right ahead--  
14 MR. MELE: --Stop it--  
15 MS. GRISANTI: --Now, where do I (unintelligible)--  
16 DR. DANTONIO: --(Unintelligible)--  
17 MR. MELE: --Stop--  
18 MS. GRISANTI: --Of course, she's handicapped--  
19 JUDGE GRISANTI: --(Unintelligible)--  
20 MS. MELE: --(Unintelligible)--  
21 MS. GRISANTI: --He can't, he can't fucking (unintelligible)--  
22 MS. MELE: --(Unintelligible)--  
23 MS. GRISANTI: --She's on a fucking ladder--  
24 MS. MELE: --(unintelligible) fuck you--  
25 MS. GRISANTI: --Fuck you--

*(Mele Security Camera Footage, June 22, 2020)*

1 MR. MELE: --Come on--  
2 MS. MELE: --You're a (unintelligible)--  
3 MS. GRISANTI: --Fuck you--  
4 MS. MELE: --Really?  
5 MS. GRISANTI: Fuck you--  
6 MS. MELE: --(Unintelligible)--  
7 MS. GRISANTI: --Yeah, really--  
8 MS. MELE: --(unintelligible) like that--  
9 MS. GRISANTI: --Yeah, I'll fucking--  
10 MS. MELE: --(Unintelligible)--  
11 MS. GRISANTI: --push you. Don't fucking call me "a"--  
12 MS. MELE: --You--  
13 MS. GRISANTI: --"drunk"--  
14 MS. MELE: --are a drunk--  
15 MS. GRISANTI: --Get out of here--  
16 JUDGE GRISANTI: --Get out of here--  
17 MS. GRISANTI: --Gina.  
18 MS. MELE: Motherfucker--  
19 MS. GRISANTI: --I'm telling you.  
20 MS. MELE: You motherfucker.  
21 MR. MELE: Don't touch her, don't touch her--  
22 MS. MELE: --You motherfucker--  
23 JUDGE GRISANTI: --Get the fuck out of here--  
24 MS. MELE: --You motherfucking--  
25 JUDGE GRISANTI: --man--

*(Mele Security Camera Footage, June 22, 2020)*

1 MS. MELE: --motherfucker--  
2 MR. MELE: --Don't fucking touch her.  
3 JUDGE GRISANTI: Get out of our--  
4 MS. MELE: --Motherfucker--  
5 JUDGE GRISANTI: --fucking life now--  
6 MS. GRISANTI: --Motherfucker.  
7 MR. MELE: Don't fucking touch her, you fucking whack job--  
8 JUDGE GRISANTI: --Get the fuck out of my driveway--  
9 MR. MELE: --Come on, motherfucker--  
10 JUDGE GRISANTI: --you fucking asshole--  
11 UNKNOWN: --Will you guys stop it--  
12 MS. MELE: --You came at us--  
13 UNKNOWN: --Go inside, please--  
14 MS. MELE: --I got cameras. You came in my driveway.  
15 MS. GRISANTI: Fuck you.  
16 JUDGE GRISANTI: Fuck you.  
17 MS. GRISANTI: Fuck you--  
18 JUDGE GRISANTI: --(Unintelligible) get for coming across--  
19 MS. GRISANTI: --You and your--  
20 JUDGE GRISANTI: --the (unintelligible)--  
21 MS. MELE: --(Unintelligible)--  
22 MS. GRISANTI: --cameras--  
23 MR. MELE: --Get the fuck (unintelligible)--  
24 MS. GRISANTI: --Shove them up--  
25 JUDGE GRISANTI: --Show the fucking video--

*(Mele Security Camera Footage, June 22, 2020)*

1 MS. GRISANTI: --your fat fucking ass.  
2 JUDGE GRISANTI: Come on. Move (unintelligible)--  
3 MS. MELE: --(Unintelligible). You know--  
4 JUDGE GRISANTI: --Will you-- Please--  
5 MS. MELE: --(Unintelligible)--  
6 MS. GRISANTI: --Shove them up your fat--  
7 MR. MELE: --Gina--  
8 MS. GRISANTI: --fucking ass--  
9 MS. MELE: --What? You know what (unintelligible)--  
10 MR. MELE: --Oh, come on--  
11 MS. MELE: --my camera--  
12 MR. MELE: --Come on--  
13 MS. GRISANTI: --Yeah. That's all I got, Gina?  
14 MS. MELE: (Unintelligible)--  
15 MS. GRISANTI: --That's all I got--  
16 MR. MELE: --Come on, Gina--  
17 MS. GRISANTI: --You're a piece of shit--  
18 MS MELE: --Yeah--  
19 MR. MELE: --Come on--  
20 MS. MELE: --You're a messy drunk. You're a--  
21 MR. MELE: --Come on--  
22 DR. DANTONIO: --(Unintelligible)--  
23 MS. MELE: --a miserable fuck. You're a miserable fuck--  
24 MS. GRISANTI: --(Unintelligible)--  
25 MR. MELE: --Come on--

*(Mele Security Camera Footage, June 22, 2020)*

1 MS. MELE: --Does your husband embarrass you?  
2 JUDGE GRISANTI: Go inside, go inside--  
3 MS. MELE: --(Unintelligible)--  
4 MS. GRISANTI: --Fuck you--  
5 MS. MELE: --We hear all about it.  
6 MS. GRISANTI: Oh, fuck you--  
7 JUDGE GRISANTI: --Fuck you--  
8 MS. GRISANTI: --Great. So, what do you care--  
9 MS. MELE: --About (unintelligible)--  
10 MR. MELE: --Come on--  
11 MS. GRISANTI: --What do you hear? Go fucking weeble wobble  
12 back home, you (unintelligible)--  
13 JUDGE GRISANTI: --Go inside (unintelligible)--  
14 MR. MELE: --Will you come on--  
15 MS. MELE: --(unintelligible)--  
16 MR. MELE: --Ah--  
17 MS. MELE: --(unintelligible), you fucking drunk--  
18 MR. MELE: --Come on.  
19 DR. DANTONIO: (Unintelligible). Stop it.  
20 JUDGE GRISANTI: Nobody--  
21 MS. MELE: --(Unintelligible)--  
22 JUDGE GRISANTI: --fucking likes you guys--  
23 DR. DANTONIO: --(Unintelligible)--  
24 MS. MELE: --Oh, that's okay--  
25 JUDGE GRISANTI: --on the street--

*(Mele Security Camera Footage, June 22, 2020)*

1 MS. MELE: --leave it--  
2 JUDGE GRISANTI: --you piece of shit--  
3 MS. MELE: --Leave it--  
4 MR. MELE: --What is it--  
5 MS. MELE: --Don't pick it up. Leave it. Leave it.  
6 MS. GRISANTI: We fucking know-- I'll fucking--  
7 MS. MELE: --Leave it. Oh, but they called the cops, it's proof  
8 (unintelligible)--  
9 JUDGE GRISANTI: --Maria--  
10 MS. GRISANTI: --What is it?  
11 JUDGE GRISANTI: Get over here--  
12 MS. MELE: --They (unintelligible). This is where they came  
13 (unintelligible) where they came.  
14 MS. CHWALINSKI: Well, you were on this side when (unintelligible)  
15 too, asshole.  
16 MS. MELE: Linda, go in the house--  
17 MR. MELE: --Fuck you, Linda--  
18 MS. CHWALINSKI: --(Unintelligible)--  
19 MS. MELE: --You Polish dumb-- You're a Pollock dumb fuck.  
20 MS. GRISANTI: Oh, really?  
21 MS. MELE: Yeah--  
22 MS. GRISANTI: --Well, You're a fucking wop.  
23 MS. MELE: Yeah--  
24 MS. GRISANTI: --Fucking wop.  
25 JUDGE GRISANTI: Hey--

*(Mele Security Camera Footage, June 22, 2020)*

1 MR. MELE: --Look at you--  
2 MS. MELE: --So are you--  
3 JUDGE GRISANTI: --I already called the--  
4 MS. MELE: --You know what--  
5 MS. GRISANTI: --Lowlife--  
6 JUDGE GRISANTI: --cops before this--  
7 MS. MELE: --you're a wop--  
8 JUDGE GRISANTI: --thing started--  
9 MS. MELE: --You're a disgrace--  
10 MS. GRISANTI: --You know what, you may be Italian with light  
11 skin--  
12 MR. MELE: --It's on my camera--  
13 MS. MELE: --Right--  
14 JUDGE GRISANTI: --It's on my camera--  
15 MS. GRISANTI: --You fat--  
16 JUDGE GRISANTI: --Okay--  
17 MS. GRISANTI: --motherfucker--  
18 MS. MELE: --You're a disgrace--  
19 JUDGE GRISANTI: --I have a--  
20 MS. MELE: --(unintelligible)--  
21 MR. MELE: --camera--  
22 MS. GRISANTI: --(Unintelligible)--  
23 JUDGE GRISANTI: --It's on my camera--  
24 MS. MELE: --(Unintelligible)--  
25 MR. MELE: --Good, good--

*(Mele Security Camera Footage, June 22, 2020)*

1 JUDGE GRISANTI: --Not your bullshit camera--  
2 MS. GRISANTI: --Now we all got--  
3 MS. MELE: --(Unintelligible)--  
4 MS. GRISANTI: --cameras, so--  
5 MS. MELE: --(Unintelligible)--  
6 MS. GRISANTI: --Now we all--  
7 MS. MELE: --You're the--  
8 MS. GRISANTI: --got cameras. Wow--  
9 MS. MELE: --(unintelligible) cameras--  
10 MR. MELE: --Don't (unintelligible)--  
11 MS. GRISANTI: --You fucking do, bitch (unintelligible). You  
12 fucking block--  
13 MS. MELE: --(Unintelligible)--  
14 MS. GRISANTI: --everybody's driveway because you think you own  
15 the fucking street.  
16 MS. MELE: No--  
17 MS. GRISANTI: --Nobody--  
18 MS. MELE: --no (unintelligible) doesn't own the--  
19 MS. GRISANTI: --likes you--  
20 MS. MELE: --street--  
21 MR. MELE: --We're living on the street--  
22 MS. GRISANTI: --Nobody--  
23 MR. MELE: --Alright, come on, come on--  
24 JUDGE GRISANTI: --Let's go--  
25 MS. GRISANTI: --fucking likes you. We, we all--



*(Mele Security Camera Footage, June 22, 2020)*

1 MS. MELE: --(Unintelligible)--  
2 MS. GRISANTI: --fucking hate you--  
3 MR. MELE: --Come on--  
4 MS. MELE: --Good, good, good--  
5 MS. GRISANTI: --Fucking move--  
6 MS. MELE: --(Unintelligible)--  
7 MS. GRISANTI: --would you--  
8 MS. MELE: --It's no wonder we don't--  
9 MS. GRISANTI: --You fucking--  
10 MS. MELE: --like you--  
11 MS. GRISANTI: --make the neighborhood look bad--  
12 MR. MELE: --We're not moving--  
13 MS. GRISANTI: --(unintelligible)--  
14 MS. MELE: --(Unintelligible), you fucking piece of shit, dumb  
15 bitch--  
16 JUDGE GRISANTI: --(Unintelligible)--  
17 MS. GRISANTI: --Yeah, I'm done with--  
18 MR. MELE: --Come on, asshole--  
19 MS. GRISANTI: --your bluffs--  
20 MS. MELE: --Yeah, yeah.  
21 MS. GRISANTI: Really?  
22 MS. MELE: Really--  
23 MS. GRISANTI: --Fucking really--  
24 MS. MELE: --really--  
25 MR. MELE: --Come on--

*(Mele Security Camera Footage, June 22, 2020)*

1 MS. MELE: --I don't know, I was--  
2 JUDGE GRISANTI: --You better move your cars at four o'clock--  
3 MR. MELE: --Come on, Theresa (unintelligible)--  
4 JUDGE GRISANTI: --because all the--  
5 MS. GRISANTI: --(Unintelligible)--  
6 MS. MELE: --married once--  
7 JUDGE GRISANTI: --cars'll be right there--  
8 MS. MELE: --How many times were you married?  
9 JUDGE GRISANTI: All the cars--  
10 MS. GRISANTI: --(Unintelligible)--  
11 MS. MELE: --(Unintelligible)--  
12 JUDGE GRISANTI: --will be right there tomorrow--  
13 MS. GRISANTI: --(Unintelligible)--  
14 MS. MELE: --Johnny--  
15 MS. GRISANTI: --(unintelligible)--  
16 MS. MELE: --Your ex Johnny (unintelligible)--  
17 MR. MELE: --Come on, (unintelligible)--  
18 DR. DANTONIO: --(Unintelligible) right--  
19 MR. MELE: --you piece of shit--  
20 DR. DANTONIO: --(unintelligible) fucking driveway--  
21 JUDGE GRISANTI: --Right there--  
22 MS. MELE: --while he was with you. Eat that one--  
23 MS. GRISANTI: --Oh, okay--  
24 MS. MELE: --Eat that one--  
25 MS. GRISANTI: --(Unintelligible)--

*(Mele Security Camera Footage, June 22, 2020)*

1 JUDGE GRISANTI: --Right there--

2 MR. MELE: --Come on. Real great, Gina.

3 JUDGE GRISANTI: There you go--

4 MS. GRISANTI: --Shove it up your fucking ass.

5 JUDGE GRISANTI: There you go. Come on, officer--

6 MS. GRISANTI: --You fucking piece of shit.

7 JUDGE GRISANTI: There you go.

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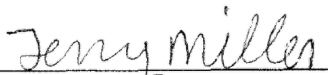
**[ARRIVAL OF BUFFALO POLICE DEPT. PERSONNEL]**

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CERTIFICATION

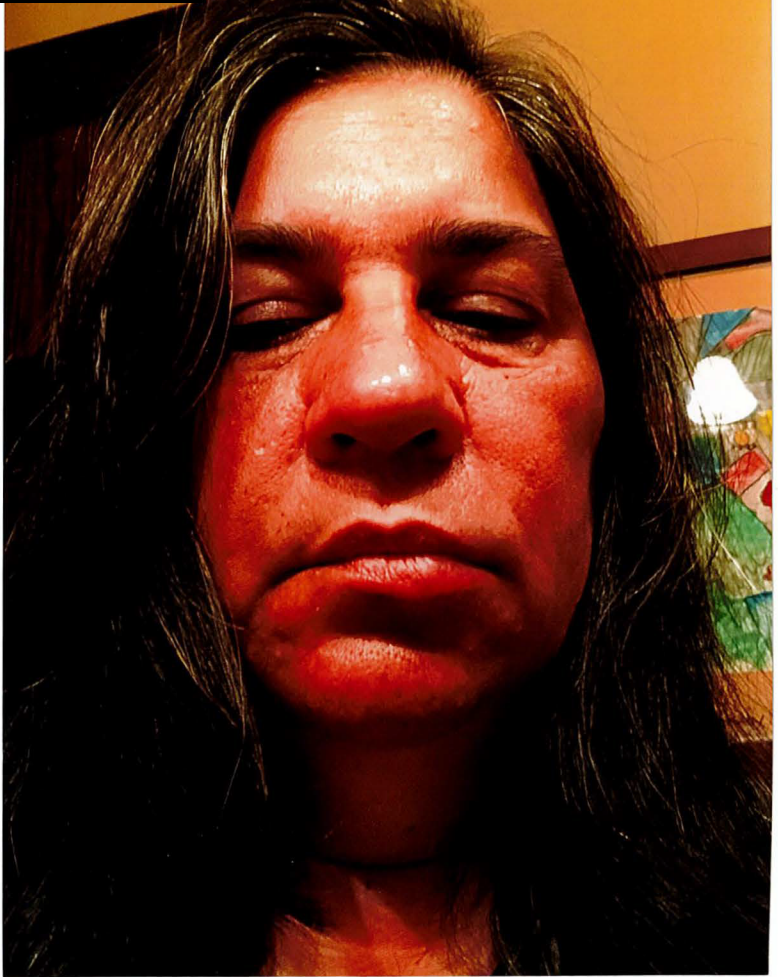
I, TERRY MILLER, a Secretary of the State Commission on  
Judicial Conduct, do hereby certify that the foregoing is a true and  
accurate transcript of the audio recording described herein to the best of  
my knowledge and belief.

Dated: July 29, 2021

  
\_\_\_\_\_  
Terry Miller

COMMISSION  
EXHIBIT

5



Gma Mele

Swollen lip

file # 2020 / R-0164

COMMISSION  
EXHIBIT

6



Joseph Mele

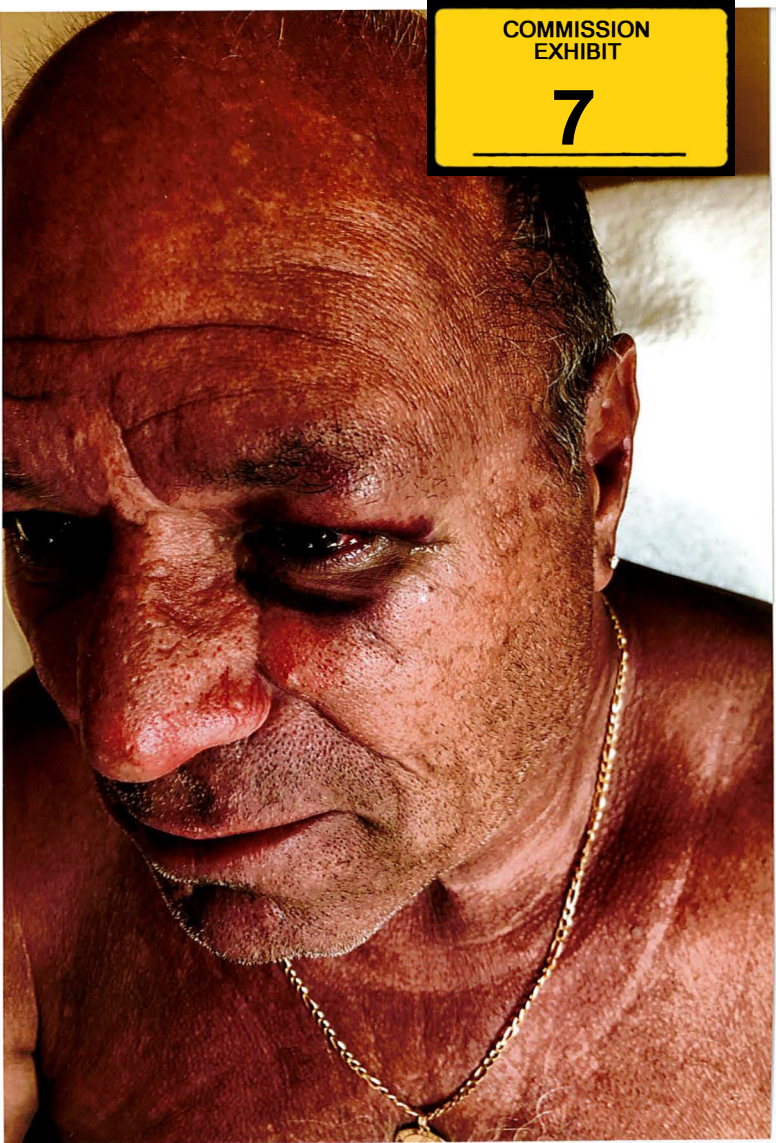
assault by human bite

File no 2020/R-0164



COMMISSION  
EXHIBIT

7



Joseph Mele

assault by bodily force  
inferior wrist fracture

File No 2020/R-0164

COMMISSION  
EXHIBIT

8



Joseph Mele

assault by bodily force  
inferior orbit fracture

File # 2020/R-0164



Title: Joseph Mele

Entered by:

Date 6/23/2020 6:33:23 PM

Bite mark from Maria Grisanti

COMMISSION  
EXHIBIT  
**9**



# COMMISSION EXHIBIT 11

[BPD Officer Ryan Gehr, Body Worn Camera Video](#)



ERIE COUNTY STATE OF NEW YORK

-----X

**MATTER OF HON. MARK J. GRISANTI,**

New York State Court of Claims  
Acting Supreme Court Justice

-----X

Buffalo Police Department Body Camera Recording of Ofc. Ryan Gehr

████████████████████ Avenue  
Buffalo, New York 14216

June 22, 2020

Parties Involved:

HON. MARK J. GRISANTI

MARIA GRISANTI

JOSEPH MELE

GINA A. MELE

LINDA CHWALINSKI

DR. THERESA DANTONIO

OFC. RYAN GEHR

OFC. LARRY MUHAMMAD

OFC. RICHARD HY

1 [00:00 - 11:41]  
2 OFC. GEHR: Okay.  
3 JUDGE GRISANTI: Okay.  
4 MR. MELE: (Unintelligible) We got it all on video.  
5 (Unintelligible)--  
6 JUDGE GRISANTI: --Attacked me. Ripped my freaking, ripped  
7 my freaking chain off--  
8 MS. GRISANTI: --They're a bunch of fucking assholes.  
9 OFC. GEHR: Okay--  
10 MR. MELE: --We got it all on camera.  
11 MS. GRISANTI: Yeah. You got it all on camera, don't you--  
12 DR. DANTONIO: --(Unintelligible)--  
13 OFC. GEHR: --Alright. Step--  
14 MR. MELE: --(Unintelligible) all on camera--  
15 DR. DANTONIO: --(Unintelligible) attack--  
16 MS. MELE: --Really, because you're (unintelligible)--  
17 MS. GRISANTI: --And I had to fucking bite you because you  
18 (unintelligible)--  
19 DR. DANTONIO: --You were running onto our property--  
20 MS. MELE: --Theresa, walk away--  
21 MR. MELE: --Theresa--  
22 DR. DANTONIO: --You came onto our property--  
23 MS. GRISANTI: --Really--  
24 MS. MELE: --Theresa, walk away--  
25 MS. GRISANTI: --Oh, really, what am I supposed to



1 (unintelligible)--  
2 OFC. GEHR: --Okay--  
3 MS. MELE: --Theresa, walk away (unintelligible)--  
4 DR. DANTONIO: --You're, you're (unintelligible)-- You're  
5 drunk--  
6 MS. GRISANTI: --Oh, really--  
7 MS. MELE: --(Unintelligible)--  
8 MS. GRISANTI: --(Unintelligible)--  
9 OFC. GEHR: --We're, we're not doing this--  
10 MR. MELE: --She's, she's on-- They're drunk.  
11 MS. MELE: They're drunk--  
12 MR. MELE: --Smell the booze on them. They're drunk--  
13 OFC. GEHR: --Okay, well--  
14 MS. GRISANTI: --(Unintelligible)--  
15 MR. MELE: --They're drunks--  
16 DR. DANTONIO: --I called you a drunk. You're drunk--  
17 OFC. GEHR: --Step back--  
18 JUDGE GRISANTI: --(Unintelligible) camera--  
19 MS. MELE: --And their, their stuff is over here. His cigar  
20 and, and her scarf.  
21 OFC. GEHR: Okay. I see that.  
22 MS. GRISANTI: You fucking walked over there.  
23 OFC. GEHR: You're going to step back.  
24 OFC. MUHAMMAD: (Unintelligible).  
25 MS. MELE: They came on this side.

*(Buffalo Police Dept. Body Camera Footage, Ofc. Gehr, June 22, 2020)*

1 JUDGE GRISANTI: I called because these guys park their cars on  
2 everybody's-- It's all four cars.  
3 OFC. MUHAMMAD: Right.  
4 JUDGE GRISANTI: City vehicle on--  
5 MS. MELE: --(Unintelligible)--  
6 JUDGE GRISANTI: --their driveway, their driveway, my driveway  
7 (unintelligible)--  
8 MS. MELE: --(Unintelligible)--  
9 MS. GRISANTI: --They fucking-- They're, they're, they're  
10 rotten, no-good bastards--  
11 MS. MELE: --(Unintelligible)--  
12 MR. MELE: --Oh my God--  
13 JUDGE GRISANTI: --So, they knew I called the cops.  
14 MS. GRISANTI: They're no good--  
15 JUDGE GRISANTI: --They come out--  
16 MS. GRISANTI: --They're fucking rotten neighbors--  
17 MR. MELE: --He started it--  
18 JUDGE GRISANTI: --"You got a fucking problem,"  
19 (unintelligible)--  
20 OFC. GEHR: --Okay. So--  
21 MS. GRISANTI: --(Unintelligible)--  
22 DR. DANTONIO: --Is it, is that--  
23 OFC. GEHR: --I'm not, I'm not listening to a bunch of  
24 yelling.  
25 DR. DANTONIO: Yeah--

*(Buffalo Police Dept. Body Camera Footage, Ofc. Gehr, June 22, 2020)*

1 OFC. GEHR: --We'll, we'll talk calmly over here.  
2 DR. DANTONIO: Yeah.  
3 MR. MELE: He started it--  
4 DR. DANTONIO: --Is that (unintelligible)--  
5 OFC. GEHR: --Okay--  
6 MS. MELE: --(Unintelligible)--  
7 MS. GRISANTI: --(Unintelligible)--  
8 OFC. GEHR: --That's fine--  
9 MR. MELE: --He started with the truck--  
10 MS. GRISANTI: --His fucking truck's there. (Unintelligible)--  
11 DR. DANTONIO: --Wait, wait, can I just ask you this--  
12 MS. MELE: --So, they (unintelligible)--  
13 MS. GRISANTI: --(unintelligible), like a fucking--  
14 DR. DANTONIO: --Is that blocking his driveway--  
15 OFC. GEHR: --No--  
16 MS. GRISANTI: --(Unintelligible)--  
17 DR. DANTONIO: --that truck right there? Okay. I didn't think  
18 so. Thank you--  
19 MS. MELE: --Okay. So they, so they, so--  
20 DR. DANTONIO: --Because, because that's why they came  
21 running over here--  
22 MS. MELE: --So, I was sitting on the, they (unintelligible)  
23 on the porch--  
24 MR. MELE: --(Unintelligible)--  
25 DR. DANTONIO: --Fuck--

*(Buffalo Police Dept. Body Camera Footage, Ofc. Gehr, June 22, 2020)*

1 MS. MELE: --and, and they stopped and says that I'm on,  
2 our "fucking truck is in" their driveway, this  
3 and that--  
4 JUDGE GRISANTI: --So, I just got done walking my dog. They  
5 (unintelligible)--  
6 MS. GRISANTI: --(Unintelligible)--  
7 MS. MELE: --I said, "Our fucking truck isn't in their  
8 driveway." They--  
9 MS. GRISANTI: --Two fucking girls and a guy against me,  
10 really? Really--  
11 MS. MELE: --came across the street here, pushed my  
12 husband--  
13 DR. DANTONIO: --Not came, they came running, came running  
14 here--  
15 JUDGE GRISANTI: --They come out. They come out  
16 (unintelligible). (Unintelligible) out on the  
17 porch--  
18 MS. MELE: --She, she came running. She literally  
19 (unintelligible)--  
20 JUDGE GRISANTI: --They start (unintelligible)--  
21 OFC. GEHR: --So, what was the first thing that they said--  
22 MS. GRISANTI: --Joe, wait 'til my son hears.  
23 MR. MELE: See, see?  
24 MS. GRISANTI: Wait 'til my son hears what you did--  
25 JUDGE GRISANTI: --(Unintelligible)--

*(Buffalo Police Dept. Body Camera Footage, Ofc. Gehr, June 22, 2020)*

1 OFC. GEHR: --Ma'am, if you don't stop yelling, this is  
2 going to be a problem for you--  
3 JUDGE GRISANTI: --(Unintelligible)--  
4 MS. GRISANTI: --I don't care!  
5 OFC. GEHR: Okay. Cool--  
6 MS. GRISANTI: --He fucking hit me--  
7 OFC. GEHR: --Then get over here.  
8 JUDGE GRISANTI: (Unintelligible) ripped my shirt off--  
9 MS. GRISANTI: --You're not going to arrest me--  
10 JUDGE GRISANTI: --Freaking ripped my--  
11 OFC. GEHR: --I sure fucking am--  
12 MS. GRISANTI: --My son, my son--  
13 OFC. MUHAMMAD: --She's good, she's good, she's good.  
14 Ma'am--  
15 MS. GRISANTI: --No, no, you're not going to--  
16 JUDGE GRISANTI: --Hey--  
17 MS. GRISANTI: --Don't fucking arrest me--  
18 JUDGE GRISANTI: --Hey--  
19 OFC. GEHR: --We are not doing this right now--  
20 JUDGE GRISANTI: --Hey--  
21 OFC. GEHR: --We are not doing this right now--  
22 OFC. MUHAMMAD: --No, no, no, no--  
23 JUDGE GRISANTI: --(Unintelligible) her--  
24 MS. GRISANTI: --(Unintelligible). No. It's okay--  
25 OFC. GEHR: --(Unintelligible) push me, motherfucker.

*(Buffalo Police Dept. Body Camera Footage, Ofc. Gehr, June 22, 2020)*

1 JUDGE GRISANTI: Dude, dude--  
2 OFC. MUHAMMAD: --Keep your hands off a cop.  
3 MS. GRISANTI: Let him do it--  
4 JUDGE GRISANTI: --You better get off my fucking wife--  
5 MS. GRISANTI: --Let him, let him, let him arrest me. I don't  
6 care.  
7 JUDGE GRISANTI: Dude!  
8 MS. GRISANTI: Come on, take me.  
9 OFC. GEHR: You're going in the back of the car--  
10 MS. GRISANTI: --I will--  
11 OFC. GEHR: --and we can deal with this.  
12 MS. GRISANTI: No. You have no idea the shit that--  
13 OFC. GEHR: --Okay--  
14 JUDGE GRISANTI: --(Unintelligible)--  
15 MS. GRISANTI: --we've had to put up with.  
16 OFC. GEHR: Okay. Put your hands behind your back--  
17 MS. GRISANTI: --We've-- I will--  
18 OFC. GEHR: --or we are going to have a problem. Put your  
19 hands behind your back.  
20 JUDGE GRISANTI: Hey--  
21 MS. GRISANTI: --Mark--  
22 JUDGE GRISANTI: --You arrest my fucking wife, you're going to  
23 be sorry.  
24 MS. GRISANTI: I don't care, let him. Let him--  
25 JUDGE GRISANTI: --My son and my daughter are--

*(Buffalo Police Dept. Body Camera Footage, Ofc. Gehr, June 22, 2020)*

1 MS. GRISANTI: --fucking do it--  
2 JUDGE GRISANTI: --both police officers--  
3 OFC. MUHAMMAD: --(Unintelligible)--  
4 MS. GRISANTI: --I don't care.  
5 OFC. GEHR: Okay--  
6 MS. GRISANTI: --I don't care. If it gets you pieces of shit--  
7 OFC. GEHR: --Take a seat--  
8 MS. GRISANTI: --out of here, I will.  
9 OFC. GEHR: I'm so done listening to you scream.  
10 MS. GRISANTI: Why? Because it's the truth, it's fucking--  
11 OFC. GEHR: --No--  
12 MS. GRISANTI: --15 years of bullshit--  
13 OFC. GEHR: --because I want to hear everybody talk.  
14 MS. GRISANTI: Fifteen years of bullshit--  
15 OFC. GEHR: --I want everybody's story--  
16 MS. GRISANTI: --You're hearing them first. You don't  
17 OFC. GEHR: --I'm going to listen--  
18 MS. GRISANTI: --understand. Ask any neighbor.  
19 JUDGE GRISANTI: Listen.  
20 OFC. GEHR: That doesn't mean I'm not going to listen to  
21 you. I want to hear what you--  
22 MS. GRISANTI: --Loosen these--  
23 OFC. GEHR: --have to say--  
24 MS. GRISANTI: --They're too tight--  
25 JUDGE GRISANTI: --(Unintelligible) get the cuffs off--

*(Buffalo Police Dept. Body Camera Footage, Ofc. Gehr, June 22, 2020)*

1 OFC. GEHR: --I want to hear what you--  
2 MS. GRISANTI: --Loosen these (unintelligible).  
3 OFC. GEHR: --have to say--  
4 JUDGE GRISANTI: --(Unintelligible)--  
5 MS. GRISANTI: --They're too tight--  
6 OFC. GEHR: --I want to hear--  
7 MS. GRISANTI: --They're burning--  
8 OFC. GEHR: --what you have to say.  
9 MS. GRISANTI: They're-- Loosen these--  
10 OFC. GEHR: --But you are screaming it.  
11 MS. GRISANTI: Loosen these.  
12 OFC. GEHR: I want to hear it.  
13 (RADIO TRANSMISSIONS)  
14 JUDGE GRISANTI: He needs to get the cuffs of her.  
15 OFC. GEHR: Okay. One more time, from the top.  
16 MS. MELE: Okay. So, what happened is, that-- These are  
17 our cars, but--  
18 JUDGE GRISANTI: --(Unintelligible) called the block,  
19 (unintelligible) call my (unintelligible)--  
20 OFC. GEHR: --Yeah--  
21 MS. MELE: --but, but these neighbors-- This is-- These  
22 neighbors, they seem to have a problem when  
23 we park on the street. I, I don't know what  
24 their problem is. We're not in their driveway.  
25 So, I came out on the porch to sit, which I do



1 every, nightly, and they turned around and  
2 started. And Mark, and Mark started to say,  
3 “You’re fucking--” “Do I have a problem?”  
4 “You’re fucking truck’s in my fucking  
5 driveway.” I said, “The truck is not in your  
6 driveway”--  
7 OFC. GEHR: --Okay.  
8 MS. MELE: And she says, “You’re a fat fuck, you’re  
9 miserable. You’re nothing but a fat fuck,”  
10 which she’s called me that several, many  
11 times. And then, my husband came out and  
12 was like, “What’s going on? Stop.” They  
13 came--  
14 MR. MELE: --And they started coming at me--  
15 MS. MELE: --They, they came this way--  
16 MR. MELE: --taking a shot at me--  
17 DR. DANTONIO: --Charging, running over like  
18 (unintelligible)--  
19 MS. MELE: --They came running over--  
20 OFC. GEHR: --Okay--  
21 MS. MELE: --and then Maria--  
22 DR. DANTONIO: --So, I came out of the house. I saw them  
23 coming, running over here--  
24 MS. MELE: --And then Maria--  
25 DR. DANTONIO: --I’m sorry, I (unintelligible)--

*(Buffalo Police Dept. Body Camera Footage, Ofc. Gehr, June 22, 2020)*

1 MS. MELE: --pushed and hit her in the, hit him in the face  
2 (unintelligible)--  
3 MR. MELE: --She bit my arm here--  
4 OFC. GEHR: --Yeah, I see that--  
5 MS. MELE: --She did, she did. And so--  
6 OFC. GEHR: --Okay. So, that was her--  
7 MR. MELE: --Yeah--  
8 MS. MELE: --then I came up and says, "Don't touch my  
9 husband. Get off of my husband." And so,  
10 then she hit me. I defended myself. And she,  
11 and I, and I--  
12 DR. DANTONIO: --And she, I'm sorry--  
13 MS. MELE: --was in a bad accident, so my sister knows  
14 that I have a bad back--  
15 OFC. GEHR: --Okay--  
16 MS. MELE: --and two knee braces. And she's called me,  
17 "Wobbly wobbly"--  
18 OFC. GEHR: --Okay--  
19 MS. MELE: --"You fucking fat fuck," this, that.  
20 OFC. GEHR: Well--  
21 MS. MELE: --Then Mark, Mark--  
22 MR. MELE: --They're nothing but troublemakers--  
23 MS. MELE: --and then--  
24 OFC. GEHR: --Okay. Well, he might have to go, too, then.  
25 MS. MELE: And then--

*(Buffalo Police Dept. Body Camera Footage, Ofc. Gehr, June 22, 2020)*

1 MR. MELE: --They're nothing but troublemakers--  
2 MS. MELE: --and then--  
3 MR. MELE: --and so is she, right here--  
4 MS. CHWALINSKI: --Officer, officer--  
5 MR. MELE: --They got their nose in everything--  
6 OFC. GEHR: --Yes--  
7 MS. CHWALINSKI: --I'm a witness--  
8 MS. MELE: --No--  
9 MS. CHWALINSKI: --and so are these people; they were walking  
10 their dog--  
11 OFC. GEHR: --Okay--  
12 MR. MELE: --Yeah, okay--  
13 MS. CHWALINSKI: When we came out, they were choking them.  
14 MR. MELE: Yeah--  
15 MS. CHWALINSKI: --(Unintelligible)--  
16 MR. MELE: --yeah, okay--  
17 OFC. GEHR: --Okay--  
18 MS. CHWALINSKI: --(Unintelligible)--  
19 OFC. GEHR: --Well, I want to talk to you as well, so give  
20 me a minute.  
21 MS. MELE: So--  
22 MR. MELE: --They're all-- That's their friends, that's  
23 why.  
24 OFC. GEHR: Okay.  
25 MS. MELE: So, so-- They always team up on us.

1 JUDGE GRISANTI: --(Unintelligible), I am. I am--  
2 MS. MELE: --So, obviously you can see that they're  
3 drunk. They tried coming at me again, and  
4 my sister says--  
5 JUDGE GRISANTI: --(Unintelligible). The cop (unintelligible)--  
6 MS. MELE: --"Don't get, don't, don't get-- Don't touch  
7 my sister. Don't touch my-- Get away from  
8 my sister." So, so--  
9 JUDGE GRISANTI: --(Unintelligible)--  
10 DR. DANTONIO: --And I, I, I know jujitsu, so I tried to restrain  
11 her--  
12 MS. MELE: --She's tried to restrain her in a jujitsu way--  
13 JUDGE GRISANTI: --(Unintelligible)--  
14 DR. DANTONIO: --I came from behind her and tried to, tried to  
15 restrain her. I wasn't punching her, I wasn't--  
16 I was just trying to restrain her--  
17 OFC. GEHR: --Okay--  
18 MS. MELE: --And there's evidence, because they came  
19 over here--  
20 OFC. GEHR: --Yeah, their stuff is here. I see that--  
21 MR. MELE: --That's their stuff, this is theirs--  
22 MS. MELE: --Her scarf and his cigar--  
23 OFC. GEHR: --I see that--  
24 MS. MELE: --Their stuff and the cigar.  
25 OFC. GEHR: Okay. So--

*(Buffalo Police Dept. Body Camera Footage, Ofc. Gehr, June 22, 2020)*

1 MS. MELE: --And, so, then, and, so, then, and, so, then, it  
2 got in the middle of the street--  
3 OFC. GEHR: --So, so, let me ask you this-- Because I am  
4 going to going to talk to them.  
5 MR. MELE: Sure--  
6 OFC. GEHR: --I-- Like I said, I want everybody's side of  
7 the story.  
8 MS. MELE: Mm-hmm.  
9 OFC. GEHR: I just want it said to me.  
10 MS. MELE: Mm-hmm.  
11 DR. DANTONIO: Yes.  
12 OFC. GEHR: So, as far as this goes, I kind of have a guess  
13 as to what they're going to tell me.  
14 MS. MELE: They're going to, and, yeah, they're going  
15 to--  
16 OFC. GEHR: --But, but, here's, here's what I'm going to  
17 ask--  
18 MS. MELE: --Excuse me, just one minute--  
19 OFC. GEHR: --Sure--  
20 MS. MELE: --Right away, this is, this is what they do.  
21 They throw around that, that the daughter's a  
22 cop, the son-in-law's a cop, this and that.  
23 And--  
24 OFC. GEHR: --Yeah, this whole neighborhood is cops.  
25 MS. MELE: Yeah.

*(Buffalo Police Dept. Body Camera Footage, Ofc. Gehr, June 22, 2020)*

1 OFC. GEHR: I live here, like--  
2 MS. MELE: --Yeah. And, and, so, then it always gets  
3 turned against us--  
4 OFC. GEHR: --Yeah--  
5 MS. MELE: --somehow or some way, because they pull all  
6 their weight.  
7 OFC. GEHR: Okay.  
8 MS. MELE: So--  
9 DR. DANTONIO: --Yeah--  
10 OFC. GEHR: --So--  
11 MS. MELE: --I'm sure they made a phone call, and--  
12 OFC. GEHR: --That, that doesn't matter to me at all. I've  
13 arrested officers' families before; I'm not  
14 happy about that but, it happens.  
15 MS. MELE: Yeah, yeah. And you know, so--  
16 OFC. GEHR: --You can't use that as immunity. So, what,  
17 what I'm asking though is--  
18 JUDGE GRISANTI: --That's my wife (unintelligible)--  
19 OFC. GEHR: --ideal situation, what happens here?  
20 OFC. HY: They can do that.  
21 MS. MELE: Ideal situation?  
22 JUDGE GRISANTI: (Unintelligible)--  
23 OFC. MUHAMMAD: --(Unintelligible)--  
24 MR. MELE: --Well, she bit my arm.  
25 OFC. GEHR: Okay. Do you want her arrested?

*(Buffalo Police Dept. Body Camera Footage, Ofc. Gehr, June 22, 2020)*

1 MS. MELE: Yes--  
2 MR. MELE: --Sure--  
3 OFC. GEHR: --Okay--  
4 OFC. MUHAMMAD: --(Unintelligible)--  
5 MS. MELE: --Yes--  
6 OFC. GEHR: --That's what I'm asking--  
7 MS. MELE: --Yes, yes--  
8 MR. MELE: --Sure, she went at my wife and--  
9 MS. MELE: --She (unintelligible)--  
10 MR. MELE: --hit my wife first--  
11 OFC. MUHAMMAD: --(Unintelligible)--  
12 OFC. GEHR: --Okay. Okay. That's what I'm asking--  
13 MS. MELE: --Yes, yes, I do--  
14 OFC. GEHR: --I want to make sure before we--  
15 MR. MELE: --Yeah. She swung first, and so did he.  
16 OFC. GEHR: Okay.  
17 MS. MELE: Yes, I do.  
18 OFC. MUHAMMAD: (Unintelligible)--  
19 OFC. GEHR: --Okay. I'm--  
20 OFC. MUHAMMAD: --And, just getting the rest of the, an actual  
21 half of the story from her--  
22 OFC. GEHR: --Yeah, I want--  
23 OFC. MUHAMMAD: --I didn't make the rest of that half--  
24 OFC. GEHR: --their half of the story as well--  
25 OFC. MUHAMMAD: --because they were--

(Buffalo Police Dept. Body Camera Footage, Ofc. Gehr, June 22, 2020)

1 OFC. HY: --This is irate (unintelligible)--  
2 OFC. MUHAMMAD: --Yeah--  
3 OFC. GEHR: --And so, and she started mouthing off, so she  
4 went in cuffs.  
5 OFC. HY: Where do they live?  
6 OFC. GEHR: There. He's-- They're probably both going  
7 to end up going.  
8 OFC. HY: Okay.  
9 OFC. GEHR: Just as a heads-up. I, I want to hear what they  
10 have to say first, but--  
11 OFC. HY: --Geez--  
12 OFC. GEHR: --I, I don't see it not being that way.  
13 (JUDGE GRISANTI TELEPHONE CALL)  
14 JUDGE GRISANTI: (Unintelligible) walking the dog. We're  
15 walking the dog. We come back, we let the  
16 dog in the house. I let the dog in the house,  
17 Maria goes across the street; they start  
18 attacking your mother.  
19 OFC. HY: (Unintelligible), sir, give us a second so we  
20 can talk to you?  
21 JUDGE GRISANTI: Yeah. I'm talking to my daughter who's a  
22 police officer.  
23 OFC. HY: Okay. Who--  
24 JUDGE GRISANTI: --Alright--  
25 OFC. HY: --Okay.



(Buffalo Police Dept. Body Camera Footage, Ofc. Gehr, June 22, 2020)

1 JUDGE GRISANTI: Ashlee Amoia.  
2 OFC. HY: I don't know who--  
3 JUDGE GRISANTI: --Dave--  
4 OFC HY: --that is--  
5 JUDGE GRISANTI: --(unintelligible).  
6 OFC. GEHR: You have three police officers who want to  
7 hear your side of the story.

8 (JUDGE GRISANTI TELEPHONE CALL)

9 JUDGE GRISANTI: *Alright, Luciano... I, I don't know. You've*  
10 *got, you got Officers Mullihan-- I don't*  
11 *know who these guys are, but Maria's in the*  
12 *back of the car.*

13 OFC. HY: Where does your daughter work for?

14 JUDGE GRISANTI: --She's in B District. My son's--

15 OFC HY: --Bravo--

16 JUDGE GRISANTI: --in C District.

17 OFC. HY: Okay.

18 JUDGE GRISANTI: Gramaglia's my cousin--

19 OFC. HY: --Okay. Most people-- Okay--

20 JUDGE GRISANTI: --So, I mean, it's just...

21 OFC. HY: Yeah. Let's probably not (unintelligible)--

22 (JUDGE GRISANTI TELEPHONE CALL)

23 JUDGE GRISANTI: *--Alright. Look, Ash, let me call you back.*  
24 *Let me tell them exactly what happened,*  
25 *because all the neighbors are out here and*



(Buffalo Police Dept. Body Camera Footage, Ofc. Gehr, June 22, 2020)

1 ticket. So, I'm walking-- So, as we're  
2 waiting, we're walking the dog. We walk the  
3 dog, we come back, I put the dog in the  
4 house. She goes across the street. I come  
5 out, the two girls and Joe are, like, in their  
6 face. So, I come walking across the street.  
7 He goes, "Oh, you want to go? You want to  
8 go, tough guy?" I go, "No, Joe," and I'm  
9 bringing Maria back. If they have it on the  
10 camera, he frigging whacks me, like, just,  
11 pushes me backward.

12 (OFC. HY TELEPHONE CALL)

13 *OFC. HY:* *Hey, Lieutenant.*

14 *OFC. GEHR:* Okay.

15 *JUDGE GRISANTI:* I'm like, "Dude, you need to, like, calm  
16 down."

17 *OFC. HY:* *Yeah.*

18 *JUDGE GRISANTI:* "You need to calm down." I frigging back  
19 up, I'm grabbing her. They start walking  
20 across the street. Naturally, she's a girl, she's  
21 going after the girls, and I'm pulling her back.  
22 He comes over, and he frigging whacks me,  
23 like, slaps me across the face.

24 *OFC. GEHR:* Okay.

25 *JUDGE GRISANTI:* So, I'm like, "Are you freaking kidding me?"

*(Buffalo Police Dept. Body Camera Footage, Ofc. Gehr, June 22, 2020)*

1 He ripped my freaking necklace off. Okay?  
2 So, I frigging push him, he comes after me. I  
3 move out of the way and he falls in my  
4 driveway. That's why, how he's got the, the,  
5 the bruise on him. He falls in my driveway.  
6 He gets up and he starts leaving. We're going  
7 our separate ways. The girls start fighting  
8 again. I grab my wife, we pull her back. The  
9 neighbors come out and they're like, "Are  
10 you kidding me?" The one neighbor down  
11 here is like, "Listen, you gotta, like, you  
12 know, ignore them. Nobody likes them. It's  
13 what they do all the time." We didn't do  
14 nothing. We basically walked the dog, came  
15 back, and they come out of the house.  
16 They're like, "You've got an f-ing problem  
17 with, our truck is parked?" Now, I heard that  
18 when I was taking the dog in the house.

*(OFC HY RETURNS FROM CALL)*

19  
20 OFC. GEHR: Okay.

21 JUDGE GRISANTI: My wife was still outside. She walked over  
22 and she goes, "Yeah. Move the truck." They  
23 frigging bolt from the porch. The girl's got  
24 her frigging hand on my wife's throat, and  
25 that's when I walked over there. And that's

1 when it all started.

2 OFC. GEHR: Okay.

3 JUDGE GRISANTI: I mean, it's like, are you freaking kidding me?

4 They can't wait to start trouble. Talk to any--

5 Those two neighbors with the dogs don't even

6 live on, live on the street and they know.

7 OFC. GEHR: Mm-hmm.

8 JUDGE GRISANTI: Yellow knows, these guys know, he knows,

9 the guy that was just here knows.

10 OFC. HY: Mm-hmm.

11 JUDGE GRISANTI: They can't wait to start problems.

12 OFC. GEHR: Okay.

13 JUDGE GRISANTI: Okay. And, listen, I'm good friends with

14 Byron Brown. He's like, "It's always

15 something. Mark, just freaking ignore them."

16 I did ignore them. I called and said, "The

17 truck is frigging blocking half the driveway."

18 And then we come back, that's how it is.

19 OFC. GEHR: Mm.

20 JUDGE GRISANTI: I'm talking like this because he frigging

21 punched me in the face and I'm getting a fat

22 lip. So, but I wouldn't have my frigging shirt

23 ripped, like this. He frigging tore this shirt,

24 grabbing me, and frigging ripped my necklace

25 off.

*(Buffalo Police Dept. Body Camera Footage, Ofc. Gehr, June 22, 2020)*

1	OFC. GEHR:	Okay.
2	JUDGE GRISANTI:	Okay? Like, like, yeah, like, I'm, I'm
3		fighting the guy.
4	OFC. GEHR:	Okay.
5	JUDGE GRISANTI:	I mean, I walked over to grab Maria and he
6		goes, "Oh, you want to go, tough guy?" I'm
7		like, "No, Joe, I'm taking her away." Boom
8		and push.
9	OFC. GEHR:	So, let me ask you this. Two, two questions.
10		First off is how do we prevent something like
11		this in the future?
12	JUDGE GRISANTI:	Oh, dude, it's never going to end.
13	OFC. GEHR:	Okay.
14	JUDGE GRISANTI:	With these two, they-- I mean, the whole--
15		Everybody-- They start-- Next week it will
16		be with them.
17	OFC. GEHR:	Okay--
18	JUDGE GRISANTI:	--And the, the week after it will be with
19		them--
20	OFC. GEHR:	--I mean, I, I'm going to ask some of these
21		people because I, I want some third party--
22	JUDGE GRISANTI:	--Oh, trust me, you'll know--
23	OFC. GEHR:	--Because, I mean, I'm sure you understand--
24	JUDGE GRISANTI:	--Do me a favor--
25	OFC. GEHR:	--I'm getting--

*(Buffalo Police Dept. Body Camera Footage, Ofc. Gehr, June 22, 2020)*

1 JUDGE GRISANTI: --Get her out of the car and I'll bring her  
2 inside. And I didn't mean to tackle you, but, I  
3 mean, you kind of threw my wife down on the  
4 ground pretty hard and I don't appreciate that.  
5 OFC. GEHR: I understand that.  
6 JUDGE GRISANTI: Alright? I really don't. If that-- If I would  
7 have did that to your wife and you were  
8 outside, you'd do the same thing.  
9 OFC. HY: Whoa, well--  
10 OFC. GEHR: --Sure, if you were a police officer--  
11 JUDGE GRISANTI: --Okay--  
12 OFC. GEHR: --and she was screaming in my face--  
13 JUDGE GRISANTI: --No, my daughter's a police officer, and I  
14 know what you guys are going through right  
15 now, and trust me, my daughter's a police  
16 officer, my son-in-law's a police officer, my  
17 brother--  
18 OFC. HY: --(Unintelligible)--  
19 JUDGE GRISANTI: --My, my son's a--  
20 OFC. GEHR: --Okay. And if someone was screaming at  
21 your daughter and--  
22 JUDGE GRISANTI: --a firefighter--  
23 OFC. GEHR: --approaching her like that, she would have  
24 done the same thing.  
25 JUDGE GRISANTI: No, you grabbed my wife from over there and

*(Buffalo Police Dept. Body Camera Footage, Ofc. Gehr, June 22, 2020)*

1 dragged her over here, which was not  
2 necessary.  
3 OFC. GEHR: Okay.  
4 JUDGE GRISANTI: So, you need to chill out about that. I'm just--  
5 OFC. GEHR: --Well, I have a camera, so that's--  
6 JUDGE GRISANTI: --I'm giving, I'm giving you constructive--  
7 OFC. GEHR: --it's all documented--  
8 JUDGE GRISANTI: --I don't care about your camera, just giving  
9 you a little constructive criticism, dude.  
10 OFC. GEHR: Okay.  
11 JUDGE GRISANTI: Okay?  
12 OFC. HY: Okay. Let me give you some constructive  
13 criticism. You want to drop another copper's  
14 name? You want to scream about you know  
15 Gramaglia or the Mayor? How about you  
16 shut the fuck up and you keep  
17 (unintelligible)--  
18 JUDGE GRISANTI: --Listen--  
19 OFC. HY: --Shut your goddamn mouth--  
20 JUDGE GRISANTI: --Listen--  
21 OFC. HY: --Put your hands behind your back--  
22 JUDGE GRISANTI: --Listen--  
23 OFC. HY: --Put your hands behind your back.  
24 JUDGE GRISANTI: Okay--  
25 OFC. HY: --You want to be difficult? You want to, you



1 want to say, "I know all these coppers. I  
2 know all these things--"  
3 JUDGE GRISANTI: --No, I don't (unintelligible)--  
4 OFC. HY: --You want to make us look dirty, is that what  
5 you want to do?  
6 JUDGE GRISANTI: I (unintelligible)--  
7 OFC. HY: --So, how am I helping you now?  
8 JUDGE GRISANTI: I, I (unintelligible)--  
9 OFC. HY: --Huh? Tell me? Tell me how can I help  
10 you?  
11 JUDGE GRISANTI: My-- Listen-- (Unintelligible)--  
12 OFC. HY: --How--Shut, shut up and let me talk to you,  
13 you old geezer--  
14 JUDGE GRISANTI: --I'm wanting-- I'm waiting--  
15 OFC. HY: --Shut up. Shut up and let me talk to you--  
16 JUDGE GRISANTI: --Alright, talk to me--  
17 OFC. HY: --since you had so much to say, and you touch  
18 a cop. So, let me talk to you--  
19 JUDGE GRISANTI: --Okay.  
20 OFC. HY: Guy! Let me talk to you--  
21 JUDGE GRISANTI: --Listen--  
22 OFC. HY: --guy. Quiet.  
23 JUDGE GRISANTI: I appreciate--  
24 OFC. HY: --Quiet--  
25 JUDGE GRISANTI: --I appreciate--

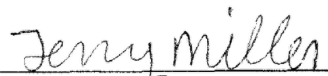


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CERTIFICATION

I, TERRY MILLER, a Secretary of the State Commission on  
Judicial Conduct, do hereby certify that the foregoing is a true and  
accurate transcript of the audio recording described herein to the best of  
my knowledge and belief.

Dated: July 16, 2021

  
\_\_\_\_\_  
Terry Miller

# COMMISSION EXHIBIT 12

BPD Lt. (Former Ofc.) Larry  
Muhammad, Body Worn Camera Video



ERIE COUNTY STATE OF NEW YORK  
-----X

**MATTER OF HON. MARK J. GRISANTI,**

New York State Court of Claims  
Acting Supreme Court Justice

-----X

Buffalo Police Department Body Camera Recording of Ofc. Larry Muhammad

██████████ Avenue  
Buffalo, New York 14216

June 22, 2020

Parties Involved:

- HON. MARK J. GRISANTI
- MARIA GRISANTI
- JOSEPH MELE
- GINA A. MELE
- LINDA CHWALINSKI
- DR. THERESA DANTONIO
- OFC. LARRY MUHAMMAD
- OFC. RICHARD HY
- OFC. RYAN GEHR

1 [0:00 – 11:45]  
2 JUDGE GRISANTI: --park their cars on everybody's-- All four cars.  
3 OFC. MUHAMMAD: Right.  
4 JUDGE GRISANTI: City vehicle on their driveway, their driveway, my  
5 driveway--  
6 MS. GRISANTI: --They fucking--  
7 JUDGE GRISANTI: --They're, they're-- They--  
8 MS. GRISANTI: --They're, they're, they're rotten--  
9 MR. MELE: --Oh my--  
10 MS. GRISANTI: --no-good bastards--  
11 MR. MELE: --God--  
12 JUDGE GRISANTI: --So, they knew I called--  
13 MS. GRISANTI: --They're no good--  
14 JUDGE GRISANTI: --the cops. They come out--  
15 MS. GRISANTI: --They're fucking--  
16 JUDGE GRISANTI: --"You got a fucking"--  
17 MS. GRISANTI: --rotten--  
18 JUDGE GRISANTI: --"problem?"  
19 MS. GRISANTI: --neighbors--  
20 JUDGE GRISANTI: --"You got a fucking problem?" I'm, like--  
21 MS. GRISANTI: --This piece of shit--  
22 JUDGE GRISANTI: --"Dude"--  
23 MS. GRISANTI: --works for our city? His fucking truck's there.  
24 Mayor Brown needs to fucking, like, a fucking  
25 (unintelligible) in his brain or something. I feel like

*(Buffalo Police Dept. Body Camera Footage, Ofc. Muhammad, June 22, 2020)*

1 calling him myself--  
2 JUDGE GRISANTI: --(Unintelligible) make lives difficult. They said,  
3 "Alright, we'll send a car"--  
4 MS. GRISANTI: --I hate that motherfucker--  
5 JUDGE GRISANTI: --So, now--  
6 OFC. MUHAMMAD: --So--  
7 JUDGE GRISANTI: --I just got done walking my dog--  
8 MS. GRISANTI: --Two fucking girls and a guy--  
9 JUDGE GRISANTI: --They, they--  
10 MS. GRISANTI: --against me--  
11 JUDGE GRISANTI: --Stop--  
12 MS. GRISANTI: --Really? Really--  
13 JUDGE GRISANTI: --They come out. They come out; I'm walking the  
14 dog. They come out on the porch; they start yelling  
15 at her--  
16 MS. GRISANTI: --Joe, wait until my son--  
17 JUDGE GRISANTI: --She crosses the street--  
18 MS. GRISANTI: --hears--  
19 JUDGE GRISANTI: --Get--  
20 MS. GRISANTI: --Wait until my--  
21 JUDGE GRISANTI: --get the--  
22 MS. GRISANTI: --son hears--  
23 JUDGE GRISANTI: --video--  
24 MS. GRISANTI: --what you did--  
25 JUDGE GRISANTI: --from their phone.

*(Buffalo Police Dept. Body Camera Footage, Ofc. Muhammad, June 22, 2020)*

1 OFC. GEHR: (Unintelligible) stop yelling--  
2 JUDGE GRISANTI: --Or from their camera--  
3 OFC. GEHR: --this is going to be a--  
4 JUDGE GRISANTI: --They freaking--  
5 OFC. GEHR: --problem for you--  
6 JUDGE GRISANTI: --Three of them push her--  
7 MS. GRISANTI: --I don't care.  
8 OFC. GEHR: Okay.  
9 JUDGE GRISANTI: So, I come across--  
10 MS. GRISANTI: --They fucking--  
11 JUDGE GRISANTI: --the street--  
12 MS. GRISANTI: --hit me--  
13 OFC. GEHR: --Get over here--  
14 MS. GRISANTI: --You're not going--  
15 JUDGE GRISANTI: --Ripped my shirt off--  
16 MS. GRISANTI: --to arrest me--  
17 JUDGE GRISANTI: --freaking ripped my frigging (unintelligible)--  
18 OFC. GEHR: --I sure fucking am--  
19 OFC. MUHAMMAD: --She's good--  
20 MS. GRISANTI: --My son--  
21 OFC. MUHAMMAD: --she's good--  
22 MS. GRISANTI: --my son--  
23 OFC. MUHAMMAD: --she's good--  
24 MS. GRISANTI: --No--  
25 OFC. MUHAMMAD: --Ma'am--



*(Buffalo Police Dept. Body Camera Footage, Ofc. Muhammad, June 22, 2020)*

1 MS. GRISANTI: --You're not doing nothing.  
2 JUDGE GRISANTI: Hey--  
3 MS. GRISANTI: --Don't fucking arrest me--  
4 JUDGE GRISANTI: --Hey--  
5 OFC. GEHR: --We're not doing this right now.  
6 JUDGE GRISANTI: Hey.  
7 OFC. GEHR: We are not doing this right now--  
8 OFC. MUHAMMAD: --Uh, no, no, no, no--  
9 JUDGE GRISANTI: --(Unintelligible) her--  
10 MS. GRISANTI: --No, it's okay--  
11 JUDGE GRISANTI: --Dude--  
12 OFC. GEHR: --(Unintelligible) motherfucker.  
13 MS. GRISANTI: Let him (unintelligible).  
14 JUDGE GRISANTI: Dude, dude--  
15 OFC. MUHAMMAD: --Keep your hands off a cop.  
16 MS. GRISANTI: Let him do it--  
17 JUDGE GRISANTI: --You better get off my fucking wife--  
18 MS. GRISANTI: --Let him, let him arrest me, I don't care.  
19 JUDGE GRISANTI: Dude!  
20 MS. GRISANTI: (Unintelligible).  
21 OFC. MUHAMMAD: She's going in cuffs--  
22 OFC. GEHR: --(Unintelligible)--  
23 MS. GRISANTI: --I will (unintelligible)--  
24 OFC. MUHAMMAD: --She's going in cuffs.  
25 MS. GRISANTI: (Unintelligible).

*(Buffalo Police Dept. Body Camera Footage, Ofc. Muhammad, June 22, 2020)*

1 OFC. MUHAMMAD: --Do not fight a police officer--  
2 JUDGE GRISANTI: --Listen. My daughter and my son-in-law are both--  
3 OFC. MUHAMMAD: --Do not fight a police officer--  
4 JUDGE GRISANTI: --Buffalo Police Officers.  
5 OFC. MUHAMMAD: I know, I know. And you wouldn't--  
6 JUDGE GRISANTI: --I'll call them right now. Dude--  
7 OFC. MUHAMMAD: --you would not want them putting, putting your,  
8 somebody putting their hands--  
9 JUDGE GRISANTI: --Dude--  
10 OFC. GEHR: --(Unintelligible)--  
11 OFC. MUHAMMAD: --You are not going to fight a cop--  
12 OFC. GEHR: --(Unintelligible) behind your back--  
13 JUDGE GRISANTI: --Hey. You arrest my fucking--  
14 MS. GRISANTI: --(Unintelligible)--  
15 JUDGE GRISANTI: --wife, you're going to be sorry.  
16 MS. GRISANTI: I don't care. Let him.  
17 JUDGE GRISANTI: My son--  
18 MS. GRISANTI: --(Unintelligible)--  
19 JUDGE GRISANTI: --and my daughter are--  
20 MS. GRISANTI: --(unintelligible)--  
21 JUDGE GRISANTI: --both police officers.  
22 MS. GRISANTI: I don't care. I don't care--  
23 MS. MELE: --(Unintelligible)--  
24 JUDGE GRISANTI: --Oh my God, are you fucking kidding me, dude?  
25 MR. MELE: Maybe you should move.

*(Buffalo Police Dept. Body Camera Footage, Ofc. Muhammad, June 22, 2020)*

1 OFC. GEHR: (Unintelligible).  
2 MS. GRISANTI: Why? Because it's the truth? It's fucking--  
3 OFC. GEHR: --No, because I want to hear everybody talk--  
4 MS. GRISANTI: --15 years of bullshit. Fifteen years of bullshit--  
5 OFC. GEHR: --I want everybody's story--  
6 MS. GRISANTI: --You're hearing them first.  
7 OFC. GEHR: I'm going to listen--  
8 MS. GRISANTI: --You don't understand. Ask any neighbor.  
9 JUDGE GRISANTI: Listen.  
10 OFC. GEHR: That doesn't mean I'm not going to listen to you. I  
11 (unintelligible)--  
12 JUDGE GRISANTI: --You need to get-- If you don't get the cuffs of her  
13 right now--  
14 MS. GRISANTI: --(Unintelligible)--  
15 JUDGE GRISANTI: --you're going to have a problem.  
16 OFC. MUHAMMAD: We're not doing that; we're not threatening that.  
17 OFC. GEHR: (Unintelligible) say. (Unintelligible)--  
18 JUDGE GRISANTI: --He needs to get the cuffs off her.  
19 MS. GRISANTI: (Unintelligible). Loosen these.  
20 OFC. GEHR: (Unintelligible).  
21 MS. GRISANTI: Loosen these. (Unintelligible).  
22 OFC. GEHR: I want to hear it.  
23 OFC. MUHAMMAD: She's going to sit in the back of the car right now.  
24 That's what we're going to do. That's what we're  
25 going to do for right now--

*(Buffalo Police Dept. Body Camera Footage, Ofc. Muhammad, June 22, 2020)*

1 JUDGE GRISANTI: --He needs to get the cuffs off her.  
2 OFC. MUHAMMAD: We're, we're, we're not going to do that by your  
3 demand. She's going to sit in the back of the car,  
4 and she's going to be in cuffs, and that's what's  
5 going to happen for right now. Let us work, let, let  
6 us just work this through.  
7 JUDGE GRISANTI: No. Watch--  
8 OFC. MUHAMMAD: --Genuinely--  
9 JUDGE GRISANTI: --I'm going to need to call my son and my daughter  
10 and their Lieutenants right now.  
11 OFC. MUHAMMAD: Genuinely, yeah. Call who you need to call--  
12 JUDGE GRISANTI: --Yeah, I'm giving a call right now.  
13 OFC. MUHAMMAD: I have no problem with that.  
14 JUDGE GRISANTI: Okay?  
15 MS. MELE: (Unintelligible) problem (unintelligible), okay.  
16 OFC. GEHR: Right.  
17 MS. MELE: And she said, "You're a fat fuck, you're miserable.  
18 You're nothing but a fat fuck," which she's called  
19 me that several, many times. And then my husband  
20 came out and was like, "What's going on? Stop."  
21 They came--  
22 MR. MELE: --And then he started coming at me--  
23 MS. MELE: --They, they came this way--  
24 DR. DANTONIO: --They came charging--  
25 MR. MELE: --and he took a shot at me--

*(Buffalo Police Dept. Body Camera Footage, Ofc. Muhammad, June 22, 2020)*

1 DR. DANTONIO: --They came running over like lunatics--  
2 MS. MELE: --They came running over, and then--  
3 DR. DANTONIO: --So, I came out of the house--  
4 MS. MELE: --And then, Maria--  
5 DR. DANTONIO: --I saw them coming, running over here. I'm sorry,  
6 (unintelligible)--  
7 MS. MELE: --and then Maria pushed and hit her on the face, him  
8 in the face--  
9 MR. MELE: --She bit my arm here.  
10 MS. MELE: Yeah--  
11 OFC. GEHR: --Yeah, I see that--  
12 MR. MELE: --She did--  
13 MS. MELE: --She did--  
14 OFC. GEHR: --Okay. So, that was her?  
15 MR. MELE: Yeah.  
16 MS. MELE: And, so, I came up and I says, "Don't touch my  
17 husband. Get off of my husband." And so, then she  
18 hit me, I defended myself, and she--  
19 DR. DANTONIO: --And she-- I'm sorry--  
20 MS. MELE: --And I, and I was in a bad accident, so my sister  
21 knows that I have a bad back and, and two knee  
22 braces. And she's called me "Wobbly, wobbly"--  
23 OFC. GEHR: --Okay--  
24 MS. MELE: --"You fucking fat fuck," this, that.  
25 OFC. GEHR: Well--

*(Buffalo Police Dept. Body Camera Footage, Ofc. Muhammad, June 22, 2020)*

1 MS. MELE: --Then Mark, Mark--  
2 MR. MELE: --They're nothing but troublemakers--  
3 MS. MELE: --Mark, and then--  
4 OFC. GEHR: --Okay. Well, he might have to go, too, then.  
5 MS. MELE: And then--  
6 MR. MELE: --They're nothing but troublemakers--  
7 MS. MELE: --and they're--  
8 MR. MELE: --so is she, right here--  
9 MS. MELE: --(Unintelligible)--  
10 MS. CHWALINSKI: --(Unintelligible) officer--  
11 MR. MELE: --They got their nose in everything.  
12 MS. MELE: It's just--  
13 MS. CHWALINSKI: --I'm a witness.  
14 MS. MELE: No--  
15 MS. CHWALINSKI: --(Unintelligible) walking their dog--  
16 OFC. GEHR: --Okay--  
17 MR. MELE: --Yeah, okay.  
18 MS. CHWALINSKI: When we came out, they were choking them.  
19 MR. MELE: Yeah--  
20 MS. CHWALINSKI: --(Unintelligible)--  
21 MR. MELE: --yeah, okay--  
22 OFC. GEHR: --Okay--  
23 MS. MELE: --Just (unintelligible)--  
24 OFC. GEHR: --Well, I want to talk to you as well, so give me a  
25 minute.

*(Buffalo Police Dept. Body Camera Footage, Ofc. Muhammad, June 22, 2020)*

1 MS. MELE: So--  
2 MR. MELE: --(Unintelligible). That's their friends--  
3 MS. MELE: --So, so, they always team up on us. So--  
4 JUDGE GRISANTI: --(Unintelligible) I am, I am. (Unintelligible)--  
5 MS. MELE: --Obviously you can see that they're drunk. And  
6 Maria tried coming at me again, and my sister said--  
7 JUDGE GRISANTI: --(Unintelligible)--  
8 MS. MELE: --"Don't get, don't, don't get-- Don't touch my  
9 sister. Don't touch my-- Get away from my sister."  
10 So, so--  
11 JUDGE GRISANTI: --(Unintelligible)--  
12 DR. DANTONIO: --And I, I, I know jujitsu, so I tried to restrain her--  
13 MS. MELE: --She tried to restrain her in a jujitsu way--  
14 DR. DANTONIO: --I (unintelligible) try to restrain her. I wasn't  
15 punching her; I was trying to restrain her--  
16 MS. MELE: --And there's evidence because they came over  
17 here--  
18 OFC. GEHR: --Yeah, there's (unintelligible)--  
19 MS. MELE: --That's their scarf and their cigar--  
20 MR. MELE: --That's their stuff, this is theirs--  
21 MS. MELE: --Their stuff and the cigar--  
22 OFC. GEHR: --Okay. So, (unintelligible)--  
23 MS. MELE: --And, so, then, and so, then, and, so, then it got in  
24 the middle of the street--  
25 OFC. GEHR: --So, so, let me ask you this because I am going to

*(Buffalo Police Dept. Body Camera Footage, Ofc. Muhammad, June 22, 2020)*

1 talk to them. I-- Like I said, I want everybody's  
2 side of the story.  
3 MR. MELE: Okay.  
4 MS. MELE: Mm-hmm.  
5 OFC. GEHR: I just want it said to me.  
6 MS. MELE: Mm-hmm.  
7 (RADIO TRANSMISSIONS)  
8 OFC. GEHR: So, as far as (unintelligible), I kind of have a guess  
9 as to what they're going to tell me.  
10 MS. MELE: (Unintelligible) yeah, but--  
11 OFC. GEHR: --But, but, so, here's what I'm going to ask--  
12 MS. MELE: --Excuse me, just one minute--  
13 OFC. GEHR: --Sure--  
14 MS. MELE: --Right away, this is, this is what they do. They  
15 throw around that, that the daughter's a cop, the son-  
16 in-law's a cop, this and that. And--  
17 OFC. GEHR: --Yeah, this whole neighborhood is cops. I live  
18 here--  
19 MS. MELE: --Yeah. And, and so, then it always gets turned  
20 against us--  
21 OFC. GEHR: --Yeah--  
22 MS. MELE: --somehow or some way because they pull all their  
23 weight.  
24 OFC. GEHR: Okay.  
25 MS. MELE: So--



*(Buffalo Police Dept. Body Camera Footage, Ofc. Muhammad, June 22, 2020)*

1 OFC. GEHR: --So--  
2 MS. MELE: --I'm sure they made a phone call, and--  
3 OFC. GEHR: --That, that doesn't matter to me at all. I've arrested  
4 officers' families before; I'm not happy about that  
5 but, it happens. You can't use that as immunity--  
6 MS. MELE: --Yeah, yeah. And you know, so--  
7 OFC. GEHR: --So, what, what I'm asking though is--  
8 JUDGE GRISANTI: --That's my wife they got in the back of the car  
9 (unintelligible)--  
10 OFC. GEHR: --ideal situation--  
11 OFC. HY: --Okay. They can do that--  
12 OFC. GEHR: --what happens here?  
13 MS. MELE: Ideal situation?  
14 OFC. GEHR: Yeah.  
15 MR. MELE: Well, she bit my arm.  
16 OFC. HY: (Unintelligible).  
17 OFC. GEHR: (Unintelligible).  
18 OFC. MUHAMMAD: Really not much to give you. I mean, we pulled up--  
19 MS. MELE: --Yes--  
20 MR. MELE: --Sure--  
21 OFC. GEHR: --Okay--  
22 MS. MELE: --yes--  
23 MR. MELE: --sure--  
24 OFC. MUHAMMAD: --she started screaming.  
25 MR. MELE: She went at my wife and--

*(Buffalo Police Dept. Body Camera Footage, Ofc. Muhammad, June 22, 2020)*

1 MS. MELE: --(Unintelligible)--  
2 MR. MELE: --hit my wife first--  
3 OFC. MUHAMMAD: --They were, started getting in each other's face.  
4 OFC. GEHR: (Unintelligible) that's, that's what I'm asking--  
5 OFC. MUHAMMAD: --Gehr threw cuffs on her--  
6 OFC. GEHR: --(Unintelligible)--  
7 MS. MELE: --Yes--  
8 MR. MELE: --(Unintelligible) she swung first and so did he--  
9 MS. MELE: --Yes, yes, I do--  
10 OFC. MUHAMMAD: --threw her in the back of the car, just to kind of set  
11 her out a little bit. And just getting the rest, an  
12 actual half of the story from her--  
13 OFC. GEHR: --Yeah, I want--  
14 OFC. MUHAMMAD: --I didn't even finish that half--  
15 OFC. GEHR: --their half of the story as well--  
16 OFC. MUHAMMAD: --because they were--  
17 OFC. HY: --(Unintelligible) she's irate, and he's all  
18 (unintelligible)--  
19 OFC. MUHAMMAD: --Yeah--  
20 OFC. GEHR: --And so, and she started mouthing off, so she went  
21 in cuffs.  
22 OFC. HY: Where do they live?  
23 OFC. GEHR: There.  
24 OFC. MUHAMMAD: Twenty-one--  
25 OFC. GEHR: --They're probably both going to end up going--

(Buffalo Police Dept. Body Camera Footage, Ofc. Muhammad, June 22, 2020)

1 OFC. HY: --Okay.  
2 OFC. GEHR: (Unintelligible) just as a heads-up, but I want to hear  
3 what they have to say first, but--  
4 OFC. HY: --Geez--  
5 OFC. GEHR: --I don't see it not being that way.  
6 OFC. HY: Alright.  
7 (JUDGE GRISANTI TELEPHONE CALL)  
8 JUDGE GRISANTI: *We were walking the dog. We're walking the dog.*  
9 *We come back, we let the dog in the house. I let the*  
10 *dog in the house, Maria goes across the street; they*  
11 *start attacking your mother.*  
12 OFC. HY: How about, sir, you give us a second, so we can talk  
13 to you?  
14 JUDGE GRISANTI: Yeah. I'm talking to my daughter who's a police  
15 officer.  
16 OFC. HY: Okay. Who--  
17 JUDGE GRISANTI: --Okay--  
18 OFC. HY: --Okay.  
19 JUDGE GRISANTI: Ashlee Amoia.  
20 OFC. HY: I don't know who--  
21 JUDGE GRISANTI: --Dave--  
22 OFC. HY: --that is--  
23 JUDGE GRISANTI: --(unintelligible).  
24 OFC. GEHR: You have three police officers who want to hear  
25 your side of the story.



1 JUDGE GRISANTI: Yeah. All four of these cars are theirs.  
2 OFC. GEHR: Okay.  
3 JUDGE GRISANTI: All four of them across the street are theirs. And  
4 they-- You can see how much room they have.  
5 They edge in the driveway. They don't-- Nobody  
6 likes them on this street. They don't like anybody.  
7 So, they edge in the driveway, as close as they can.  
8 So, I called up and I said, "Listen. A little tight for  
9 me getting in." Usually, I ignore it. I go, "A little  
10 tight getting in. Can you come down, go across the  
11 street, knock on their door, and tell them to move the  
12 truck?" They're from New Jersey. I'm not going to  
13 give them a frigging, you know, I'm don't want to  
14 give them a ticket." So--  
15 MS. GRISANTI: --(Unintelligible)--  
16 JUDGE GRISANTI: --I'm walking-- So, as we're waiting, we're walking  
17 the dog.  
18 (RADIO TRANSMISSIONS)  
19 MS. GRISANTI: --(Unintelligible) some air, please?  
20 OFC. MUHAMMAD: What's going on?  
21 MS. GRISANTI: I just need some air.  
22 (RADIO TRANSMISSIONS)  
23 OFC. MUHAMMAD: Like, like some AC? Like crank the AC up?  
24 MS. GRISANTI: (Unintelligible) can you loosen these a little?  
25 They're really fucking tight. I, I can't even feel my

1 arm--

2 OFC. MUHAMMAD: --Here, I'm, I'm going to crank the AC up and I'm  
3 going to fix those on you.

4 MS. GRISANTI: Alright. Just loosen them a little.

5 OFC. MUHAMMAD: Yep, I will, absolutely will.

6 JUDGE GRISANTI: (Unintelligible) calm down. You need to calm  
7 down. I frigging back up, I'm grabbing her.  
8 (Unintelligible).

9 OFC. MUHAMMAD: Here.

10 MS. GRISANTI: Can you come in here a minute? I just want to talk  
11 to (unintelligible).

12 OFC. MUHAMMAD: Here, let me, let me get those adjusted--

13 MS. GRISANTI: --You have no idea--

14 OFC. MUHAMMAD: --because those've been grinding you pretty bad.

15 MS. GRISANTI: You have no idea what these people have done to us.

16 OFC. MUHAMMAD: Which, which one in particular? Neither one of  
17 them are super--

18 MS. GRISANTI: --They're rotten. They're just no good. They're  
19 fucking taunting. They spit at us. You have no idea  
20 the shit we've gone through. And I just, like--  
21 Three of them were on me. And I'm sorry that I'm,  
22 I'm sorry I'm, I was acting like that, but--

23 OFC. MUHAMMAD: --No, you're super upset. I get it. And it's probably  
24 been--

25 MS. GRISANTI: --I'm (unintelligible)--

*(Buffalo Police Dept. Body Camera Footage, Ofc. Muhammad, June 22, 2020)*

1 OFC. MUHAMMAD: --a long time of this stuff, so I, I, I get what--  
2 MS. GRISANTI: --It's been, it's been about 14 years. She keeps  
3 calling me a "drunk." She, she calls, like-- You  
4 don't know. It's just-- Nobody likes them in the  
5 neighborhood. This is killing me. This one.  
6 OFC. MUHAMMAD: This one? Okay.  
7 MS. GRISANTI: I don't even care if I'm arrested for them, because I  
8 just can't take them anymore. I want to move. I told  
9 my husband, "Put, a fucking, like, a big fence up so I  
10 don't have to"--  
11 OFC. MUHAMMAD: --How's that--  
12 MS. GRISANTI: --"see these people." It's still tight. This, this one--  
13 OFC. MUHAMMAD: --Okay. I'll keep going--  
14 MS. GRISANTI: --This--  
15 OFC. MUHAMMAD: --I'll keep going.  
16 MS. GRISANTI: That guy had no business knocking me down like  
17 that. You know what? My daughter's a fucking  
18 police officer. She's going to be so upset with me.  
19 OFC. MUHAMMAD: How's that?  
20 (RADIO TRANSMISSIONS)  
21 MS. GRISANTI: It's fine. Can you get me out of here? I don't want  
22 to be here. I--  
23 OFC. MUHAMMAD: --Like--  
24 MS. GRISANTI: --really don't, I don't want to--  
25 OFC. MUHAMMAD: --like, move the car?

*(Buffalo Police Dept. Body Camera Footage, Ofc. Muhammad, June 22, 2020)*

1 MS. GRISANTI: I just don't want to be-- Just take me somewhere. I  
2 just don't want to be in front of these people.  
3 OFC. MUHAMMAD: I, I'm, I'm-- We're trying to sort out the situation as  
4 best as we can. I mean, it, it seems, this--  
5 MS. GRISANTI: --You know what? I don't care. I'd rather go to  
6 court--  
7 OFC. MUHAMMAD: --This seems like, I mean, so far, it's like they, they,  
8 parking like jerks, and I mean, this shouldn't--  
9 MS. GRISANTI: --They're fucking assholes--  
10 OFC. MUHAMMAD: --This shouldn't be something that anyone should  
11 had, ended up going to jail for. I mean, I don't know  
12 how the--  
13 MS. GRISANTI: --I don't even care--  
14 OFC. MUHAMMAD: --fight got started or exactly how that went down,  
15 but that's what we are trying to work out right now--  
16 MS. GRISANTI: --Well, I'll tell you what--  
17 OFC. MUHAMMAD: --and seeing exactly who's--  
18 MS. GRISANTI: --Because they came out and said, "You got a  
19 problem?" And we were, like, "Yeah," because they  
20 park-- Look at their cars. They have no, no cars in  
21 their driveways. Which, we don't mind parking in  
22 our driveways. They started with us way back when,  
23 when we expanded our driveway, like three feet--  
24 Or not, not, or, like, three inches-- I don't even  
25 know. My husband--



*(Buffalo Police Dept. Body Camera Footage, Ofc. Muhammad, June 22, 2020)*

1 OFC. MUHAMMAD: --Mm-hmm--  
2 MS. GRISANTI: --just, like, covered mud. They don't like these  
3 people, that, there, standing in front of their house.  
4 They don't like the new people that just came in.  
5 Other people have moved because of them. They  
6 don't like them, they don't like them, they don't like  
7 us. It's, it's, it's a joke. It's like, they taunt their  
8 neighbors. Their, their daughters had problems with  
9 my nephew. It's, it's, it's-- Thank God my son is  
10 not-- My son's a firefighter. My daughter's a police  
11 officer. It's, like--  
12 OFC. MUHAMMAD: --I--  
13 MS. GRISANTI: --really--  
14 OFC. MUHAMMAD: --I've never been here before. As much as you're  
15 saying that's going on, I've just never personally--  
16 MS. GRISANTI: --Listen. I know--  
17 OFC. MUHAMMAD: --been to the house before--  
18 MS. GRISANTI: --I know, I know, I know, like, I respect the law.  
19 I'm not-- And this, this guy had no business doing  
20 what he did to me.  
21 OFC. MUHAMMAD: Of course, he didn't. No, and I, I'm, I'm--  
22 MS. GRISANTI: --He really did not. I'm talking about the, your  
23 partner. He should have not done that. Because I'm  
24 yelling? I'm fucking--  
25 OFC. MUHAMMAD: --I--

*(Buffalo Police Dept. Body Camera Footage, Ofc. Muhammad, June 22, 2020)*

1 MS. GRISANTI: --speaking--  
2 OFC. MUHAMMAD: --I do understand that you're just upset--  
3 MS. GRISANTI: --Oh, no.  
4 OFC. MUHAMMAD: Yeah.  
5 MS. GRISANTI: He had no business--  
6 OFC. MUHAMMAD: --Are, are those closing up on you?  
7 MS. GRISANTI: Huh?  
8 (RADIO TRANSMISSIONS)  
9 OFC. MUHAMMAD: Are those closing back on you? Or do you still have  
10 room?  
11 MS. GRISANTI: No, I have room.  
12 OFC. MUHAMMAD: Okay.  
13 MS. GRISANTI: You can't take them off? I'm not going to do  
14 nothing, I promise. I won't do nothing. I swear to  
15 God on my daughter. I wouldn't, I would not put  
16 her job in danger.  
17 OFC. MUHAMMAD: No. You're not going to put her job in danger.  
18 We're, we're not, we're not in any situation like that.  
19 We, we have to-- Oh, Jesus Christ. Hold on.  
20 OFC. HY: (Unintelligible). Shut up and let me talk to you--  
21 JUDGE GRISANTI: --(Unintelligible)--  
22 OFC. HY: --since you had so much to say, and you touched a  
23 cop. So, let me talk to you--  
24 JUDGE GRISANTI: --Okay.  
25 OFC. HY: God! Let me talk to you--

*(Buffalo Police Dept. Body Camera Footage, Ofc. Muhammad, June 22, 2020)*

1 JUDGE GRISANTI: --Listen. Listen. Alright--  
2 OFC. HY: --Guy. Quiet.  
3 JUDGE GRISANTI: I appreciate--  
4 OFC. HY: --Quiet--  
5 JUDGE GRISANTI: --I appreciate--  
6 OFC. HY: --No, you're not done talking yet, and I'm not done  
7 talking to you. So, let's be quiet, Dad, so son can  
8 get some words in.  
9 JUDGE GRISANTI: Go ahead.  
10 OFC. HY: You're saying everybody's fucking name and  
11 dropping everybody's name with a badge, and  
12 you're expecting special treatment. How does that  
13 look like to everybody in this--  
14 JUDGE GRISANTI: --It doesn't look good--  
15 OFC. HY: --environment right now--  
16 JUDGE GRISANTI: --It doesn't look good. I appreciate--  
17 OFC. HY: --It doesn't look good.  
18 JUDGE GRISANTI: I know. You're right--  
19 OFC. HY: --And you grab him.  
20 JUDGE GRISANTI: You're a hundred--  
21 OFC. HY: --What do you--  
22 JUDGE GRISANTI: --percent right--  
23 OFC. HY: --want me to do--  
24 JUDGE GRISANTI: --Listen, you're a hundred percent right--  
25 OFC. HY: --What do you want me to do? Why are you still

*(Buffalo Police Dept. Body Camera Footage, Ofc. Muhammad, June 22, 2020)*

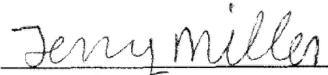
1 over-talking?  
2 JUDGE GRISANTI: You're a hundred percent right.  
3 OFC. HY: We're going back over to my car.  
4 JUDGE GRISANTI: No, no, I'm just saying--  
5 OFC. HY: --Nope--  
6 JUDGE GRISANTI: --you're a hundred percent right.  
7 OFC. HY: We're going over here now. You smell like cheap  
8 beer. And you (unintelligible). And then you  
9 touched a fucking cop. I mean--  
10 JUDGE GRISANTI: --(Unintelligible)--  
11 OFC. HY: --what is wrong with you, then you drop your  
12 daughter's name? (Unintelligible). Sit down.  
13 (Unintelligible). Sit down (unintelligible).  
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CERTIFICATION

I, TERRY MILLER, a Secretary of the State Commission on  
Judicial Conduct, do hereby certify that the foregoing is a true and  
accurate transcript of the audio recording described herein to the best of  
my knowledge and belief.

Dated: July 29, 2021

  
\_\_\_\_\_  
Terry Miller



ERIE COUNTY STATE OF NEW YORK

-----X

**MATTER OF HON. MARK J. GRISANTI,**

New York State Court of Claims  
Acting Supreme Court Justice

-----X

Buffalo Police Department Body Camera Recording of Ofc. Muhammad

████████ Avenue  
Buffalo, New York 14216

June 22, 2020

Parties Involved:

HON. MARK J. GRISANTI

DET. MARK COSTANTINO

OFC. LARRY MUHAMMAD

LT. KAREN TURELLO

DET. WILLIAM MORETTI

1 [39:26 to 45:52]

2 OFC. MUHAMMAD: Yes, Lieutenant. Lieutenant gave me instructions to,  
3 this is Detective Costantino, to bring the phone over  
4 to you and let you talk. I believe it's on, on speaker  
5 now.

6 JUDGE GRISANTI: Oh, hey, Mark. Mark?

7 OFC. MUHAMMAD: Make sure I got the volume up here. Okay. I'm  
8 sorry. The Bluetooth is on. Here we--

9 JUDGE GRISANTI: --No sweat--

10 OFC. MUHAMMAD: --go. Speaker. Okay.

11 JUDGE GRISANTI: (Unintelligible).

12 OFC. MUHAMMAD: There. One more try.

13 JUDGE GRISANTI: Hey, Mark.

14 DET. COSTANTINO: Yeah.

15 JUDGE GRISANTI: Yeah. Okay. Can you hear me--

16 DET. COSTANTINO: --Can you hear me--

17 JUDGE GRISANTI: --Yeah, I can hear you.

18 DET. COSTANTINO: Alright. They're saying that you pushed an officer.  
19 You didn't-- You wouldn't do that, would you?

20 JUDGE GRISANTI: You know what? When he-- What he was-- When  
21 he dragged-- Well... He dragged Maria-- When  
22 the two girls were on Maria, he was dragging Maria  
23 across the street, and actually was taking her down  
24 on my front lawn. And I basically said, "Listen,  
25 just-- Like-- Talk to her," and I pushed him, and I

1                                   said, “Don’t freaking tackle her,” and I pushed him.  
2                                   I apologized to him, Mark, right after that, because I  
3                                   said, “Listen, I respect you guys in law  
4                                   enforcement.” You know, you know, I go, “My  
5                                   daughter’s a police officer, my son-in-law’s a police  
6                                   officer, all my family’s police officers.” I never  
7                                   mentioned Byron Brown’s name. What we said  
8                                   was, is that the guy across the street parks the  
9                                   vehicle, which is a Byron Brown-owned vehicle,  
10                                  like, like he blocks driveways. And they did it--  
11   DET. COSTANTINO: --Yeah--  
12   JUDGE GRISANTI:    --with all four cars tonight. So, yes, I was wrong by  
13                                  telling the police officer-- I pushed him and said,  
14                                  “Listen, don’t tackle her like that.” I said, you  
15                                  know, “She’ll, she’ll talk to you.” And, you know, I  
16                                  don’t know what every other neighbor said, Mark,  
17                                  but trust me, like, the...  
18   DET. COSTANTINO: I know that this has been going on for, like, 10 years,  
19                                  but--  
20   JUDGE GRISANTI:    --Oh, Mark--  
21   DET. COSTANTINO: --how is this going to stop?  
22   JUDGE GRISANTI:    Mark, listen. I understand it. I was in the house  
23                                  when I was bringing the dog back, and I called 9-11  
24                                  because the car is blocking like a quarter of the  
25                                  driveway apron. And then when I came out, the,





*(Buffalo Police Dept. Body Camera Footage, Ofc. Muhammad, June 22, 2020)*

1 JUDGE GRISANTI: Because as soon as, like, we called 911. We came  
2 back from walking the dog. All three of them came  
3 out on the porch going, “You got an f-ing problem  
4 with,” you know, “where we parked the car? What  
5 are you-- Why don’t you call the police?” And I’m  
6 like, “We already did.” So, I’m calling the cops, you  
7 know. I, I called the police already, before I even  
8 took Fredo for a walk. It’s on 9-11. I called D  
9 District first. They said, “You got to call 9-11.” I  
10 didn’t want to freaking have a confrontation. I just  
11 said, “I’ll have a parking--” I go, “Maria, I’ll have a  
12 parking guy come down here and look at it, and  
13 they’ll put a ticket on the car.” No sooner am I  
14 taking the dog in the house, because Fredo can’t,  
15 like, really walk, they were outside walking to the  
16 street. Maria was on our side of the street. Like, I  
17 could hear swearing. And when I come out, back  
18 out of the house, she’s engaged with the two, like, a  
19 cousin from New Jersey, which it’s her truck, and  
20 the other girl, which is Joe’s wife. And she was in a  
21 freaking chokehold. So, I ran over there to break it  
22 up. Then Joe pushes me. He has a camera. I’m not  
23 sure if it’s on or not. I have a Ring camera, but it’s  
24 probably not going to catch it because of the tree.  
25 And, then he goes to swing at me again, and he falls

*(Buffalo Police Dept. Body Camera Footage, Ofc. Muhammad, June 22, 2020)*

1 forward across my driveway. So, I'm like, "Listen,  
2 dude. I'm, I'm just trying--"  
3 DET. COSTANTINO: --Were the cars blocking your driveways, or were  
4 you just...  
5 JUDGE GRISANTI: No. The, the, the freaking, the, the, the, the car's  
6 still here. It's, like, blocking, like, the driveway  
7 apron. Like, when you try to make the turn and the  
8 other car is blocking the other apron. And they don't  
9 like that I got a permit to expand my apron, but  
10 they've been at the City Council fighting that now  
11 for five years. And they're like, "The apron's fine.  
12 He got a permit for it. It's fine." And they just don't  
13 like that, so they park all their cars on the driveways.  
14 DET. COSTANTINO: So, you got-- So, where's Maria, sitting next to you?  
15 JUDGE GRISANTI: No, she's in another car.  
16 DET. COSTANTINO: I mean, I just-- The thing that freaks me out is that  
17 everything you do is going to be scrutinized because  
18 of your job.  
19 JUDGE GRISANTI: Oh, Mark. I never mentioned anything about my job  
20 or who I was. You could ask any officer. I never  
21 mentioned anything like that. All I said was my--  
22 DET. COSTANTINO: --No, I know but (unintelligible)--  
23 JUDGE GRISANTI: --All I said was--  
24 DET. COSTANTINO: --get arrested, that's going to be in, all over, you  
25 know that's going to be on--

*(Buffalo Police Dept. Body Camera Footage, Ofc. Muhammad, June 22, 2020)*

1 JUDGE GRISANTI: --I, I understand that. Listen, I understand that and,  
2 you know what--

3 DET. COSTANTINO: --Well, I guess--

4 JUDGE GRISANTI: --If you listen to the neighbors, the neighbors are,  
5 like, telling them what happened, but... Listen--

6 DET. COSTANTINO: --Yeah--

7 JUDGE GRISANTI: --It-- For me, it doesn't look bad and, you know, I  
8 shouldn't have pushed the police officer. And when  
9 I did, I backed up and said, "Listen, I'm really sorry,  
10 but you don't have to tackle her," you know, I  
11 mean--

12 DEF. COSTANTINO: --Yeah--

13 JUDGE GRISANTI: --You know, I go--

14 DET. COSTANTINO: --Right--

15 JUDGE GRISANTI: --"I, I, I'm a hundred percent for you guys." I mean,  
16 I, I'm, I'm--

17 DET. COSTANTINO: --No, I know you are. That's--

18 JUDGE GRISANTI: --We're all on the same page with everything. So--

19 DET. COSTANTINO: --(Unintelligible)--

20 JUDGE GRISANTI: --I'm actually surprised that I'm sitting in a car. I'm  
21 surprised I'm sitting in a car, and Maria's sitting in  
22 the car. With, with the neighbors, I don't know if  
23 they said, but we were not the aggressors here.

24 OFC. MUHAMMAD: Hey, Detective--

25 DET. MORETTI: --What's up?

1 (BACKGROUND CONVERSATION)

2 DET. COSTANTINO: Alright.

3 JUDGE GRISANTI: I mean, my, my-- Mark, my shirt's totally torn, like,  
4 my necklace--

5 OFC. MUHAMMAD: --Uh-huh--

6 JUDGE GRISANTI: --is ripped off my neck. There, there--

7 LT. TURELLO: --Yeah. Okay--

8 OFC. MUHAMMAD: --I'm sorry--

9 JUDGE GRISANTI: --You know--

10 LT. TURELLO: --Mark, I need my phone--

11 JUDGE GRISANTI: --Yes, I'm sorry.

12 LT. TURELLO: I need my phone.

13 JUDGE GRISANTI: Oh, I'm sorry--

14 OFC. MUHAMMAD: --No--

15 LT. TURELLO: --I need to call Walker real fast, okay?

16 DET. COSTANTINO: Alright. Are you okay?

17 LT. TURELLO: Yeah, I'm good.

18 DET. COSTANTINO: Alright, call me back.

19 LT. TURELLO: Will do. Alright.

20 DET. COSTANTINO: Alright, thanks.

21 LT. TURELLO: Bye.

22

23

24

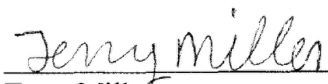
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CERTIFICATION

I, TERRY MILLER, a Secretary of the State Commission on  
Judicial Conduct, do hereby certify that the foregoing is a true and  
accurate transcript of the audio recording described herein to the best of  
my knowledge and belief.

Dated: July 23, 2021

  
\_\_\_\_\_  
Terry Miller

# COMMISSION EXHIBIT 13

[Respondent Interview with BPD Lt. Moretti, Video](#)

ERIE COUNTY STATE OF NEW YORK



-----X

**MATTER OF HON. MARK J. GRISANTI,**

New York State Court of Claims  
Acting Supreme Court Justice

-----X

Recording of Buffalo Police Interview

Buffalo Police Department  
D-District  
669 Hertel Avenue  
Buffalo, New York

June 23, 2020  
12:08 A.M.

Parties Involved:

HON. MARK J. GRISANTI

OFFICER RICHARD HY

DETECTIVE WILLIAM MORETTI

LIEUTENANT KAREN TURELLO



(Grisanti, Buffalo Police Interview, June 23, 2020)

1 (12:08:17 to 12:11:51)

2 OFC HY: --(Unintelligible) take him out of cuffs.

3 DET. MORETTI: Yeah, I am. We're going to take him out of  
4 cuffs--

5 OFC HY: --Cool.

6 DET. MORETTI: Sweet. So, if you would like to do that.  
7 (Unintelligible) then. We'll be with you in one  
8 minute. Okay, sir?

9 JUDGE GRISANTI: Alright.

10 (BACKGROUND CONVERSATION)

11 (12:11:52 to 12:13:05)

12 DET. MORETTI: Where's Lieutenant? Did she come back in here--

13 OFC GEHR: --I believe she's still at the scene.

14 DET. MORETTI: I thought she walked in here.

15 OFC GEHR: Not in here, or at least not that I've seen. You mean  
16 (unintelligible)?

17 DET. MORETTI: Yeah.

18 (BACKGROUND RADIO TRANSMISSIONS)

19 *Telephone conversation:*

20 OFC GEHR: I, I'm sorry. What's that? I'm sorry. Go-- I'm  
21 sorry, I'm sorry. One more time. Oh, okay. So, I  
22 believe Detective Moretti was looking for you. Did  
23 he get a hold of you? Okey doke. Cool, no problem.  
24 Bye.

25 *End of telephone conversation.*

1 (BACKGROUND CONVERSATION)  
2 (12:13:06 to 12:48:48)  
3 LT. TURELLO: Hi.  
4 JUDGE GRISANTI: How you doing?  
5 LT. TURELLO: Hanging in there. How are you?  
6 JUDGE GRISANTI: Okay.  
7 LT. TURELLO: Do you have your chain?  
8 JUDGE GRISANTI: I do.  
9 LT. TURELLO: Okay. That's what-- Your daughter, Ashlee was  
10 worried.  
11 JUDGE GRISANTI: No. I lost part of it--  
12 LT. TURELLO: --Okay--  
13 JUDGE GRISANTI: --(Unintelligible).  
14 DET. MORETTI: What's wrong?  
15 LT. TURELLO: I just asked if he had his chain, because his daughter  
16 asked about it.  
17 DET. MORETTI: Okay.  
18 LT. TURELLO: So, I just wanted to make sure you had it.  
19 JUDGE GRISANTI: Pieces, I have.  
20 LT. TURELLO: I'm sure. (Unintelligible).  
21 DET. MORETTI: Sir, do you want to come over here, sit down at the  
22 computer? We're going to do a-- We're just going  
23 to take a statement from you. Okay?  
24 JUDGE GRISANTI: Okay.  
25 DET. MORETTI: Lieutenant Turello is going to read you your rights



*(Grisanti, Buffalo Police Interview, June 23, 2020)*

1 | LT. TURELLO: Thank you. Do you want this shut then? Or are you  
2 | good--  
3 | DET. MORETTI: --Yeah, please.  
4 | LT. TURELLO: Okay.  
5 | DET. MORETTI: Alright. So, from what I gather, you've had some  
6 | issues with your neighbors for quite some time.  
7 | JUDGE GRISANTI: I mean, in the beginning, when I first moved there  
8 | 14 years ago, I never had an issue with them.  
9 | DET. MORETTI: Mm-hmm.  
10 | JUDGE GRISANTI: I mean, we were actually friends. But, you know,  
11 | when you talk to other neighbors that aren't friendly  
12 | with them--  
13 | DET. MORETTI: --Yeah--  
14 | JUDGE GRISANTI: --they don't particularly like that, so we kind of fell  
15 | out of the friendship.  
16 | DET. MORETTI: Okay. Mark Grisanti, right, sir?  
17 | JUDGE GRISANTI: Yes, sir.  
18 | DET. MORETTI: Can you spell your last name for me?  
19 | JUDGE GRISANTI: G-R-I-S-A-N-T-I.  
20 | DET. MORETTI: Alright. Your date of birth, sir?  
21 | JUDGE GRISANTI: [REDACTED].  
22 | DET. MORETTI: And you live at [REDACTED] ?  
23 | JUDGE GRISANTI: [REDACTED].  
24 | DET. MORETTI: Is it Place, Avenue?  
25 | JUDGE GRISANTI: Avenue.

(Grisanti, Buffalo Police Interview, June 23, 2020)

1 DET. MORETTI: A good phone number for you, sir?  
2 JUDGE GRISANTI: 4-- [REDACTED].  
3 DET. MORETTI: [REDACTED]  
4 JUDGE GRISANTI: [REDACTED]  
5 DET. MORETTI: --[REDACTED] Okay. How far did you go in school, sir?  
6 JUDGE GRISANTI: JD, law school.  
7 DET. MORETTI: JD?  
8 JUDGE GRISANTI: Yeah, Juris Doctorate (unintelligible) law school.  
9 So, college, four years of college, then law school.  
10 DET. MORETTI: Stupid question: Can you read and write?  
11 JUDGE GRISANTI: Pardon me?  
12 DET. MORETTI: You can read and write? Stupid question, but we got  
13 to ask--  
14 JUDGE GRISANTI: --Yeah, yeah.  
15 DET. MORETTI: Okay. So, we're going to call this "a fight."  
16 JUDGE GRISANTI: You call it a fight or defending your wife?  
17 DET. MORETTI: We're calling it a "fight."  
18 JUDGE GRISANTI: Okay.  
19 DET. MORETTI: In your own words, what can you tell me about this  
20 incident? Just take it slow; I'm going to type it out.  
21 JUDGE GRISANTI: We got home. We went to dinner at North End, then  
22 we went to Dairy Queen. Got home, I was loading  
23 stuff out of the car. I said to my wife, I said, "Now,  
24 they have a relative now blocking the driveway."  
25 The apron part of it. So, I went inside, I called D

*(Grisanti, Buffalo Police Interview, June 23, 2020)*

1 District, I said, "Is it possible to have somebody  
2 come here and either issue a ticket, or possibly  
3 knock on the door across the street?" They said,  
4 "We don't, we don't do that. You got to call 9-11."  
5 So, I called 911--  
6 DET. MORETTI: --Hold it right there for a minute, sir, so I can type  
7 this out.  
8 JUDGE GRISANTI: Go ahead.  
9 DET. MORETTI: So, they said that they couldn't do that, you had to  
10 call 911?  
11 JUDGE GRISANTI: Correct.  
12 DET. MORETTI: Okay.  
13 JUDGE GRISANTI: So, I called 911. I said, "Not a big deal. I'm in the  
14 house," I said, "But there's a car that's partially  
15 blocking the apron of the driveway. It's a truck that  
16 has New Jersey plates." So, she said, "We're busy,  
17 but," you know, or something along those lines, "but  
18 we'll get somebody--" I mean, I, I-- She said, "Do  
19 you know whose truck it is?" I said, "It's the  
20 neighbors' across the street. We're not on, really,  
21 speaking terms." I said, "So, whenever you get here,  
22 you get here." And it's probably on the 9-11 call. I  
23 don't remember--  
24 DET. MORETTI: --Mm-hmm--  
25 JUDGE GRISANTI: --verbatim what I said.

*(Grisanti, Buffalo Police Interview, June 23, 2020)*

1 | DET. MORETTI:        Alright. Hold it right there, okay?  
2 | JUDGE GRISANTI:     Mm-hmm.  
3 | DET. MORETTI:        So, they asked if I knew who it was, and I said, “It  
4 |                            was the neighbors, but we aren’t on speaking terms.”  
5 | JUDGE GRISANTI:     I told them, they always block the driveways. So,  
6 |                            mine and other neighbors. Not so much block, but  
7 |                            it, they, they, they’re like right on the, the edge.  
8 | DET. MORETTI:        Yeah. That would be annoying. Okay.  
9 | JUDGE GRISANTI:     So, I was loading the stuff. We have a-- I don’t  
10 |                           know if you want to paraphrase this, but we have a  
11 |                           dog that we actually take to dialysis every Monday,  
12 |                           Wednesday, and Friday.  
13 | DET. MORETTI:        Mm-hmm.  
14 | JUDGE GRISANTI:     So, we got home from dinner. She’s like, “I better  
15 |                           take the dog out,” because I just took him to dialysis;  
16 |                           I went in the afternoon.  
17 | DET. MORETTI:        Mm-hmm.  
18 | JUDGE GRISANTI:     So, she took the dog outside, I was unloading the  
19 |                           stuff from the car, because we went to Aldi’s as  
20 |                           well.  
21 | DET. MORETTI:        Okay.  
22 | JUDGE GRISANTI:     I go outside, my wife is probably a house down to  
23 |                           the, if you’re facing my house, the left. So, on our  
24 |                           side of the street. She’s got a, a, a paper towel full  
25 |                           of, you know, the, the dog did its duty.

*(Grisanti, Buffalo Police Interview, June 23, 2020)*

1 | DET. MORETTI: Mm-hmm.

2 | JUDGE GRISANTI: And she hands it to me. We're walking back  
3 | towards the house to get the dog in, you know, in the  
4 | driveway. She's standing by the truck, and I said,  
5 | "Is it--" She goes, "Yeah, it's in the apron." All of  
6 | a sudden, three of them, Gina, Joe, and whoever  
7 | owns the truck, came out of their house, came down  
8 | their driveway and started saying, "Do you have an  
9 | f-ing problem with the way we parked?" And I said,  
10 | "I've already contacted the police to come to see if  
11 | it's necessary to have either, you know, to give you a  
12 | ticket," and then the girls just started arguing.

13 | DET. MORETTI: Alright. Hold it right there. Alright. So, all of a  
14 | sudden, Gina, Joe, and whoever owns the truck came  
15 | out, came out of--

16 | JUDGE GRISANTI: --The house, came down their front porch to the  
17 | apron of their driveway, saying stuff about parking,  
18 | and then it got into a shouting match where, "You do  
19 | this all the time. You park right up on top of the  
20 | curb, right on top of the apron."

21 | DET. MORETTI: You told them that you called the police?

22 | JUDGE GRISANTI: I did. Well, I told them I called the police, and I  
23 | don't know if they're -- I said, "They may come and  
24 | give you a ticket." I go, I go, "There's eight feet in  
25 | front of the truck." I go, "You could just move it up



*(Grisanti, Buffalo Police Interview, June 23, 2020)*

1 a little bit.”  
2 DET. MORETTI: Mm-hmm.  
3 JUDGE GRISANTI: And it was, like, “F-you. We’re not moving  
4 nothing.” So... So, the, the girls started arguing.  
5 And my wife started walking over towards, across  
6 the street. Now the dog is basically, you know, he--  
7 I don’t want him across the street. So, I’m trying to  
8 get the dog, like, towards the back of the yard.  
9 DET. MORETTI: Mm-hmm.  
10 JUDGE GRISANTI: So, I’m going-- I’m having him go that way. And I  
11 think one of the, I think my neighbor on the other  
12 side came out. I can sort of like, like, peripheral, see  
13 the dog. I go across the street, I’m grabbing my wife  
14 by the arm, saying, “Come on, let’s go.”  
15 DET. MORETTI: Mm-hmm.  
16 JUDGE GRISANTI: And then, the two girls, they grab her, like around  
17 the neck, and they, they start grabbing her. Joe is an  
18 instigator. He’s like, “Oh, girl fight, girl fight.  
19 Let’s, let’s fight.” I said, “Joe, take the girls in the  
20 house.” Okay. And then, I says, and then--  
21 DET. MORETTI: --Hold on one second--  
22 JUDGE GRISANTI: --Sure--  
23 DET. MORETTI: --I got to catch up, okay?  
24 JUDGE GRISANTI: Alright.  
25 DET. MORETTI: So, you went and tried to grab your wife and pull her

*(Grisanti, Buffalo Police Interview, June 23, 2020)*

1 back--

2 JUDGE GRISANTI: --Right--

3 DET. MORETTI: --and the two girls grabbed--

4 JUDGE GRISANTI: --Yeah, my wife's kind of--

5 DET. MORETTI: --her--

6 JUDGE GRISANTI: --She's like in a, in a, like, like a chokehold.

7 DET. MORETTI: Joe is an instigator. And he started yelling, "Girl,

8 girl fight."

9 JUDGE GRISANTI: Yeah. And he's done that before, too.

10 DET. MORETTI: And you told him--

11 JUDGE GRISANTI: --Because Gina, Gina and my wife have gotten in

12 arguments across the street, and then, oh, he's, like,

13 "Girl fight, girl fight." I say to him, "Oh, nice kind

14 of man you are, you know, you want the girls to

15 fight," and he goes, "Well, come on, tough guy."

16 So, I said, I said "Joe,"--

17 DET. MORETTI: --(Unintelligible)--

18 JUDGE GRISANTI: --I go, "Come on then." He pushed me, I pushed

19 him back, and then it was, like a, like a wrestling

20 thing where, you know, you're-- It's almost like

21 Greco-Roman wrestling, where you're like this.

22 DET. MORETTI: Mm-hmm.

23 JUDGE GRISANTI: We break up, now we're on my side of the street.

24 Now I'm on my, my driveway apron. He comes

25 across the street, the girls are still arguing, I'm



*(Grisanti, Buffalo Police Interview, June 23, 2020)*

1 | | of like in this Greco-Roman wrestling thing.  
2 | DET. MORETTI: | Mm-hmm.  
3 | JUDGE GRISANTI: | But that was really nothing. That kind of broke up.  
4 | | But when they came back from across the street,  
5 | | because that was kind of in the middle of the street  
6 | | when that was going on, and then when he came  
7 | | back to, on my side of the street and went to go take  
8 | | a swing, you know, and he's, he's kind of a big  
9 | | dude. You know what I mean. He's not, he's not  
10 | | small; he's a little, you know, he's heavy--  
11 | DET. MORETTI: | --Works out--  
12 | JUDGE GRISANTI: | --set. I mean, he's not-- Yeah. I mean, he's got  
13 | | power. So, he goes to take a swing, and I, I went  
14 | | back, and as he's, as he's going, like it just went like  
15 | | this, and, like, everything, like, ripped off, and he  
16 | | hits the ground.  
17 | DET. MORETTI: | Mm-hmm--  
18 | JUDGE GRISANTI: | --But when he hit the ground, that was it, it stopped.  
19 | | Like, he got up, you guys were coming down the  
20 | | street, and, and then it was literally like, two-and-a-  
21 | | half, three minutes. So, they went across the street,  
22 | | and we stayed on our side of the street.  
23 | DET. MORETTI: | You said it lasted two or three minutes?  
24 | JUDGE GRISANTI: | If that. I mean, if that. I mean, two or three minutes.  
25 | | It was more wrestling than anything. I mean, don't,





*(Grisanti, Buffalo Police Interview, June 23, 2020)*

1 She's, like, four foot, nothing." I said, "So, didn't  
2 mean to put my hands on--" He was fine with it.  
3 Another officer came over, heard what I did. He  
4 said, "You touched a police officer," and then put  
5 the cuffs on me.  
6 DET. MORETTI: Well, we got-- You got-- When an officer gets to a  
7 situation, and don't understand what's happening--  
8 JUDGE GRISANTI: --Yeah--  
9 DET. MORETTI: --and there's a lot of screaming and yelling going on  
10 and no one wants to stop--  
11 JUDGE GRISANTI: --Yeah--  
12 DET. MORETTI: --that's when we have to take action to calm the  
13 situation down--  
14 JUDGE GRISANTI: --I, I, I-- Well, the--  
15 DET. MORETTI: --(Unintelligible)--  
16 JUDGE GRISANTI: --And you saw her; she's this big--  
17 DET. MORETTI: --I went and talked to your wife in the police car--  
18 JUDGE GRISANTI: --And the other one--  
19 DET. MORETTI: --and told her I would speak to her later, but--  
20 JUDGE GRISANTI: --The other one-- They didn't, they-- You know,  
21 there's two of them screaming and nothing happened  
22 to them, but she get, she's-- Listen, you know, it's  
23 typical-- You know, we're together over 25 years. I  
24 mean, it was like--  
25 DET. MORETTI: --Mm-hmm--

*(Grisanti, Buffalo Police Interview, June 23, 2020)*

1 JUDGE GRISANTI: --I was like, like this, I'm like, "I've got her. Chill."  
2 You know, and he's like, he's like, trying to do a  
3 sweep motion. I said, "Don't freaking kick her."  
4 You know, and I went, went like that, and then, I'm,  
5 like, "No," and then the, the-- There was another  
6 officer there.

7 DET. MORETTI: Mm-hmm

8 JUDGE GRISANTI: He didn't do it-- He just grabbed me and said, "Let  
9 him do his job." I said, "Okay." And then a minute  
10 and a half later, that officer tells another officer that  
11 came what happened, and he goes, "You need to  
12 shut the fuck up," you know, blah, blah, blah, blah,  
13 blah. I said, "Look, I already apologized to him. I  
14 shouldn't do that." I go, "You know, my daughter  
15 and my son-in-law are police." I said, "I, I  
16 understand that. I understand what you guys are  
17 going through. It's all good." And he goes, "You're  
18 not shutting up, and I'm talking." And I said, "Well,  
19 I already--" He goes, "That's it, put your hands  
20 behind your back. Because, he goes, "You're, you  
21 keep talking." I said, "Well, I was just apologizing.  
22 I told you what I told him." And that was it; then we  
23 came here. Do you know where my wife is?

24 DET. MORETTI: Yeah. She's outside.

25 JUDGE GRISANTI: Oh.



*(Grisanti, Buffalo Police Interview, June 23, 2020)*

1 | DET. MORETTI: She's just sitting in the car outside. She's fine.  
2 | JUDGE GRISANTI: Alright. Do you know who's got the dog?  
3 | DET. MORETTI: I don't know anything about the dog.  
4 | JUDGE GRISANTI: Alright, yeah, that's important because he needs  
5 | medicine.  
6 | DET. MORETTI: You'll be out of here shortly.  
7 | JUDGE GRISANTI: It's funny, too, then he freaking yells from across the  
8 | street, "Maybe this will get you to move." The guy.  
9 | He didn't-- The neighbors on-- If you're facing the  
10 | south, the neighbors on the left just moved.  
11 | DET. MORETTI: Yeah, (unintelligible)--  
12 | JUDGE GRISANTI: --Because they couldn't stand them. The new people  
13 | that are there, he's already fought with them. The  
14 | neighbors on the right, he fights with them. The  
15 | neighbors on my right, this right, the other left.  
16 | DET. MORETTI: Mm-hmm--  
17 | JUDGE GRISANTI: --I mean, it's just ridiculous. I ignore him. I mean,  
18 | I'm just like-- You know, we were friends. I  
19 | actually helped the guy-- The guy was going  
20 | through freaking cancer. I actually hooked him up  
21 | with a doctor that got him through cancer at  
22 | Roswell. And, you know, he used to help me take  
23 | the bushes out the front, you know, then I had the  
24 | expanded driveway, and then, they didn't like the  
25 | fact that we were talking to, like, the other

*(Grisanti, Buffalo Police Interview, June 23, 2020)*

1 neighbors, and trying to stay neutral, so they just  
2 hate us. So, just, you know, just how it is. So, they  
3 take every car and park it on the corner of every  
4 driveway apron.

5 DET. MORETTI: What are their names?

6 JUDGE GRISANTI: Who?

7 DET. MORETTI: Your neighbors that were involved in the dispute  
8 tonight.

9 JUDGE GRISANTI: Gina, Joe Mele. And I don't know who the girl was,  
10 but she's a relative, I think from New, from New  
11 Jersey. That's what the truck had plates on. You,  
12 you know what they'll actually do?

13 DET. MORETTI: Hmm?

14 JUDGE GRISANTI: They'll actually pull the car up then park it, and then  
15 when it's not close-- They'll get out of the car, and  
16 look, and if it's not close enough to the driveway  
17 apron, they actually get back in the car and move it  
18 up more. So, if this is your apron--

19 DET. MORETTI: --Pretty silly, if you ask me--

20 JUDGE GRISANTI: --If this is your apron, right here, they'll  
21 (unintelligible)--

22 DET. MORETTI: --I seen how the truck was parked when I got there.  
23 I got neighbors that do that, too. But, I mean, when I  
24 asked them how it--

25 JUDGE GRISANTI: --There was, there was, there is six feet in front of

*(Grisanti, Buffalo Police Interview, June 23, 2020)*

1 it--

2 DET. MORETTI: --their, their response was, "Well, I want to leave  
3 room for someone else to park in front of me--"

4 JUDGE GRISANTI: --(Unintelligible)--

5 DET. MORETTI: --"or behind me." If that's the case, I, I can't answer  
6 for them.

7 JUDGE GRISANTI: Yeah--

8 DET. MORETTI: --I'm just telling you, like, my experience.

9 JUDGE GRISANTI: No, that's what they're doing--

10 DET. MORETTI: --(Unintelligible)--

11 JUDGE GRISANTI: --Oh, maybe your neighbors, but these neighbors?  
12 No. It's just-- They just, they just-- They'll  
13 purposely get out of the car and look, and if there's  
14 room, they'll, they'll back it up, or pull forward,  
15 depending on what, what apron they're trying to get.  
16 But there was no confrontation. I mean, I, I said,  
17 "Listen." I go, "I already called." I go, "I don't  
18 know if the police are going to come or parking  
19 enforcement." I said, "I'll let them decide." And the  
20 two girls were coming right down, "I'll move in,"  
21 and (unintelligible). It just-- You know, they're-- I  
22 mean, listen, we're talking a bunch of Italian girls.  
23 They just started going nuts.

24 DET. MORETTI: During the initial verbal dispute, what caused you to  
25 go across the street to them?

*(Grisanti, Buffalo Police Interview, June 23, 2020)*

1 JUDGE GRISANTI: What are-- Because they came to the apron of the  
2 driveway. My wife was walking over to them and  
3 saying, "Why don't you move the truck?" I go over  
4 about three quarters the way across the street. I'm  
5 grabbing her arm. They move into the street, closest  
6 to their side, and the girls start fighting.

7 DET. MORETTI: Mm-hmm.

8 JUDGE GRISANTI: And I'm trying to pull her away. And he's like,  
9 "Well, let them fight." And I'm like, "No, Joe.  
10 You, you always say that before, let them fight,"  
11 and, and I go, "And you always got to be a tough  
12 guy." And he goes, "Well, come on tough guy, take  
13 me on." So, I, you know, I, I get close to him and he  
14 pushes me, I push him back, the shirt goes over my  
15 head. And then, there's, like, a Greco-Roman thing,  
16 and we're moving. We're, like, in the middle of the  
17 street. That shirt comes off, and I had, I had the  
18 freaking bag of, it wasn't even a bag, it was in a  
19 paper towel, of dog shit--

20 DET. MORETTI: --Mm-hmm. Yeah.

21 JUDGE GRISANTI: Over my head. So, I smell. I, I'm sorry. And that  
22 was kind of like the end of it, and the girls started  
23 going again.

24 DET. MORETTI: Mm-hmm.

25 JUDGE GRISANTI: And now it's over on our side.

*(Grisanti, Buffalo Police Interview, June 23, 2020)*

1 | DET. MORETTI:        Yeah.

2 | JUDGE GRISANTI:    And he, Joe's, like, "You know, (unintelligible)."  
3 |                            And he goes, whatever he tried to do-- And he tried  
4 |                            to, like, swing or something, and he, and I, I backed  
5 |                            up, and I mean, this just, like, ripped, you know,  
6 |                            scratch down, take the freaking chain off, and he hits  
7 |                            the pavement. I didn't punch him, didn't do nothing.  
8 |                            He just, like-- And I didn't touch him, like, when he  
9 |                            went down, I didn't hit him or anything like that. He  
10 |                            got up, he went to his side--

11 | DET. MORETTI:        --Mm-hmm--

12 | JUDGE GRISANTI:    --and it was right at that moment that the police  
13 |                            came.

14 | DET. MORETTI:        Okay.

15 | JUDGE GRISANTI:    And then, everybody was out. But there were--  
16 |                            There was some people out before then, because  
17 |                            somebody had to get the dog, or else the dog would  
18 |                            have come in the street.

19 | DET. MORETTI:        You had issues with them in the past? Yes.

20 | JUDGE GRISANTI:    I mean, listen. The last time I had an issue with  
21 |                            them was, was probably three years ago. I mean, it  
22 |                            was-- You know, I don't talk to them, you know. I  
23 |                            mean, I see their kids. Their kids, like, work at  
24 |                            Costa's, like as hostesses, and I, I say hello to the  
25 |                            kids. I tip them if I get takeout food, but, you know,

*(Grisanti, Buffalo Police Interview, June 23, 2020)*

1 I, I, for, for the-- I don't-- I just ignore them. I  
2 don't say nothing to them.

3 DET. MORETTI: Yeah.

4 JUDGE GRISANTI: But there is, every so often, there's a flare-up. If it's  
5 with this neighbor, or this neighbor, or this neighbor,  
6 you'll hear about it. Or if you're outside you'll hear  
7 it.

8 DET. MORETTI: Mm-hmm.

9 JUDGE GRISANTI: There's just flare-ups with-- It depends on what  
10 month it is for what neighbor. It was, like-- And,  
11 and listen. They weren't even outside. I mean, my  
12 wife is just standing there going, "Well, you know,  
13 it's kind of in the apron." I said, "Well, I'm already  
14 in the house." I go, I called-- And then they come  
15 out, you know, "You don't like the f-ing way we  
16 park?" I says, "I already called the police." "Go  
17 ahead and call the f-ing police," you know, that's,  
18 that's-- You're not in the-- "We're not in the  
19 driveway," and then the girls just came out, and then  
20 the girls just started, like-- I'm like, alright, this isn't  
21 going to be good.

22 DET. MORETTI: Were you injured during the fight?

23 JUDGE GRISANTI: No, I don't think so. I mean, I got some whatever  
24 this is, you know, it looks like a black and blue and  
25 a, something on my nose, but I think that's when the

*(Grisanti, Buffalo Police Interview, June 23, 2020)*

1 shirt was coming over my head. But, no, I'm not  
2 hurt.  
3 DET. MORETTI: Did you find your necklace? You don't know where  
4 it is--  
5 JUDGE GRISANTI: --Pieces.  
6 DET. MORETTI: If you have it, it's broken?  
7 JUDGE GRISANTI: Pieces, yes. Yes, there's, there's, there's, there was  
8 a, it was a horn.  
9 DET. MORETTI: An Italian horn?  
10 JUDGE GRISANTI: Yeah. Well, look, I mean, that's, that's some  
11 strength to pull that off.  
12 DET. MORETTI: Alright.  
13 JUDGE GRISANTI: You know what I mean, to rip, to rip that out of  
14 there?  
15 DET. MORETTI: Eh.  
16 JUDGE GRISANTI: You know, that's--  
17 DET. MORETTI: --I've a two-year-old son that broke this necklace not  
18 too long ago, by just yanking on it and ripping it off  
19 my neck--  
20 JUDGE GRISANTI: --Well, this is--  
21 DET. MORETTI: --So--  
22 JUDGE GRISANTI: --this is a-- I mean, that, that clasp, that was a, like,  
23 like, it was one of those tiger clasps, so, I don't  
24 know where the horn is. But that's, you know, that's  
25 about it. But, I mean, you know, and these are all

*(Grisanti, Buffalo Police Interview, June 23, 2020)*

1 | the receipts from where I was. Home Depot, it was--  
2 | What do you call that?  
3 | DET. MORETTI: So, your gold necklace was broken?  
4 | JUDGE GRISANTI: Yeah. That's about it--  
5 | DET. MORETTI: --And your shirt was ripped?  
6 | JUDGE GRISANTI: Yeah.  
7 | DET. MORETTI: Okay.  
8 | JUDGE GRISANTI: So, so, I mean, if you looked, I mean, the phone  
9 | actually has the time of the call from the thing and it  
10 | was 8:20 when I left Dairy Queen, so, I mean, it's  
11 | got to be somewhere around there, then we left...  
12 | And then we left North End, and we each had two  
13 | glasses of wine, and that's at... 7:38.  
14 | DET. MORETTI: Mm-hmm.  
15 | JUDGE GRISANTI: But you know what it is with Italian girls? See, my,  
16 | my wife and Gina, they knew each other from, like,  
17 | back in the day. I didn't know them. And just, you  
18 | wouldn't believe the stuff they say against each  
19 | other. You know, "Your ex-husband was a piece  
20 | of-- Your ex is--" I mean they're just-- They're  
21 | Italian, so they know what to say to, like, set  
22 | everybody off. You know what I mean?  
23 | DET. MORETTI: Mm-hmm. Did you see your wife bite Joe?  
24 | JUDGE GRISANTI: No. Bite Joe?  
25 | DET. MORETTI: Yeah.



*(Grisanti, Buffalo Police Interview, June 23, 2020)*

1 JUDGE GRISANTI: No. She might have bit whoever was around her  
2 neck. I saw her-- I heard somebody say, "Oh, don't  
3 bite."  
4 DET. MORETTI: Yeah, he's got a big bite mark on his arm.  
5 JUDGE GRISANTI: Yeah, well, somebody had, somebody had her  
6 around the neck, and that's why she was biting. You  
7 know what I mean? So, if the bite mark's here--  
8 Remember I was telling you, like, like, he said, you  
9 know, "Let's have a girl fight"? If the bite mark's  
10 here, then, would it make sense that his arm's around  
11 her neck, if she's biting him in the forearm?  
12 DET. MORETTI: Mm-hmm.  
13 JUDGE GRISANTI: Like, why would he have his hands around her neck?  
14 Or how would she get his forearm if it's not near her  
15 mouth, is what I'm saying, with the two other girls?  
16 DET. MORETTI: (Unintelligible). So, he had her around the neck, so  
17 that's why he bit her, she bit him?  
18 JUDGE GRISANTI: Well, if, if-- She-- People had her around the neck,  
19 and I'm trying to pull her out, and he's, like, "Girl  
20 fight." So, if he's, if he's got his arm around her  
21 neck to keep her there so there's a girl fight, it would  
22 make sense that you would bite her on the-- Did-- I  
23 thought it was a girl he bit, if, if she would bite him  
24 on the forearm. Why's his forearm, or underneath  
25 his forearm, near her mouth? He's got to have his,

*(Grisanti, Buffalo Police Interview, June 23, 2020)*

1 his arm around her neck, in a sense.  
2 DET. MORETTI: Mm-hmm.  
3 JUDGE GRISANTI: From behind. Because I'm trying to pull her this  
4 way, and they're behind her like this.  
5 DET. MORETTI: Mm-hmm.  
6 JUDGE GRISANTI: I thought it was the girls, and I'm trying to pull her,  
7 saying, "Let's go." If she has stuff on her wrist it's  
8 probably from me trying to pull her to get, to get out  
9 of there, because I, I knew where it was going to end  
10 up--  
11 DET. MORETTI: --(Unintelligible) has some bruising to her forearms  
12 that are, that's pretty nasty, too.  
13 JUDGE GRISANTI: Well, that's not-- I mean, I grabbed her from here to  
14 say, "Let's go. Let's get out of here." I mean, these  
15 girls were--  
16 DET. MORETTI: --No, no, no. Not your wife, his wife.  
17 JUDGE GRISANTI: Oh, I don't know about that, then, I mean, but I'm  
18 trying to pull her this way to get her out, and they  
19 got her around the neck, and I actually heard  
20 somebody say, "Get off her neck." And if she bit--  
21 If, if he's got a bite mark there, then it was his arm in  
22 front of her mouth.  
23 DET. MORETTI: Mm-hmm.  
24 JUDGE GRISANTI: So...  
25 DET. MORETTI: Okay.

*(Grisanti, Buffalo Police Interview, June 23, 2020)*

1 JUDGE GRISANTI: I mean, I don't know if my wife wants to press  
2 charges, but, I mean, you know--  
3 DET. MORETTI: --I don't know what's going to happen with this.  
4 Basically, my job tonight is I'm taking statements  
5 from everyone.  
6 JUDGE GRISANTI: Okay.  
7 DET. MORETTI: And then I'm going to meet with the DA's office,  
8 and we're going to look through everything, and  
9 make a call from that point onward.  
10 JUDGE GRISANTI: Okay.  
11 DET. MORETTI: So, that's kind of where I'm at.  
12 JUDGE GRISANTI: Alright.  
13 DET. MORETTI: To me it sounds like you and your neighbors over  
14 there have had a long--  
15 JUDGE GRISANTI: --Oh--  
16 DET. MORETTI: --long time, you know, of--  
17 JUDGE GRISANTI: --Listen, before--  
18 DET. MORETTI: --issues--  
19 JUDGE GRISANTI: --I-- As soon as I got there-- You know Tommy  
20 Amodeo? The City-- Judge Amodeo from City  
21 Court?  
22 DET. MORETTI: --It sounds familiar, yeah--  
23 JUDGE GRISANTI: --Yeah--  
24 DET. MORETTI: --but I don't know him--  
25 JUDGE GRISANTI: --Tommy was saying, he goes, "Mark, don't



*(Grisanti, Buffalo Police Interview, June 23, 2020)*

1 JUDGE GRISANTI: Yeah, it was like a weird-- It was kind of like, you  
2 know, where your, your heads are like that, and, and,  
3 and then when he came over to our side of the street,  
4 is where-- I don't know what he was trying to do to  
5 me to be honest with-- I don't know if he was going  
6 to push me or take a swing, but next thing I know,  
7 the necklace came off, and this, this shirt just, like,  
8 ripped. And it wasn't from that, because that came  
9 over my head, and then this just ripped straight-- It's  
10 still actually tucked in; it just ripped straight down.

11 DET. MORETTI: Mm-hmm.

12 JUDGE GRISANTI: And it took the necklace with it. So, what, I'm  
13 hoping tomorrow I can find the, the horn in the  
14 street, if it's still there, and, and the other piece of  
15 the necklace. Well, listen, these guys are already  
16 saying, "Oh, I'm going to-- We're calling Channel  
17 4, 2, 7." I'm like, "Really?"

18 DET. MORETTI: Did you at any, any time put your hands on your  
19 neighbor's wife?

20 JUDGE GRISANTI: No. No. I was trying to get my wife away from  
21 them.

22 DET. MORETTI: Alright.

23 JUDGE GRISANTI: Whoever had, whoever had my wife-- And if you're  
24 telling me Joe's bit here-- I thought it was the girls  
25 that had her by the neck. But I mean, I'm like,

*(Grisanti, Buffalo Police Interview, June 23, 2020)*

1 listen, I'm pulling as hard as I can. I'm like, I'm  
2 like, "Maria, come on, come on." And, and they're  
3 just not letting go. Come on, and then he's, like, you  
4 know, like I said, he's like, "Girl fight." I'm like,  
5 "Joe, forget the girl fight," you know, and he's like,  
6 "Oh, you want to be a tough guy?" And then, you  
7 know, he pushed me, I pushed him. As I said, the  
8 shirt comes over. It's like Greco-Roman wrestling.  
9 I'm like this. Me and him are done. And then we're  
10 on our side of the street, and they're coming over on  
11 this way.

12 DET. MORETTI: Mm-hmm.

13 JUDGE GRISANTI: And then, like I said, he goes to do something and  
14 this rips, the necklace comes off, and I'm, like, "The  
15 police are coming," and then, boom, they, they go to  
16 their side of the street.

17 DET. MORETTI: Yeah. Well, when he, he fell. At some point he  
18 fell--

19 JUDGE GRISANTI: --Yeah--

20 DET. MORETTI: --he grabs you and hurts himself. Alright. Do you  
21 want to press charges?

22 JUDGE GRISANTI: No, I don't want to press any charges. And I'm  
23 going to, I'm going to tell my wife the same thing.  
24 Like, I hope, you know. I'm hoping, I'm hoping,  
25 you know, she's just like, you know-- Now she's

*(Grisanti, Buffalo Police Interview, June 23, 2020)*

1 going to be, like, "Come on, we're going to move."  
2 I'm going to say, "I ain't moving."  
3 DET. MORETTI: Anything else you want to say about this incident?  
4 JUDGE GRISANTI: No. What I, what I apologized to is, is the, you  
5 know, kind of stopping the officer from doing what  
6 he had to do, but, you know, I saw him trying to  
7 sweep the legs of her, and she's had problems with  
8 her neck and back, or, or her neck and back. So,  
9 I'm, like, you know what, I'm, like, "I got her. I'll  
10 take her in the house." I'm not trying to get the cuffs  
11 on. But we were cool, you know, we-- Everyone  
12 was cool. And then he mentioned to someone, the  
13 two other officers that came, you know, what  
14 happened. He says, "Oh, you put your hand on an  
15 officer?" I said, "Listen, I already apologized to  
16 him. I didn't mean it." He goes, "You need to shut  
17 the fuck up because, you know, I'm talking right  
18 now--"  
19 DET. MORETTI: --That can be viewed as obstruction. We're there  
20 to--  
21 JUDGE GRISANTI: --Yup--  
22 DET. MORETTI: --perform our duties, and when someone tries to stop  
23 us from doing that--  
24 JUDGE GRISANTI: --I get it.  
25 DET. MORETTI: So--

*(Grisanti, Buffalo Police Interview, June 23, 2020)*

1 JUDGE GRISANTI: --I get it. That's why I apologized to him and let  
2 him do what he had to do.  
3 DET. MORETTI: Yeah. Did you give this statement voluntarily?  
4 JUDGE GRISANTI: Yes.  
5 DET. MORETTI: Were there any threats or promises made to you in  
6 relation to this statement?  
7 JUDGE GRISANTI: No.  
8 DET. MORETTI: Okay. So, I'm going to tell you, just like I told your  
9 neighbors, you're going to be going home tonight. I  
10 suggest you don't talk, you don't speak, you don't  
11 look, you don't point, you don't--  
12 JUDGE GRISANTI: --I know--  
13 DET. MORETTI: --Nothing--  
14 JUDGE GRISANTI: --Yeah, I know--  
15 DET. MORETTI: --Okay? And if something does happen-- Do you  
16 have a smartphone?  
17 JUDGE GRISANTI: Yeah.  
18 DET. MORETTI: Take out your smartphone--  
19 JUDGE GRISANTI: --I have it right here--  
20 DET. MORETTI: --and videotape everything that happens.  
21 JUDGE GRISANTI: Yeah.  
22 DET. MORETTI: That way no one can say otherwise.  
23 JUDGE GRISANTI: Yeah.  
24 DET. MORETTI: You have it documented. And I--  
25 JUDGE GRISANTI: --Well, you know what stings? I had the Ring, and



*(Grisanti, Buffalo Police Interview, June 23, 2020)*

1 the, and the-- I just put the Ring on, and the thing  
2 expired yesterday for a-- But I'm going to look to  
3 see if it, if it caught anything. Like, it has the video.  
4 DET. MORETTI: Mm-hmm. I told them the same thing, pull their  
5 phones out and videotape as well.  
6 JUDGE GRISANTI: Yeah--  
7 DET. MORETTI: --Okay. Because it makes our job a lot easier when  
8 we can go somewhere, and someone can follow a  
9 video, and it documents--  
10 JUDGE GRISANTI: --Well--  
11 DET. MORETTI: --everything (unintelligible)--  
12 JUDGE GRISANTI: --hopefully, well, maybe one of the neighbors did. I  
13 don't know if they did.  
14 DET. MORETTI: We have video.  
15 JUDGE GRISANTI: You know.  
16 DET. MORETTI: We got to review it and look at everything.  
17 JUDGE GRISANTI: Yeah--  
18 DET. MORETTI: --We do have video. Alright. I'm going to print this  
19 out, have you read it over. I'll be right back.  
20 JUDGE GRISANTI: (Unintelligible) out. My, my phone's in there, too,  
21 somewhere.  
22 UNKNOWN: Hey.  
23 DET. MORETTI: That door locking (unintelligible).  
24 UNKNOWN: I'll go unlock it.  
25 **(12:48:49 to 12:49:29)**

*(Grisanti, Buffalo Police Interview, June 23, 2020)*

1 (Silence)

2 **(12:49:30 to 12:49:49)**

3 JUDGE GRISANTI: It's my favorite shirt (unintelligible)--

4 DET. MORETTI: --Read that. I mean, to me this sounds like a, a  
5 boiling point was--

6 JUDGE GRISANTI: --(Unintelligible)--

7 DET. MORETTI: --reached--

8 JUDGE GRISANTI: --(unintelligible)--

9 DET. MORETTI: --and I mean it sounds more of a mutual fight once it  
10 began. The only issue that I have, looking at it as an  
11 outsider, is that you guys walked across the street to  
12 their property initially.

13 **(12:49:50 to 12:51:14)**

14 (Silence)

15 **(12:51:15 to 12:51:46)**

16 JUDGE GRISANTI: I'd probably say "t-shirt," because he already took  
17 the shirt off me. (Unintelligible), the chain and the  
18 t-shirt. That's alright. There was only--

19 DET. MORETTI: --Do you want to change it? We can change it--

20 JUDGE GRISANTI: --No, because the shirt's already off, and then it's  
21 like, then he grabbed me, and the chain and my shirt,  
22 and ripped it off, but it's where it says "my shirt"  
23 down on line 42, it's the t-shirt that's underneath it,  
24 the...

25 DET. MORETTI: Alright. I'm going to put "t-shirt."

*(Grisanti, Buffalo Police Interview, June 23, 2020)*

1 JUDGE GRISANTI: Yup.

2 **(12:51:47 to 12:52:49)**

3 (Silence)

4 **(12:52:50 to 12:54:49)**

5 JUDGE GRISANTI: That's fine.

6 DET. MORETTI: Everything else looks okay?

7 JUDGE GRISANTI: Yeah, remember, just write a "t" with "shirt?" All  
8 you got to do is put a "t" there.

9 DET. MORETTI: Yep. Is there anything else you want to change  
10 while I have this open? Because I'm going to print  
11 out a brand new--

12 JUDGE GRISANTI: --No--

13 DET. MORETTI: --copy--

14 JUDGE GRISANTI: --No. I mean, I'm sure, you know, if something did  
15 come up that I missed-- It was so fast. I mean,  
16 that's basically what it was.

17 DET. MORETTI: Yeah. Okay. Print out (unintelligible). I'll get that  
18 one. So, if you could just initial next to number one.  
19 Initial next to number two. And then you're going to  
20 sign up here where it says "Sign." Okay. We're all  
21 set. Do you want to go home now, or do you want to  
22 wait for your wife?

23 JUDGE GRISANTI: No. I, I'm going to have to wait for her.

24 DET. MORETTI: Okay. Because if not, we can have an officer take  
25 her home, and then--

*(Grisanti, Buffalo Police Interview, June 23, 2020)*

1 JUDGE GRISANTI: --(Unintelligible)--

2 DET. MORETTI: --we can bring her home afterwards.

3 JUDGE GRISANTI: Can I get my phone on the desk?

4 DET. MORETTI: I'll get it for you in just one minute, okay?

5 JUDGE GRISANTI: Oh, so, she has to do a statement as well?

6 DET. MORETTI: I'm getting a statement from everybody involved.

7 JUDGE GRISANTI: Alright. No, I'm saying I thought you already took  
8 her statement. That's why I thought--

9 DET. MORETTI: --No--

10 JUDGE GRISANTI: --maybe they did it outside. Because I don't have  
11 any way home either.

12 DET. MORETTI: We're going to have an officer drive you home.

13 JUDGE GRISANTI: Know what I mean? Or, um... Well, I can talk to  
14 her, right? I mean, I can say, "What do you want me  
15 to do?" She's probably going to say, "You got to  
16 take care of the dog."

17 DET. MORETTI: Ah, well. Yeah, we'll let you-- I'm going to bring  
18 her in. I'm going to do the same thing with her that  
19 we just did with you, and then you'll be out of here.  
20 Okay?

21 JUDGE GRISANTI: Alright--DET. MORETTI: --We're going to put you  
22 in this room here for now.

23

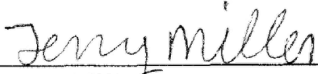
24 (WHEREUPON the interview of Judge Grisanti was concluded  
25 at 12:54 A.M. on June 23, 2020)

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CERTIFICATION

I, TERRY MILLER, a Secretary of the State Commission on  
Judicial Conduct, do hereby certify that the foregoing is a true and  
accurate transcript of the audio recording described herein to the best of  
my knowledge and belief.

Dated: March 11, 2021

  
\_\_\_\_\_  
Terry Miller

AGREEMENT

THIS AGREEMENT between MARK J. GRISANTI, herein referred to as "Seller", and PETER J. PECORARO and MATTHEW A. LAZROE, herein referred to as "Buyers", is for the transfer of Good Will of Mark Grisanti's law practice.

GOODWILL: This entails all files, wills, telephone number, fax number, copier/fax machine.

FURNISHINGS: This includes all items except the buffet and hutch from his grandfather and his senate chair.

That Buyers will be responsible for maintaining the files, wills and other documents, which includes all searches and surveys and protecting them.

That Buyers will hold Seller harmless for all files and contents from the date of signing this Agreement forward.

That if any unpaid invoices come in after the date of this Agreement or any funds come in after the date of this Agreement that Seller either already earned or was through a referral, those unpaid monies or funds are due to Seller.

That Seller agrees that there are no unpaid invoices of the practice or bills from the date of this Agreement that

are due and owing and he will pay all bills up to June 1, 2015.

That Seller agrees that there are no tax liabilities from the date of this Agreement forward that are due and owing.

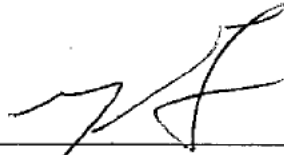
That Buyers will hold Seller harmless from the date of this Agreement forward as to any bills associated with this buyout. That this includes, but is no limited to, future search and survey bills, copier/lease bill, telephone bill or any tax liability. That Seller will only be responsible for \$300.00 monthly rental for the office at 43 Court Street, Suite 1010, Buffalo, New York, under the current lease but will also be speaking to the landlord regarding renegotiating said lease.

That the payment for this Agreement is a total sum of \$50,000.00. This is to be made with a payment of \$15,000.00 down and monthly payments beginning July 1, 2015, at a rate of \$730.00 per month until said balance is paid in full (approximately 4 years). There is no interest due on said payments. If a payment is late by 10 days, a \$50.00 penalty will be assessed.

This Agreement is not contingent on any future earnings of the Buyers as it relates to the contents transferred.

The Seller will close down his federal and state withholding tax identification number and pay any balances left.

The within constitutes the entire agreement.



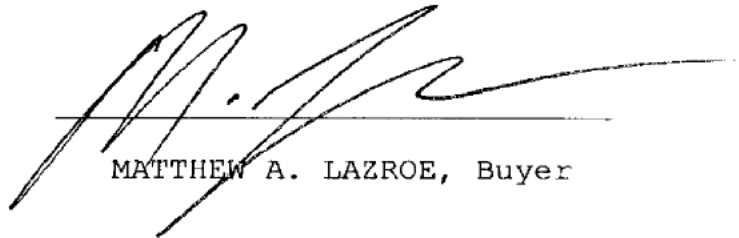
---

MARK J. GRISANTI, Seller



---

PETER J. PECORARO, Buyer



---

MATTHEW A. LAZROE, Buyer

STATE OF NEW YORK)  
COUNTY OF ERIE    )   SS:  
CITY OF BUFFALO    )

On May 18, 2015, before me, the undersigned, a Notary Public in and for the State of New York, personally appeared MARK J. GRISANTI, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me



that he executed the same in his capacity and that by his signature on the instrument, the individual, or the person upon whose behalf of which the individual acted, executed the instrument.

*Peter Pecoraro*

NOTARY PUBLIC

STATE OF NEW YORK)  
COUNTY OF ERIE ) SS:  
CITY OF BUFFALO )

PETER J. PECORARO  
Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires August 11, 2017

On May 18, 2015, before me, the undersigned, a Notary Public in and for the State of New York, personally appeared PETER J. PECORARO, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity and that by his signature on the instrument, the individual, or the person upon whose behalf of which the individual acted, executed the instrument.

*Jeffrey Lazrus*

NOTARY PUBLIC  
Notary Public  
Qualified in Erie County  
My Commission Expires  
August 11, 2017

STATE OF NEW YORK)  
COUNTY OF ERIE ) SS:  
CITY OF BUFFALO )

On May 18, 2015, before me, the undersigned, a Notary

Public in and for the State of New York, personally appeared MATTHEW A. LAZROE, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity and that by his signature on the instrument, the individual, or the person upon whose behalf of which the individual acted, executed the instrument.



NOTARY PUBLIC

JEFFREY A. LAZROE  
QUALIFIED IN Erie co. N.Y.  
MY COMMISSION EXPIRES  
8/21/2015

	date	amount
May-15	5/20/2015	10,000
Jun-15		
Jul-15	7/13/2015	365
Aug-15	7/31/2015	365
Sep-15	9/8/2015	365
Oct-15	10/1/2015	365
Nov-15	11/2/2015	365
Dec-15	11/25/2015	365
Jan-16	12/23/2015	365
Feb-16	2/1/2016	365
Mar-16	2/1/2016	365
Apr-16	3/31/2016	365
May-16	4/29/2016	365
Jun-16	5/27/2016	365
Jul-16	6/27/2016	365
Aug-16	7/25/2016	365
Sep-16	9/1/2016	365
Oct-16	10/6/2016	365
Nov-16	10/28/2016	365
Dec-16	12/9/2016	730
Jan-17		
Feb-17	2/2/2017	365
Mar-17	3/2/2017	365
Apr-17	4/3/2017	365
May-17	5/5/2017	365
Jun-17	6/5/2017	365
Jul-17	7/5/2017	365
Aug-17	8/7/2017	365
Sep-17	9/12/2017	365
Oct-17	10/10/2017	365
Nov-17	11/3/2017	365
Dec-17	12/1/2017	375
Jan-18	1/8/2018	365
Feb-18	2/2/2018	365
Mar-18	3/9/2028	365
Apr-18	4/9/2018	365
May-18	5/11/2018	365
Jun-18	6/6/2018	365
Jul-18	7/6/2018	365
Aug-18	8/3/2018	365
Sep-18	9/5/2018	365
Oct-18	10/10/2018	365
Nov-18	11/9/2018	365
Dec-18	12/11/2018	365
Jan-19	1/11/2019	365

Feb-19	2/11/2019	365
Mar-19	3/12/2019	365
Apr-19	4/8/2019	350
May-19	5/2/2019	380
Jun-19	6/11/2019	365

27,530



*WebCivil Supreme - Case Detail*

Add to eTrack

Court: **Erie Supreme Court**  
Index Number: **816523/2017**  
Case Name: **BAYVIEW LOAN SERVICING, LLC, vs. FORNES, MARY LEE et al**  
Case Type: **RP-Mortgage Foreclosure-Residential**  
Track: **Standard**  
RJI Filed: **12/01/2017**  
Date NOI Due: **12/01/2018**  
NOI Filed:  
Disposition Date: **12/05/2018**  
Calendar Number:  
Jury Status:  
Justice Name: **Grisanti, Hon. Mark J.**

Attorney/Firm For Plaintiff:

**Rosicki, Rosicki & Associates P.C.** Attorney Type: **RETAINED** Atty. Status: **Active**  
**51 E Bethpage Rd**  
**Plainview, NY 11803-4224**

**Sherer, Joshua Alan**

**199 Crossways Park Dr**  
**Woodbury, NY 11797-2016**  
**(516) 364-6006**

Attorney Type: **RETAINED** Atty. Status: **Inactive** Inactive Date: **12/07/2017**

Attorney/Firm For Defendant:

**FORNES, MARY LEE**  
**7333 BOSTON STATE ROAD**  
**HAMBURG, NY 14075**

Attorney Type: **RETAINED** Atty. Status: **Inactive** Inactive Date: **01/24/2018**

**Lazroe, Matthew Allen**

**43 Court St Ste 1111**  
**Buffalo, NY 14202-3111**  
**(716) 989-0090**

Attorney Type: **RETAINED** Atty. Status: **Active**

Close Show Appearances Show Motions Show eFiled Documents



*WebCivil Supreme - Appearance Detail*

Court: **Erie Supreme Court**  
 Index Number: **816523/2017**  
 Case Name: **BAYVIEW LOAN SERVICING, LLC, vs. FORNES, MARY LEE et al**  
 Case Type: **RP-Mortgage Foreclosure-Residential**  
 Track: **Standard**

**Appearance Information:**

Date	Time	Event	Disposition	Judge	Page
12/05/2018	09:30 AM	Motion-Notice of Motion	Granted	Grisanti, Hon. Mark J.	<u>1</u>
11/14/2018	11:00 AM	Conference-Preliminary	Discontinued	Grisanti, Hon. Mark J.	
08/27/2018	09:30 AM	Conference-Foreclosure Settlement	Case Not Settled	Part (FCP), Foreclosure FCP AM	
04/27/2018	09:30 AM	Conference-Foreclosure Settlement	Held	Part (FCP), Foreclosure FCP AM	
03/23/2018	09:30 AM	Conference-Foreclosure Settlement	Held	Part (FCP), Foreclosure FCP AM	
01/19/2018	12:30 PM	Conference-Foreclosure Settlement	Held	Part (FCP), Foreclosure FCP PM	

Close

# New York State Unified Court System



## WebCivil Supreme - eFiled Documents Detail

Court: **Erie Supreme Court**  
 Index Number: **816523/2017**  
 Case Name: **BAYVIEW LOAN SERVICING, LLC, vs. FORNES, MARY LEE et al**  
 Case Type: **RP-Mortgage Foreclosure-Residential**  
 Track: **Standard**

**Document List** - Click on the document name to view the document

1	11/16/2017	<a href="#">SUMMONS + COMPLAINT</a>	--none--		JOSHUA ALAN SHERER
2	11/16/2017	<a href="#">NOTICE OF PENDENCY</a>	--none--		JOSHUA ALAN SHERER
3	11/16/2017	<a href="#">CERTIFICATE OF MERIT</a>	--none--		JOSHUA ALAN SHERER
4	11/16/2017	<a href="#">STATEMENT OF AUTHORIZATION FOR ELECTRONIC FILING</a>	--none--		JOSHUA ALAN SHERER
5	11/22/2017	<a href="#">AFFIRMATION/AFFIDAVIT OF SERVICE</a>	--none--		JOSHUA ALAN SHERER
6	11/22/2017	<a href="#">STATEMENT OF AUTHORIZATION FOR ELECTRONIC FILING</a>	--none--		JOSHUA ALAN SHERER
7	11/29/2017	<a href="#">AFFIRMATION/AFFIDAVIT OF SERVICE</a>	--none--		JOSHUA ALAN SHERER
8	12/01/2017	<a href="#">AFFIRMATION/AFFIDAVIT OF SERVICE</a>	--none--		JOSHUA ALAN SHERER
9	12/01/2017	<a href="#">STATEMENT OF AUTHORIZATION FOR ELECTRONIC FILING</a>	--none--		JOSHUA ALAN SHERER
10	12/01/2017	<a href="#">AFFIRMATION/AFFIDAVIT OF SERVICE</a>	--none--		JOSHUA ALAN SHERER
11	12/01/2017	<a href="#">AFFIDAVIT</a>	--none--		JOSHUA ALAN SHERER
12	12/01/2017	<a href="#">AFFIRMATION</a>	--none--		JOSHUA ALAN SHERER
13	12/01/2017	<a href="#">AFFIRMATION/AFFIDAVIT OF SERVICE</a>	--none--		JOSHUA ALAN SHERER
14	12/01/2017	<a href="#">RJI -RE: RESIDENTIAL MORTGAGE FORECLOSURE SETTLEMENT CONFERENCE</a>	--none--		JOSHUA ALAN SHERER
15	12/01/2017	<a href="#">ADDENDUM - FORECLOSURE (840F)</a>	--none--		JOSHUA ALAN SHERER
16	12/14/2017	<a href="#">NOTICE OF APPEARANCE (PRE RJI)</a>	--none--		MARY KEEFE ROACH
17	08/30/2018	<a href="#">NOTICE OF FORECLOSURE SETTLEMENT CONFERENCE</a>	Conference Sheets		Cynthia Critoph court user
18	08/30/2018	<a href="#">OTHER COURT FILED DOCUMENT</a>	--none--		Cynthia Critoph court user
19	09/12/2018	<a href="#">ORDER - CASE SCHEDULING</a>	SCHEDULING ORDER		Brigitte Roestel court user
20	11/14/2018	<a href="#">NOTICE OF MOTION</a>	--none--	001	SUSAN A WEST
21	11/14/2018	<a href="#">ORDER ( PROPOSED )</a>	--none--	001	SUSAN A WEST
22	11/14/2018	<a href="#">AFFIRMATION</a>	--none--	001	SUSAN A WEST
23	11/14/2018	<a href="#">AFFIDAVIT</a>	--none--	001	SUSAN A WEST
24	11/14/2018	<a href="#">STATEMENT OF AUTHORIZATION FOR ELECTRONIC FILING</a>	--none--	001	SUSAN A WEST
25	12/05/2018	<a href="#">ORDER - DISCONTINUING ACTION AND CANCELING NOTICE OF PENDENCY</a>	--none--	001	Brigitte Roestel court user

Close

# REQUEST FOR JUDICIAL INTERVENTION

UCS-840 (7/2012)  
SUPREME COURT, COUNTY OF ERIE

Index No: 816523/2017 Date Index Issued: 11/16/2017

For Court Clerk Use Only:	
IAS Entry DATE	
Judge Assigned	
RJI Date	

**CAPTION:** Enter the complete case caption. Do not use et al or et ano. If more space is required, attach a caption rider sheet.

BAYVIEW LOAN SERVICING, LLC, A DELAWARE UNITED LIABILITY COMPANY,

Plaintiff(s)/Petitioner(s)

-against-

MARY LEE FORNES; UNITED STATES OF AMERICA - INTERNAL REVENUE SERVICE; "JOHN DOES" and "JANE DOES", said names being fictitious, parties intended being possible tenants or occupants of premises and corporations, other entities or persons who have, claim, or may claim, a lien against, or other interest in, the premises,

Defendant(s)/Respondent(s)

**NATURE OF ACTION OR PROCEEDING:** Check ONE box only and specify where indicated.

**MATRIMONIAL**

- Contested
- NOTE: For all Matrimonial actions where the parties have children under the age of 18, complete and attach the MATRIMONIAL RJI Addendum. For Uncontested Matrimonial actions, use RJI form UD-13.

**TORTS**

- Asbestos
- Breast Implant
- Environmental: \_\_\_\_\_ (specify)
- Medical, Dental, or Podiatric Malpractice
- Motor Vehicle
- Products Liability: \_\_\_\_\_ (specify)
- Other Negligence: \_\_\_\_\_ (specify)
- Other Professional Malpractice: \_\_\_\_\_ (specify)
- Other Tort: \_\_\_\_\_ (specify)

**COMMERCIAL**

- Business Entity (including corporations, partnerships, LLCs, etc.)
- Contract
- Insurance (where insurer is a party, except arbitration)
- UCC (including sales, negotiable instruments)
- Other
- Commercial: \_\_\_\_\_ (specify)
- NOTE: For Commercial Division assignment requests [22 NYCRR § 202.70(d)], complete and attach the COMMERCIAL DIV RJI Addendum.

**REAL PROPERTY:** How many properties does the application include?

- Condemnation
- Mortgage Foreclosure
- Property Address: \_\_\_\_\_
- Street Address City State Zip
- NOTE: For Foreclosure actions involving a one- to four-family, owner occupied, residential property, or an owner-occupied condominium, complete and attach the FORECLOSURE RJI Addendum.
- Tax Certiorari - Section: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_
- TAX FORECLOSURE
- Other Real Property: \_\_\_\_\_ (specify)

**OTHER MATTERS**

- Certificate of Incorporation/Dissolution [see NOTE under Commercial]
- Emergency Medical Treatment
- Habeas Corpus
- Local Court Appeal
- Mechanic's Lien
- Name Change
- Pistol Permit Revocation Hearing
- Sale or Finance of Religious/Not-for-Profit Property
- Other: \_\_\_\_\_ (specify)

**SPECIAL PROCEEDINGS**

- CPLR Article 75 (Arbitration) [see NOTE under Commercial]
- CPLR Article 78 (Body or Officer)
- Election Law
- MHL Article 9.00 (Kendra's Law)
- MHL Article 10 (Sex Offender Confinement-Initial)
- MHL Article 10 (Sex Offender Confinement-Review)
- MHL Article 81 (Guardianship)
- Other Mental Hygiene: \_\_\_\_\_ (specify)
- Other Special Proceeding: \_\_\_\_\_ (specify)

**STATUS OF ACTION OR PROCEEDING:** Answer YES or NO for EVERY question AND enter additional information where indicated.

	YES	NO	
Has a summons and complaint or summons w/notice been filed?	<input checked="" type="radio"/>	<input type="radio"/>	If yes, date filed: <u>11/16/2017</u>
Has a summons and complaint or summons w/notice been served?	<input checked="" type="radio"/>	<input type="radio"/>	If yes, date served: <u>11/18/2017</u>
Is this action/proceeding being filed post-judgment?	<input type="radio"/>	<input checked="" type="radio"/>	If yes, judgment date: _____



**NATURE OF JUDICIAL INTERVENTION** Check ONE box only AND enter additional information where indicated.

- Infant's Compromise
- Note of Issue and/or Certificate of Readiness
- Notice of Medical, Dental, or Podiatric Malpractice Date Issue Joined: \_\_\_\_\_
- Notice of Motion Relief Sought: \_\_\_\_\_ Return Date: \_\_\_\_\_
- Notice of Petition Relief Sought: \_\_\_\_\_ Return Date: \_\_\_\_\_
- Order to Show Cause Relief Sought: \_\_\_\_\_ Return Date: \_\_\_\_\_
- Other Ex Parte Application Relief Sought: \_\_\_\_\_
- Poor Person Application
- Request for Preliminary Conference
- Residential Mortgage Foreclosure Settlement Conference
- Writ of Habeas Corpus
- Other (specify): Filed in compliance with CPLR 3408, not conference eligible.

**RELATED CASES:** List any related actions. For Matrimonial actions, include any related criminal and/or Family Court cases. If additional space is required, complete and attach the RJI Addendum. If none, leave blank.

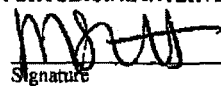
Case Title	Index/Case No.	Court	Judge (if assigned)	Relationship to Instant Case

**PARTIES:** If additional space is required, complete and attach the RJI Addendum. For parties without an attorney, check "Un-Rep" box AND enter party address, phone number and e-mail address in "Attorneys" space.

Un-Rep	Parties	Attorneys	Issue	Insurance Carrier(s)
	List parties in caption order and indicate party role(s) (e.g. Defendant, 3rd-party plaintiff)	Provide name, firm name, business address, phone number and e-mail address of all attorneys that have appeared in the case.	Joined (Y/N):	
<input type="checkbox"/>	<b>BAYVIEW LOAN SERVICING, LLC, A DELAWARE UNITED LIABILITY COMPANY</b>  Primary Role: Plaintiff Secondary Role (if any): Plaintiff	<b>ROSICKI, ROSICKI &amp; ASSOCIATES, P.C.</b> Firm Name 16 HARVESTER AVENUE BATAVIA NY 14020 Street address City State Zip Phone 585-815-0288 Fax 585-815-0299 e-mail attorneycoast@rosicki.com	O YES O NO	
<input checked="" type="checkbox"/>	<b>FORNES</b> Last Name  <b>MARY LEE</b> First Name  Primary Role Defendant Secondary Role (if any): Defendant	<b>FORNES</b> Last Name  <b>MARY LEE</b> First Name  7333 BOSTON STATE ROAD, HAMBURG, NY 14075 Street address City State Zip Phone Fax e-mail	O YES O NO	

I AFFIRM UNDER THE PENALTY OF PERJURY THAT, TO MY KNOWLEDGE, OTHER THAN AS NOTED ABOVE, THERE ARE AND HAVE BEEN NO RELATED ACTIONS OR PROCEEDINGS, NOR HAS A REQUEST FOR JUDICIAL INTERVENTION PREVIOUSLY BEEN FILED IN THIS ACTION OR PROCEEDING.

Dated: 12/1/17

  
Signature

5349709  
\_\_\_\_\_  
ATTORNEY REGISTRATION NUMBER

Megan Suttell  
\_\_\_\_\_  
PRINT OR TYPE NAME

**Conference Information Sheet**

Index Number: 816523/2017

County: ERIE

Mortgagor: MARY Lee Fornes Principal Residence? Y

Attorney: \_\_\_\_\_

Email: \_\_\_\_\_

Mortgagee: BAYVIEW Loan servicing

Attorney: ROSICK ROSICKI & ASSOC

Email: \_\_\_\_\_

Property Address: 

SPRINGVILLE NY 14141

Mortgage Amount: 165,312.<sup>57</sup> Mortgage Date: 9/30/08

Payoff Amount: \$272,998.<sup>41</sup>

Reinstatement Amount: \$114,542.<sup>95</sup>

HAMP Eligible: \_\_\_\_\_

Default Amount: \$162,103.<sup>98</sup> Default Date: 6/6/12

Interest Rate: 11.99% Adjustable/Fixed: \_\_\_\_\_

Monthly Payment: Principal and Interest: \_\_\_\_\_

Escrow: \_\_\_\_\_

Arrears: Principal and Interest: \_\_\_\_\_

Escrow: \_\_\_\_\_

Costs: \_\_\_\_\_

Mortgagor Income: \_\_\_\_\_

Mortgagor Expenses: \_\_\_\_\_

Settlement Proposal: \_\_\_\_\_

NEXT CONFERENCE DATE: \_\_\_\_\_

**PRESENT: HON. MARK J. GRISANTI**  
Supreme Court Justice

**STATE OF NEW YORK**  
**SUPREME COURT : COUNTY OF ERIE**

**BAYVIEW LOAN SERVICING, LLC**  
**A DELAWARE UNITED LIABILITY COMPANY,**

Plaintiff(s),

v.

**SCHEDULING ORDER**  
Index No.: 816523/2017

**MARY LEE FORNES, ET AL,**

Defendant(s).

Attorney for Plaintiff(s): Megan Suttell, Esq.

This is to confirm that the above-referenced case was removed from the Settlement Conference Part. It has been determined by this Court that this case be placed on an Expedited Track and the following schedule was established:

Order of Reference completed by:

**November 14, 2018 or sooner** or Counsel must appear in person on this date at **11:00 a.m.** to give the status of why the Order of Reference has not been completed.

Judgement of Foreclosure:

**December 18, 2018 or sooner** or Counsel must appear in person on this date at **11:00 a.m.** to give the status of why the Judgement has not been completed.

All dates contained herein relating to the completion of items in this Order must be adhered to. Absent good cause shown, any failure to comply with the foregoing schedule will result in dismissal of the case. Counsel may not enter into any adjournments without permission of this Court.

The foregoing constitutes the Decision and Order of this Court.

Dated: September 7, 2018  
Buffalo, New York

  
\_\_\_\_\_  
HON. MARK J. GRISANTI  
Supreme Court Justice

**GRANTED**

SEP 12 2018  
  
BY \_\_\_\_\_  
BRIGITTE ROESTEL  
COURT CLERK

**Conference Information Sheet**

Index Number: 816523/2017

County: ERIE

Mortgagor: MARY Lee Fornes Principal Residence? Y

Attorney: \_\_\_\_\_

Email: \_\_\_\_\_

Mortgagee: BAYVIEW Loan servicing

Attorney: ROSICK ROSICKI & ASSOC

Email: \_\_\_\_\_

Property Address: 

Springville NY 14141

Mortgage Amount: 165,392.57 Mortgage Date: 9/30/08

Payoff Amount: \$272,998.41

Reinstatement Amount: \$114,542.95

HAMP Eligible: \_\_\_\_\_

Default Amount: \$162,103.98 Default Date: 6/6/12

Interest Rate: 11.99% Adjustable/Fixed: \_\_\_\_\_

Monthly Payment: Principal and Interest: \_\_\_\_\_

Escrow: \_\_\_\_\_

Arrears: Principal and Interest: \_\_\_\_\_

Escrow: \_\_\_\_\_

Costs: \_\_\_\_\_

Mortgagor Income: \_\_\_\_\_

Mortgagor Expenses: \_\_\_\_\_

Settlement Proposal: \_\_\_\_\_

NEXT CONFERENCE DATE: \_\_\_\_\_

STATE OF NEW YORK  
SUPREME / COUNTY COURT : COUNTY OF ERIE

RESIDENTIAL FORECLOSURE  
CONFERENCE STATUS FORM

BAYVIEW LOAN SERVICING, LLC, vs. FORNES, MARY LEE et al

INDEX NO. 816523/2017

A Foreclosure conference was held on 08/27/2018 the following parties appeared before the undersigned

APPEARANCES for Plaintiff ("P")

For Defendant ("D")  Unrepresented  Retained

Retained  Per Diem

Limited Representation  Other

Name Rob Gleichenhaus

Name Matthew Allen Lazroe

E-mail/Phone \_\_\_\_\_

Email/Phone \_\_\_\_\_

Law Firm Rosicki, Rosicki & Associates P.C.

Law Firm Matthew Allen Lazroe

Loan Servicer \_\_\_\_\_

Service Provider \_\_\_\_\_

ELIGIBILITY

This Foreclosure action is eligible for Foreclosure Settlement Conferences  Yes  No

Has Defendant filed an Answer  Yes  No

This case does NOT meet the criteria of Uniform Rule 202.12(a)

The Defendant failed to appear at the initial conference, Plaintiff to proceed with the action

FOLLOWING A SETTLEMENT CONFERENCE, IT IS HEREBY DIRECTED THAT :

By \_\_\_\_\_ [date] P shall provide to D a loan modification/short sale application.

By \_\_\_\_\_ [date] D shall submit to P a completed loan modification/short sale application.

By \_\_\_\_\_ [date] P shall send missing document letter, if necessary.

By \_\_\_\_\_ [date] D shall respond to missing document letter.

Other A did not make last 2 payments on trial plan, request for release granted

Case Settled by  Loan modification  Other

Case Discontinued except by settlement. P shall file a Notice of Discontinuance and serve a Certified Copy of such Discontinuance upon D within (45) days of the date hereof.

Case is NOT settled and P may proceed with the action. Unless otherwise directed by the Court, failure to proceed will result in dismissal of the action.

Stayed pending other outcome

The Court directs an adjournment to \_\_\_\_\_ at \_\_\_\_\_

For a further conference  Trial modification

Date: 08/27/2018 Plaintiff &/or Defendant acknowledges receipt by signing below:

Directed by: [Signature]  
Confidential Law Clerk

[Signature]  
Plaintiff

[Signature]  
Defendant

Send ALL Correspondence to Court by email to: [8jdforeclosures@nycourts.gov](mailto:8jdforeclosures@nycourts.gov)

STATE OF NEW YORK  
SUPREME / COUNTY COURT : COUNTY OF ERIE

RESIDENTIAL FORECLOSURE  
CONFERENCE INTAKE FORM

BAYVIEW LOAN SERVICING, LLC  
Plaintiff

INDEX NO. 816523/2017

vs  
FORNES, MARY LEE  
Defendant(s)

A Foreclosure conference was held on 01/19/2018 the following parties appeared before the undersigned

APPEARANCES for Plaintiff ("P")

Retained  Per Diem  
Name Richard Fay  
E-mail/Phone \_\_\_\_\_  
Law Firm Rosicki, Rosicki & Associates P.C.  
Loan Servicer \_\_\_\_\_

For Defendant ("D")  Unrepresented  Retained

Limited Representation  Other  
Name Matthew Jayroe  
Email/Phone \_\_\_\_\_  
Law Firm MARY LEE FORNES  
Service Provider \_\_\_\_\_

ELIGIBILITY

- This Foreclosure action is eligible for Foreclosure Settlement Conferences  Yes  No
- Has Defendant filed an Answer  Yes  No
- This case does NOT meet the criteria of Uniform Rule 202.12(a)
- The Defendant failed to appear at the initial conference, Plaintiff to proceed with the action

FOLLOWING A SETTLEMENT CONFERENCE, IT IS HEREBY DIRECTED THAT :

- By \_\_\_\_\_ [date] P shall provide to D a loan modification/short sale application.
- By \_\_\_\_\_ [date] D shall submit to P a completed loan modification/short sale application.
- By \_\_\_\_\_ [date] P shall send missing document letter, if necessary.
- By \_\_\_\_\_ [date] D shall respond to missing document letter.
- Other A resides + wishes to retain - applic received 30 days to submit, 30 days to renew figures provided

- Case Settled by  Loan modification  Other
- Case Discontinued except by settlement. P shall file a Notice of Discontinuance and serve a Certified Copy of such Discontinuance upon D within (45) days of the date hereof.
- Case is NOT settled and P may proceed with the action. Unless otherwise directed by the Court, failure to proceed will result in dismissal of the action.
- Stayed pending other outcome

The Court directs an adjournment to 3/23/18 at 9:30am.

- For a further conference  Trial modification

Date: 01/19/2018 Plaintiff &/or Defendant acknowledges receipt by signing below:

Directed by: [Signature] Confidential Law Clerk [Signature] Plaintiff [Signature] Defendant

STATE OF NEW YORK  
SUPREME / COUNTY COURT : COUNTY OF ERIE

RESIDENTIAL FORECLOSURE  
CONFERENCE STATUS FORM

BAYVIEW LOAN SERVICING, LLC  
Plaintiff

INDEX NO. 816523/2017

vs  
FORNES, MARY LEE  
Defendant(s)

A Foreclosure conference was held on 03/23/2018 the following parties appeared before the undersigned

APPEARANCES for Plaintiff ("P")

Retained  Per Diem  
Name Richard Fay  
E-mail/Phone \_\_\_\_\_  
Law Firm Rosicki, Rosicki & Associates P.C.  
Loan Servicer \_\_\_\_\_

For Defendant ("D")  Unrepresented  Retained

Limited Representation  Other  
Name Matthew Lazroe  
Email/Phone \_\_\_\_\_  
Law Firm Matthew Allen Lazroe  
Service Provider \_\_\_\_\_

ELIGIBILITY

This Foreclosure action is eligible for Foreclosure Settlement Conferences  Yes  No

Has Defendant filed an Answer  Yes  No

This case does NOT meet the criteria of Uniform Rule 202.12(a)

The Defendant failed to appear at the initial conference, Plaintiff to proceed with the action

FOLLOWING A SETTLEMENT CONFERENCE, IT IS HEREBY DIRECTED THAT :

By \_\_\_\_\_ [date] P shall provide to D a loan modification/short sale application.

By \_\_\_\_\_ [date] D shall submit to P a completed loan modification/short sale application.

By \_\_\_\_\_ [date] P shall send missing document letter, if necessary.

By \_\_\_\_\_ [date] D shall respond to missing document letter.

Other loan mod offered (March - April - May) June - July August  
will accept

Case Settled by  Loan modification  Other

Case Discontinued except by settlement. P shall file a Notice of Discontinuance and serve a Certified Copy of such Discontinuance upon D within (45) days of the date hereof.

Case is NOT settled and P may proceed with the action. Unless otherwise directed by the Court, failure to proceed will result in dismissal of the action.

Stayed pending other outcome

The Court directs an adjournment to 4/27/18 at 9:30 am

For a further conference  Trial modification

Date: 03/23/2018 Plaintiff &/or Defendant acknowledges receipt by signing below:

Directed by: [Signature] FCP Referee [Signature] Plaintiff [Signature] Defendant

Send ALL Correspondence to Court by email to: [8jdforeclosures@nycourts.gov](mailto:8jdforeclosures@nycourts.gov)



STATE OF NEW YORK  
SUPREME / COUNTY COURT : COUNTY OF ERIE

RESIDENTIAL FORECLOSURE  
CONFERENCE STATUS FORM

BAYVIEW LOAN SERVICING, LLC, vs. FORNES, MARY LEE et al

INDEX NO. 816523/2017

A Foreclosure conference was held on 04/27/2018 the following parties appeared before the undersigned

**APPEARANCES for Plaintiff ("P")**

Retained  Per Diem

Name Richard Fay  
E-mail/Phone \_\_\_\_\_  
Law Firm Rosicki, Rosicki & Associates P.C.  
Loan Servicer \_\_\_\_\_

**For Defendant ("D")**  Unrepresented  Retained

Limited Representation  Other

Name Matthew Lazroe  
Email/Phone \_\_\_\_\_  
Law Firm Matthew Allen Lazroe  
Service Provider \_\_\_\_\_

**ELIGIBILITY**

This Foreclosure action is eligible for Foreclosure Settlement Conferences  Yes  No

Has Defendant filed an Answer  Yes  No

This case does NOT meet the criteria of Uniform Rule 202.12(a)

The Defendant failed to appear at the initial conference, Plaintiff to proceed with the action

**FOLLOWING A SETTLEMENT CONFERENCE, IT IS HEREBY DIRECTED THAT :**

- By \_\_\_\_\_ [date] P shall provide to D a loan modification/short sale application.
- By \_\_\_\_\_ [date] D shall submit to P a completed loan modification/short sale application.
- By \_\_\_\_\_ [date] P shall send missing document letter, if necessary.
- By \_\_\_\_\_ [date] D shall respond to missing document letter.

Other made 2 of 6 payments - adj for anticipated successful completion

Case Settled by  Loan modification  Other

Case Discontinued except by settlement. P shall file a Notice of Discontinuance and serve a Certified Copy of such Discontinuance upon D within (45) days of the date hereof.

Case is NOT settled and P may proceed with the action. Unless otherwise directed by the Court, failure to proceed will result in dismissal of the action.

Stayed pending other outcome

The Court directs an adjournment to 8/27/18 at 9:30 am.

For a further conference  Trial modification

Date: 04/27/2018 Plaintiff &/or Defendant acknowledges receipt by signing below:

Directed by: [Signature] Confidential Law Clerk      [Signature] Plaintiff      [Signature] Defendant

Send ALL Correspondence to Court by email to: [8jdforeclosures@nycourts.gov](mailto:8jdforeclosures@nycourts.gov)



At an IAS Term, Part 15 of the Supreme Court of the State of New York, held in and for the County of Erie, at the Courthouse thereof, located at 25 Delaware Avenue, Buffalo, NY 14202, on the 5<sup>th</sup> day of December, 20 18.

MARK J. GRISANTI, J.S.C.

Hon. \_\_\_\_\_  
Justice

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ERIE

-----X  
BAYVIEW LOAN SERVICING, LLC, A DELAWARE  
UNITED LIABILITY COMPANY

Index No.: 816523/2017

Plaintiff,

-against-

**ORDER TO DISCONTINUE  
ACTION AND CANCEL  
NOTICE OF PENDENCY**

MARY LEE FORNES; UNITED STATES OF AMERICA - INTERNAL REVENUE SERVICE; "JOHN DOES" and "JANE DOES", said names being fictitious, parties intended being possible tenants or occupants of premises and corporations, other entities or persons who have, claim, or may claim, a lien against, or other interest in, the premises,

Defendant(s).

-----X  
Upon reading and filing the Notice of Motion dated November 13, 2018, the affirmation of Susan A. West, Esq. signed on November 13, 2018, all with due proof of service thereon, wherein leave of this court is sought for an order to discontinue the above-entitled action, and to cancel a certain notice of pendency heretofore filed in the within action; and upon all of the pleadings and proceedings heretofore had herein, and there being no opposition hereto and this application having come on to be regularly heard before me, and after due deliberation having been had,

NOW, on motion of ROSICKI, ROSICKI & ASSOCIATES, P.C., attorneys for Plaintiff, it is

**ORDERED**, that the above-entitled action be and the same is hereby discontinued without costs to either party as against the other; and it is further

ORDERED, that the Clerk of this county be and he hereby is directed, upon payment of his proper fees, if any, to cancel and discharge of record a certain notice of pendency filed in this action, against Section: 274.00, Block: 1, Lot: 31.52. The said Clerk is hereby directed to enter upon the margin of the record of same a notice of cancellation referring to this order.

ENTER




J.S.C.

MARK J. GRISANTI, J.S.C

GRANTED

DEC 05 2018

BY   
BRIGITTE ROEDEL  
COURT CLERK

# REQUEST FOR JUDICIAL INTERVENTION

UCS-840 (7/2012)

Supreme COURT, COUNTY OF Erie

Index No: \_\_\_\_\_ Date Index Issued: \_\_\_\_\_

<b>For Court Clerk Use Only:</b>	
IAS Entry Date	
2-6-18 MR	
Judge Assigned	
Crisanti	
RJI Date	
FILED 02/06/2018/ 10:56:25 ERIE COUNTY CLERK RCPT # 18023239 SF2018900285	



**CAPTION** Enter the complete case caption. Do not use et al or et ano. If more space is required, attach a caption rider sheet.

In the Matter of the Application of M. F. for the Appointment of a Guardian of the Person and Property of

E. I. D. a.k.a. B. D.

an Alleged Incapacitated Person

Plaintiff(s)/Petitioner(s)

-against-

Defendant(s)/Respondent(s)

**NATURE OF ACTION OR PROCEEDING:** Check ONE box only and specify where indicated.

**MATRIMONIAL**

Contested

NOTE: For all Matrimonial actions where the parties have children under the age of 18, complete and attach the **MATRIMONIAL RJI Addendum**. For Uncontested Matrimonial actions, use RJI form UD-13.

**COMMERCIAL**

Business Entity (including corporations, partnerships, LLCs, etc.)

Contract

Insurance (where insurer is a party, except arbitration)

UCC (including sales, negotiable instruments)

Other Commercial: \_\_\_\_\_ (specify)

NOTE: For Commercial Division assignment requests [22 NYCRR § 202.70(d)], complete and attach the **COMMERCIAL DIV RJI Addendum**.

**TORTS**

Asbestos

Breast Implant

Environmental: \_\_\_\_\_ (specify)

Medical, Dental, or Podiatric Malpractice

Motor Vehicle

Products Liability: \_\_\_\_\_ (specify)

Other Negligence: \_\_\_\_\_ (specify)

Other Professional Malpractice: \_\_\_\_\_ (specify)

Other Tort: \_\_\_\_\_ (specify)

**REAL PROPERTY:** How many properties does the application include? \_\_\_\_\_

Condemnation

Mortgage Foreclosure (specify): \_\_\_\_\_  Residential  Commercial

Property Address: \_\_\_\_\_ Street Address City State Zip

NOTE: For Mortgage Foreclosure actions involving a one- to four-family, owner-occupied, residential property, or an owner-occupied condominium, complete and attach the **FORECLOSURE RJI Addendum**.

Tax Certiorari - Section: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_

Tax Foreclosure

Other Real Property: \_\_\_\_\_ (specify)

**OTHER MATTERS**

Certificate of Incorporation/Dissolution [see NOTE under Commercial]

Emergency Medical Treatment

Habeas Corpus

Local Court Appeal

Mechanic's Lien

Name Change

Pistol Permit Revocation Hearing

Sale or Finance of Religious/Not-for-Profit Property

Other: \_\_\_\_\_ (specify)

**SPECIAL PROCEEDINGS**

CPLR Article 75 (Arbitration) [see NOTE under Commercial]

CPLR Article 78 (Body or Officer)

Election Law

MHL Article 9.60 (Kendra's Law)

MHL Article 10 (Sex Offender Confinement-Initial)

MHL Article 10 (Sex Offender Confinement-Review)

MHL Article 81 (Guardianship)

Other Mental Hygiene: \_\_\_\_\_ (specify)

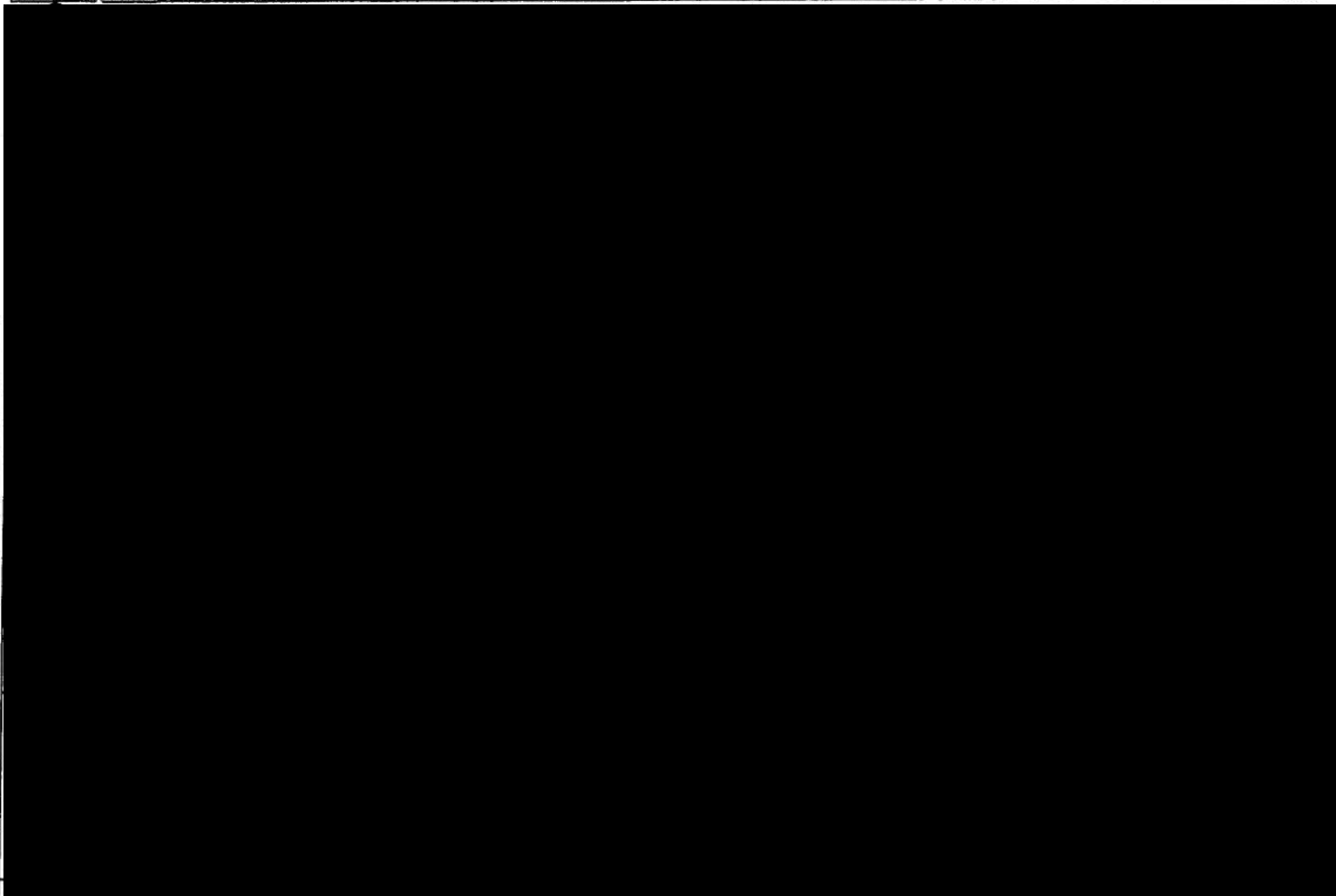
Other Special Proceeding: \_\_\_\_\_ (specify)

**STATUS OF ACTION OR PROCEEDING:** Answer YES or NO for EVERY question AND enter additional information where indicated.

Has a summons and complaint or summons w/notice been filed?	<input type="radio"/> YES <input type="radio"/> NO	If yes, date filed: _____
Has a summons and complaint or summons w/notice been served?	<input type="radio"/> YES <input type="radio"/> NO	If yes, date served: _____
Is this action/proceeding being filed post-judgment?	<input type="radio"/> YES <input type="radio"/> NO	If yes, judgment date: _____

**NATURE OF JUDICIAL INTERVENTION:**

Check ONE box only AND enter additional information where indicated.



<input type="checkbox"/>	Last Name	Last Name	First Name	<input type="radio"/> YES
	First Name Primary Role:	Firm Name		
	Secondary Role (if any):	Street Address	City	State Zip
		Phone	Fax	e-mail
<input type="checkbox"/>	Last Name	Last Name	First Name	<input type="radio"/> YES
	First Name Primary Role:	Firm Name		
	Secondary Role (if any):	Street Address	City	State Zip
		Phone	Fax	e-mail
<input type="checkbox"/>	Last Name	Last Name	First Name	<input type="radio"/> YES
	First Name Primary Role:	Firm Name		
	Secondary Role (if any):	Street Address	City	State Zip
		Phone	Fax	e-mail

I AFFIRM UNDER THE PENALTY OF PERJURY THAT, TO MY KNOWLEDGE, OTHER THAN AS NOTED ABOVE, THERE ARE AND HAVE BEEN NO RELATED ACTIONS OR PROCEEDINGS, NOR HAS A REQUEST FOR JUDICIAL INTERVENTION PREVIOUSLY BEEN FILED IN THIS ACTION OR PROCEEDING.

Dated: 2/6/18

4413167

ATTORNEY REGISTRATION NUMBER

[Signature]

SIGNATURE

PRINT OR TYPE NAME

Print Form

PRESENT: **MARK J. GRISANTI, J.S.C.**  
HON. \_\_\_\_\_ JSC.

At the Supreme Court of the State of New York held in and for the County of Erie at the Supreme Court Building, Part 15, Buffalo, N.Y. 14202 on the 6th day of February 2018.

In the Matter of the Application of M [REDACTED] F [REDACTED] for the Appointment of a Guardian of the Person and Property of

E [REDACTED] D [REDACTED] a.k.a. B [REDACTED] D [REDACTED]

an Alleged Incapacitated Person

Index No. SF 2018 900285

ORDER TO SHOW CAUSE FOR APPOINTMENT OF A GUARDIAN

CHECK **PAID** CASH  
FEB 06 2018  
ERIE COUNTY CLERK'S OFFICE

### IMPORTANT

AN APPLICATION HAS BEEN FILED IN COURT BY M [REDACTED] F [REDACTED] WHO BELIEVES YOU MAY NOT BE ABLE TO TAKE CARE OF YOUR PERSONAL NEEDS OR FINANCIAL AFFAIRS.

M [REDACTED] F [REDACTED] IS ASKING THAT SOMEONE BE APPOINTED TO MAKE DECISIONS FOR YOU. WITH THIS PAPER IS A COPY OF THE APPLICATION TO THE COURT SHOWING WHY M [REDACTED] F [REDACTED] BELIEVES YOU MAY BE UNABLE TO TAKE CARE OF YOUR PERSONAL NEEDS OR FINANCIAL AFFAIRS.

BEFORE THE COURT MAKES THE APPOINTMENT OF SOMEONE TO MAKE DECISIONS FOR YOU, THE COURT HOLDS A HEARING AT WHICH YOU ARE ENTITLED TO BE PRESENT AND TO TELL THE JUDGE IF YOU DO NOT WANT ANYONE APPOINTED. THIS PAPER TELLS YOU WHEN THE COURT HEARING WILL TAKE

**PLACE. IF YOU DO NOT APPEAR IN COURT, YOUR RIGHTS MAY BE SERIOUSLY AFFECTED.**

**YOU HAVE THE RIGHT TO DEMAND A TRIAL BY JURY. YOU MUST TELL THE COURT IF YOU WISH TO HAVE A TRIAL BY JURY. IF YOU DO NOT TELL THE COURT, THE HEARING WILL BE CONDUCTED WITHOUT A JURY.**

**THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE CLERK OF THE COURT ARE:**

**Name: Ellis W. Bozzolo**

**Clerk of the Guardianship Part, Erie County**

**Address: Room \_\_\_\_\_**

**92 Franklin Street**

**Buffalo, N.Y. 14202**

**Phone: (716) 845-9301**

**THE COURT HAS APPOINTED A COURT EVALUATOR TO EXPLAIN THIS PROCEEDING TO YOU AND INVESTIGATE THE CLAIMS MADE IN THE APPLICATION. THE COURT MAY GIVE THE COURT EVALUATOR PERMISSION TO INSPECT YOUR MEDICAL, PSYCHOLOGICAL OR PSYCHIATRIC RECORDS. YOU HAVE THE RIGHT TO TELL THE JUDGE IF YOU DO NOT WANT THE COURT EVALUATOR TO BE GIVEN THAT PERMISSION.**

**THE COURT EVALUATOR'S NAME, ADDRESS AND TELEPHONE**

**NUMBER ARE:**

**Name:**

Matthew Kazroo

**Address:**

43 Court Street, Suite 1111

Buffalo, NY 14202

**Phone:**

716-989-0090

**YOU ARE ENTITLED TO HAVE A LAWYER OF YOUR CHOICE REPRESENT YOU. IF YOU WANT THE COURT TO APPOINT A LAWYER TO HELP YOU AND REPRESENT YOU, THE COURT WILL APPOINT A LAWYER FOR YOU. YOU WILL BE REQUIRED TO PAY THAT LAWYER UNLESS YOU DO NOT HAVE THE MONEY TO DO SO.**

**AT THE HEARING, YOU WILL HAVE THE RIGHT TO PRESENT EVIDENCE, TO CALL WITNESSES, INCLUDING EXPERT WITNESSES, AND TO CROSS-EXAMINE WITNESSES, INCLUDING WITNESSES CALLED BY THE COURT.**

On reading and filing the annexed Petition of M [REDACTED] FI [REDACTED] duly verified on February 5<sup>th</sup>, 2018, from which it appears that E [REDACTED] A. D [REDACTED] the Alleged Incapacitated Person, is likely to suffer harm because she is unable to provide for her personal and property needs and cannot understand and appreciate the nature of such inability; and it appearing that the said Alleged Incapacitated Person owns or possesses certain personal property within the State of New York;

LET E [REDACTED] A. D [REDACTED], the Alleged Incapacitated Person; and interested persons, namely [REDACTED]



██████████ all SHOW CAUSE before me or the Justice presiding in Part 15 of this Court, to be held in the County of Erie, at the Supreme Court Building, 25 Delaware Ave., 2nd Floor Buffalo New York, on the 28<sup>th</sup> day of February 2018 at 11:00 (am/pm); that day or as soon thereafter as counsel can be heard;

WHY a Guardian should not be appointed for the personal and property needs of E██████████ A. D██████████ the Alleged Incapacitated Person, within the State of New York, upon the Guardian qualifying in accordance with the statutes of the State of New York in such cases made and authorized to exercise one or more of the following powers as set forth in Mental Hygiene Law (MHL) § 81.21 with relation to property management and MHL § 81.22 with relation to personal needs management:

PROPERTY POWERS SOUGHT

- (1) marshal the income and assets of E██████████ A. D██████████, and establish bank, brokerage and/or other similar accounts in the name of the Guardian for E██████████ A. D██████████ and endorse, collect, negotiate and deposit all negotiable instruments drawn to the order of E██████████ A. D██████████ including, but not limited to, government entitlement checks and insurance proceeds; invest funds with the same authority as a trustee, pursuant to New York EPTL § 11-2.2; inventory personal belongings, and store or dispose, as appropriate;
- (2) close or retitle in her name, as Guardian, bank time deposits prior to maturity, upon the finding by this Court that, for purposes of § 9-I and § 238 of the Banking Law, the Order Appointing Guardian shall be deemed a declaration of incompetence and no banking or savings institution shall impose any penalty upon the transaction;
- (3) provide for the maintenance and support of E██████████ A. D██████████
- (4) enter into contracts;
- (5) create revocable or irrevocable trusts, including first party and/or pooled supplemental needs trusts, with property of E██████████ A. D██████████
- (6) cancel regular electronic payments from bank account(s) of E██████████ A. D██████████ for services benefitting individuals other than the AIP;
- (7) authorize access to or release of confidential records;
- (8) apply for, obtain and settle claims for government benefits;
- (9) arrange and pay for health care services, health care aides and household help;
- (10) defend, maintain or commence civil proceedings on behalf of E██████████ A. D██████████
- (11) retain attorneys, accountants and similar professionals;



- (12) sign and file income tax returns and all other tax documents for any and all tax obligations, and appear before federal, state and local taxing authorities on all claims, litigation, settlements and other related matters;
- (13) engage in Medicaid and estate planning, subject to prior court approval of all proposed transfers, pursuant to MHL§ 81.21 (b);
- (14) take actions required to make E [REDACTED] A. D. [REDACTED] eligible for Medicaid;
- (15) deal with Medicare and Medicaid claims, litigation and settlement;
- (16) establish an irrevocable prepaid funeral plan for the AIP and her children, in accordance with Medicaid regulations;
- (17) pay reasonable funeral expenses out of any funds remaining in the guardianship account at death, to the extent that a prepaid funeral plan, if any, is insufficient to do so;
- (18) settle and compromise a personal injury action or other civil matter;
- (19) remove the E [REDACTED] A. D. [REDACTED] name from Bank of America checking account number [REDACTED]

#### PERSONAL POWERS SOUGHT

- (1) determine who shall provide personal care or assistance to her;
- (2) make decisions regarding social environment and other social aspects of her life;
- (3) determine whether she should travel;
- (4) determine whether she should have a license to drive;
- (5) authorize access to or release of confidential records;
- (6) apply for government and private benefits;
- (7) choose her place of abode in accordance with the standards set forth in MHL § 81.22(a)(9);
- (8) arrange for her admission to a skilled nursing facility or residential care facility, or for the provision of appropriate care in a home care setting;
- (9) have access to all of E [REDACTED] A. D. [REDACTED] protected health information, including, but not limited to, all medical records, reports, statements, billing and payment matters in order to understand any and all diagnosis and make an informed decision with respect to the appropriate treatment and level of care/living arrangements for E [REDACTED] A. D. [REDACTED] and
- (10) the powers listed herein shall supplement rather than replace those provided for in the E [REDACTED] A. D. [REDACTED] Health Care Proxy dated, May 28, 2017.

#### OTHER ACTIONS

WHY M [REDACTED] F [REDACTED] should not be appointed Guardian of the Person and Property of E [REDACTED] A. D. [REDACTED]

WHY the presence of E [REDACTED] A. D. [REDACTED] the Alleged Incapacitated Person, at the hearing or trial of the issues herein should be required; and

WHY the Petitioners should not have such other and further or different relief as may be just and proper; and

SUFFICIENT REASON APPEARING THEREFOR, it is:

ORDERED, that Matthew Lazroe of 43 Court Street, Suite 1111, Buffalo, N.Y. 14202, telephone 716-950-0090, is, upon filing the required Consent and Affidavit of Responsibility, hereby appointed Court Evaluator to explain the proceeding to E [REDACTED] A. D [REDACTED] to investigate the claims made in the petition and report to the Court pursuant to MHL § 81.09; and

ORDERED, that \_\_\_\_\_ of \_\_\_\_\_, N.Y. \_\_\_\_\_, telephone \_\_\_\_\_, is, upon filing the required Consent and Affidavit of Responsibility, hereby appointed Counsel to represent E [REDACTED] A. D [REDACTED] in this proceeding.

TEMPORARY GUARDIAN

ORDERED, that M [REDACTED] F [REDACTED] is hereby appointed Temporary Guardian of the person and property of E [REDACTED] A. D [REDACTED] to protect her health, well-being and property pending the hearing on this application with all the powers set forth above, to serve without bond; and it is further

ORDERED, that M [REDACTED] F [REDACTED] shall maintain all accounts of E [REDACTED] A. D [REDACTED] in separate accounts to be used exclusively for the care, support and maintenance of E [REDACTED] A. D [REDACTED] and M [REDACTED] F [REDACTED] shall account therefor at such time as the annual accounting of the Guardian to be appointed is submitted.

SERVICE REQUIREMENTS

LET **personal delivery** pursuant to MHL 81.07 (e)(2)(i) of a copy of this Order and of the papers on which it is granted upon E [REDACTED] A. D [REDACTED] the Alleged Incapacitated Person,

not less than fourteen (14) days before the return date of this Order to Show Cause be deemed good and sufficient service; and

LET service of a copy of this Order to Show Cause and Notice of Proceeding by mail, pursuant to MHL § 81.07(g)(2)(i), upon [REDACTED], [REDACTED], and [REDACTED] at the addresses listed in the Petition not less than fourteen (14) days before the return date of this Order to Show Cause be deemed good and sufficient service; and

LET service of a copy of the Order to Show Cause and of the papers on which it is granted by facsimile, overnight delivery or personal delivery, upon the Court Evaluator and Attorney for the Alleged Incapacitated Person appointed herein, within three (3) business days of the date of this Order, be deemed good and sufficient.

ENTER

MARK J. GRISANTI, J.S.C.

\_\_\_\_\_  
J.S.C.

**GRANTED**

FEB 07 2018

BY [REDACTED]  
BRIGITTE ROESTEL  
COURT CLERK

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ERIE

In the Matter of the Application of

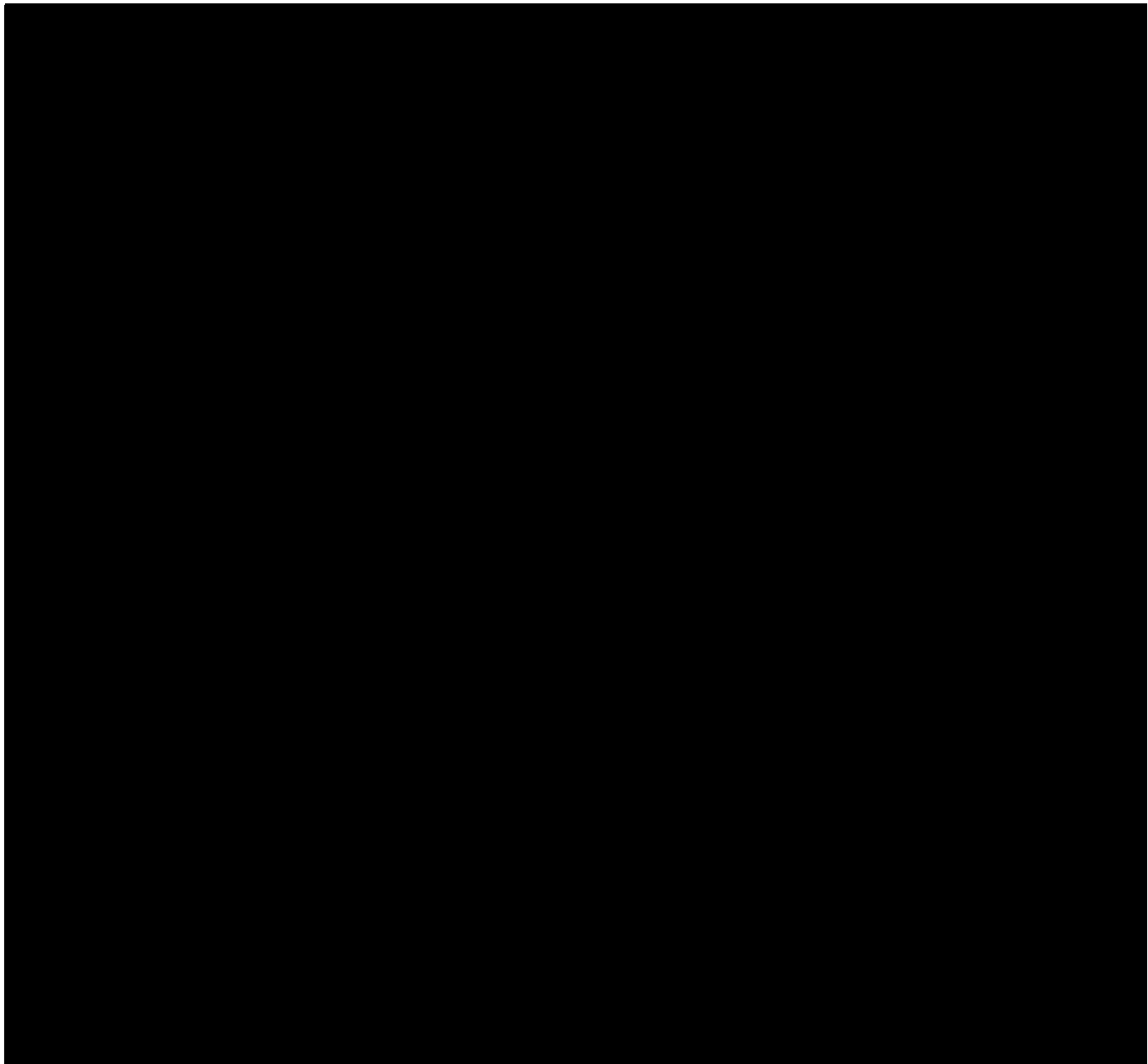
M [REDACTED] F [REDACTED] for the Appointment of a Guardian of  
the Person and Property of

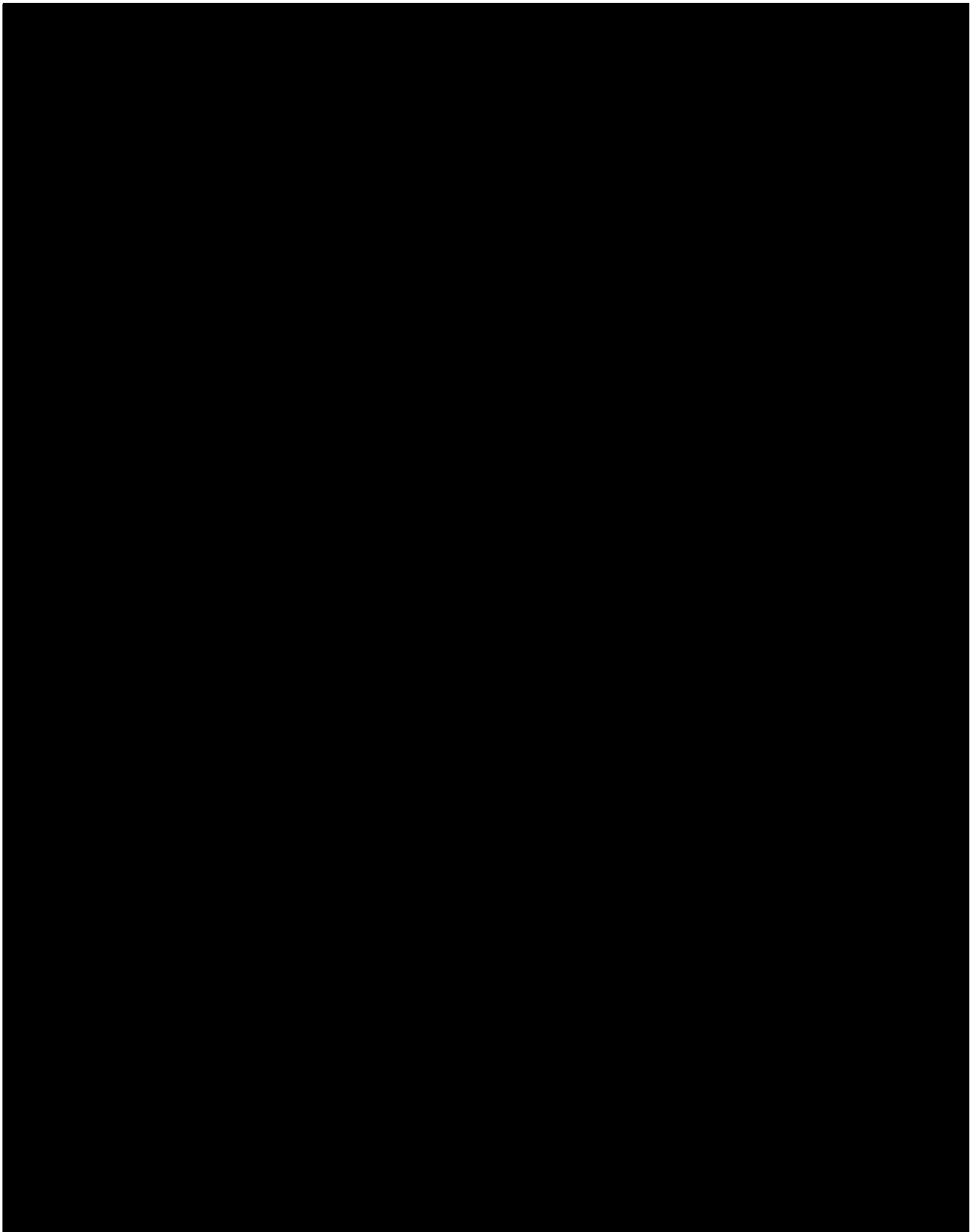
E [REDACTED] A. D. [REDACTED] a.k.a. E [REDACTED] D [REDACTED]  
an Alleged Incapacitated Person

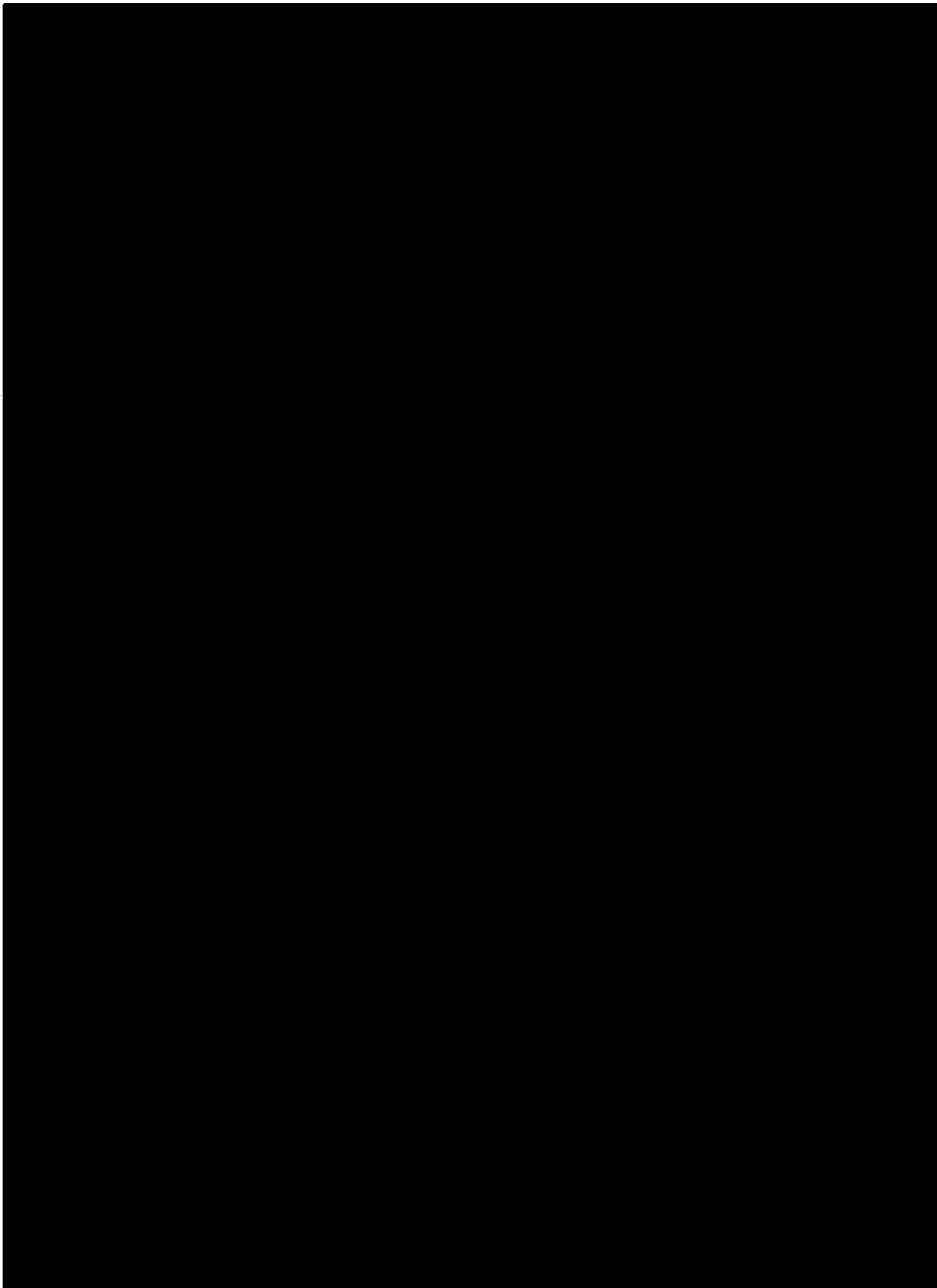
Index No. SF2018 900285

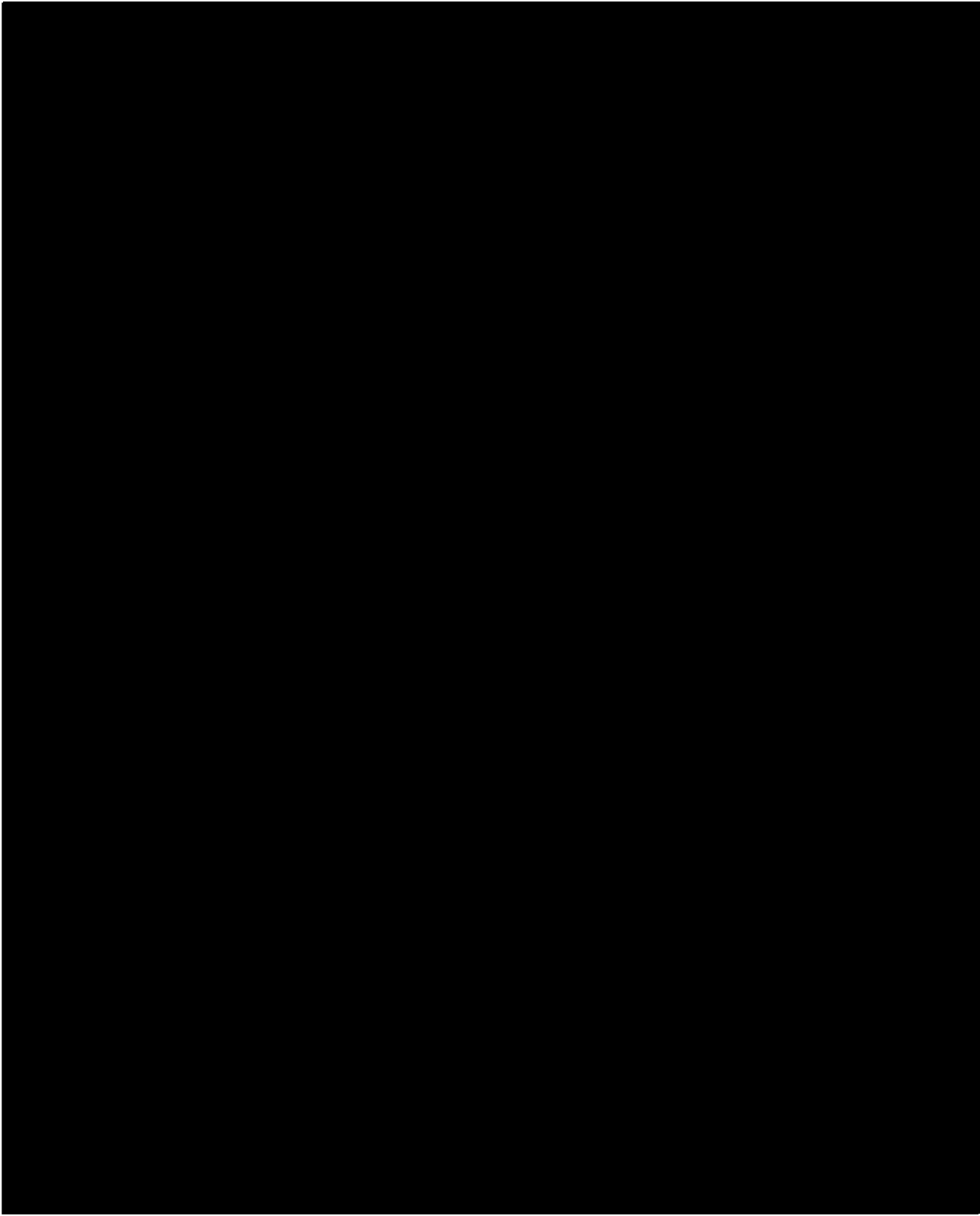
VERIFIED PETITION FOR  
APPOINTMENT OF  
GUARDIAN

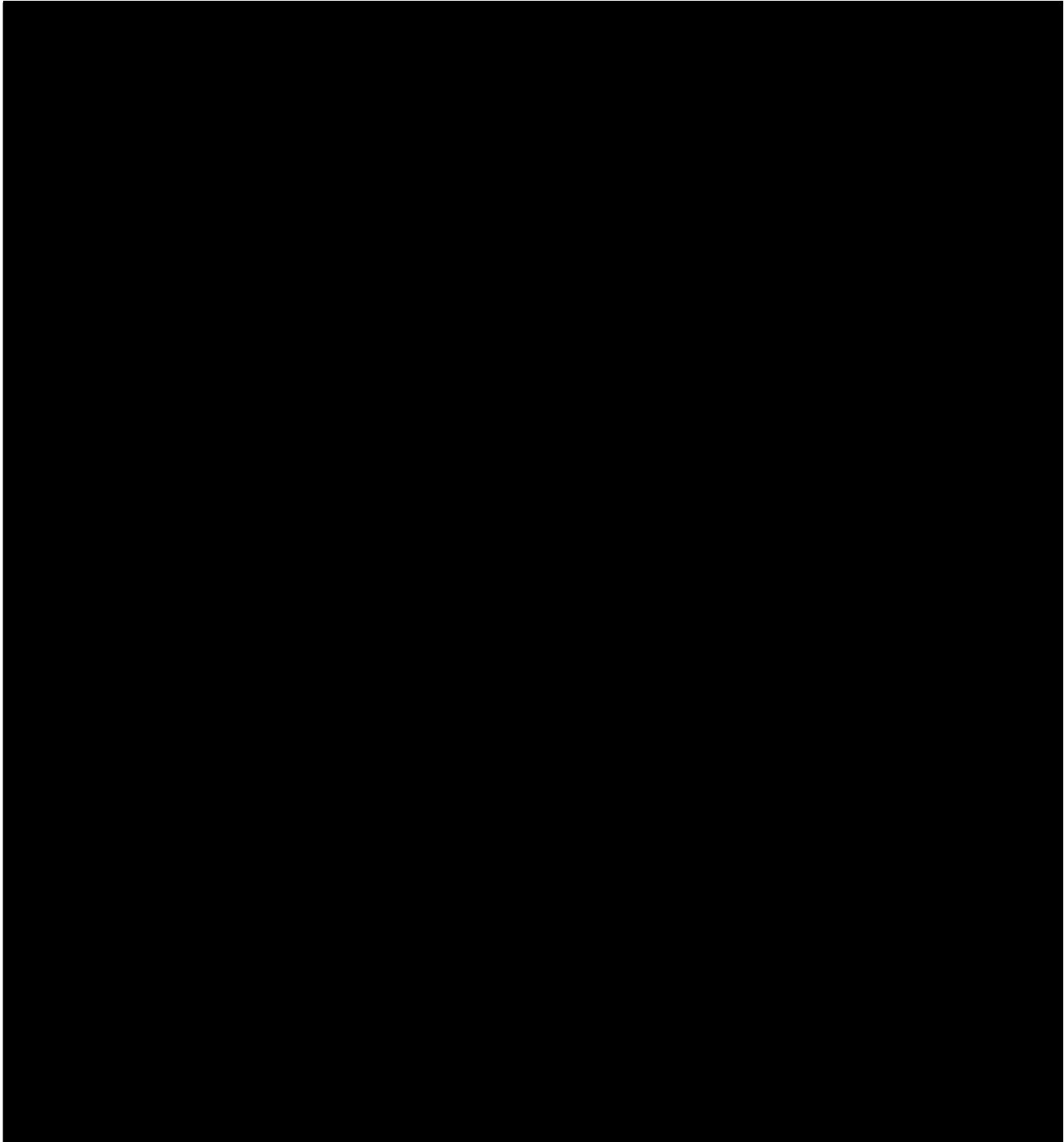
AND FOR APPOINTMENT OF  
A TEMPORARY GUARDIAN



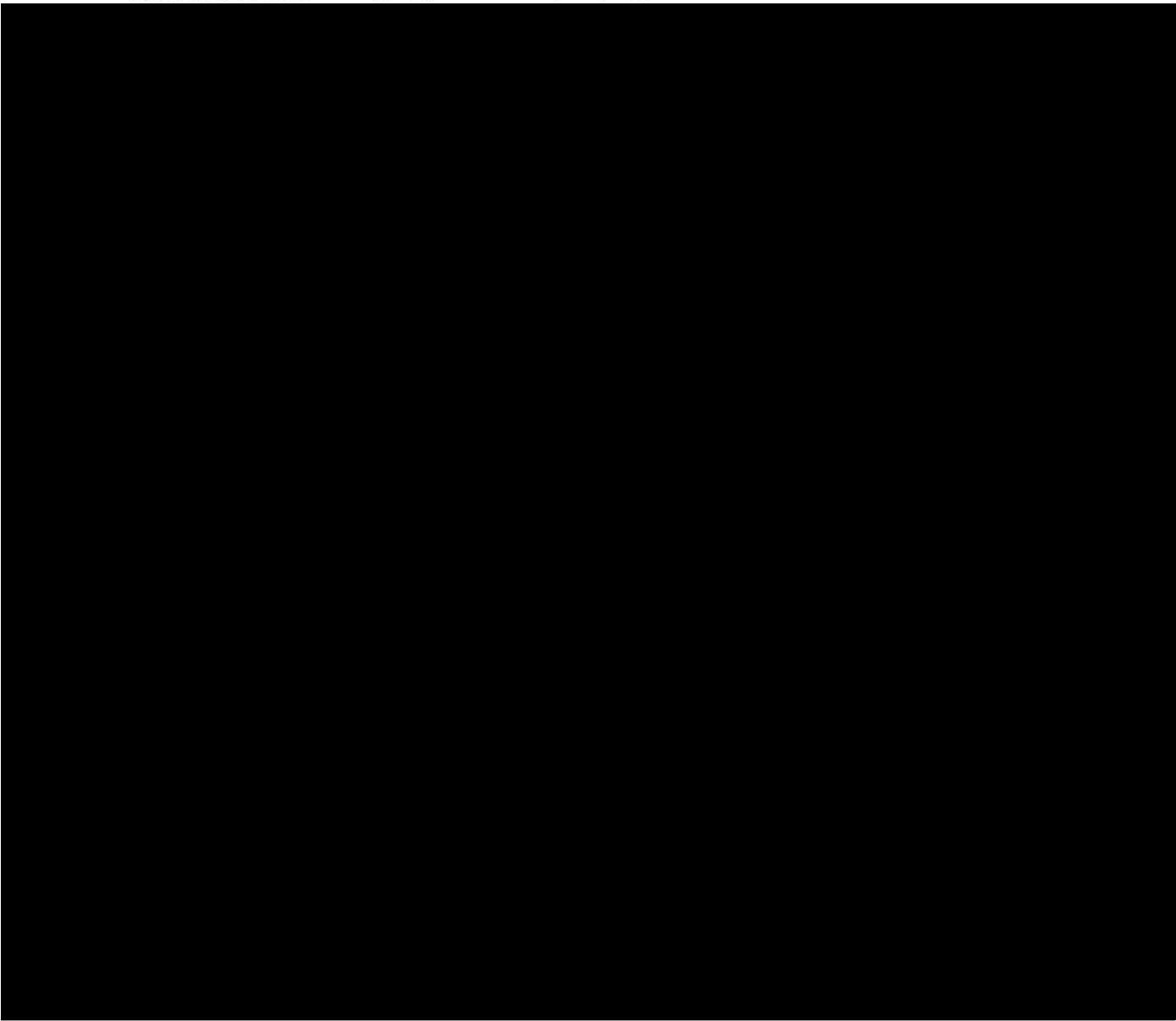


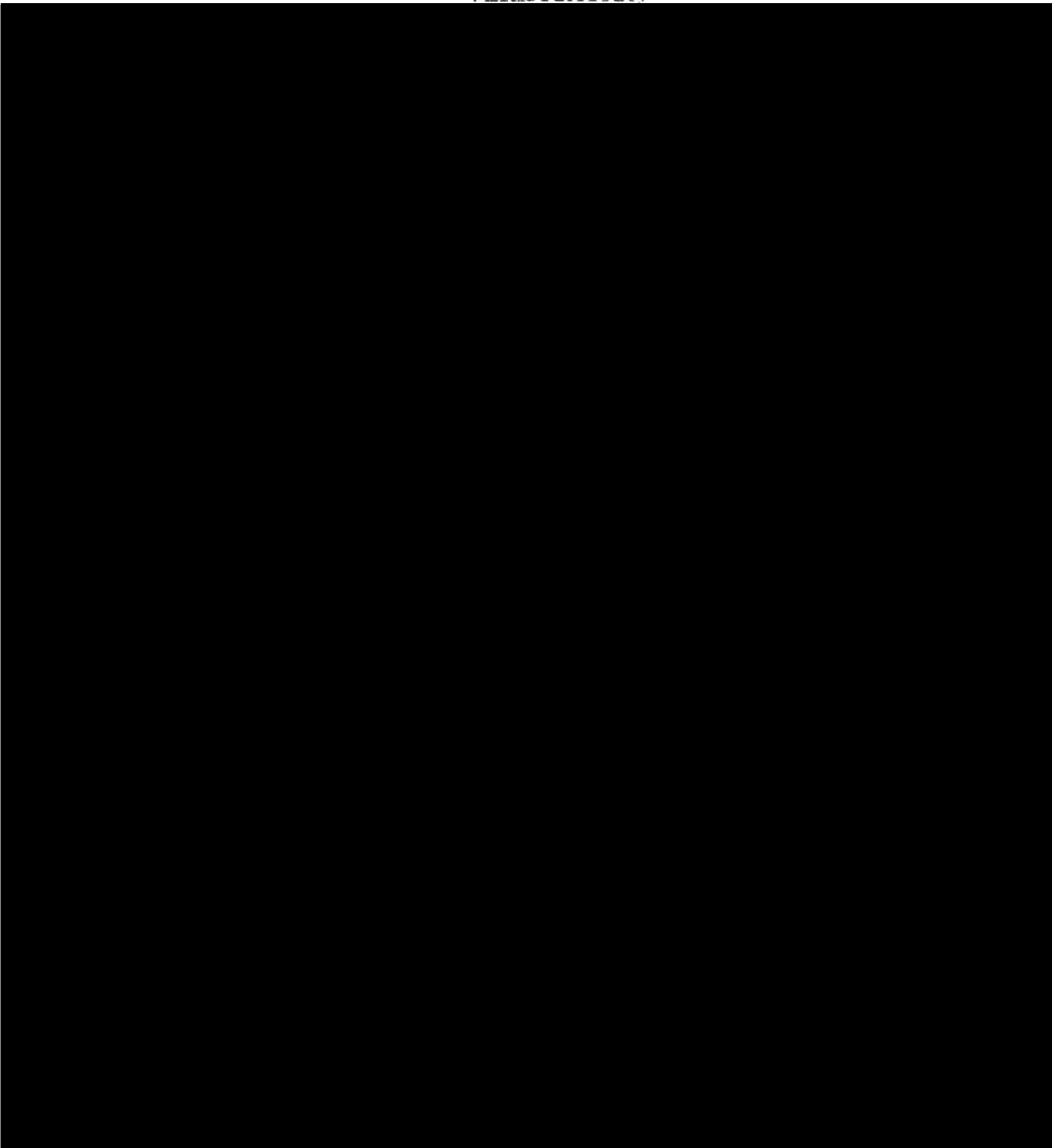






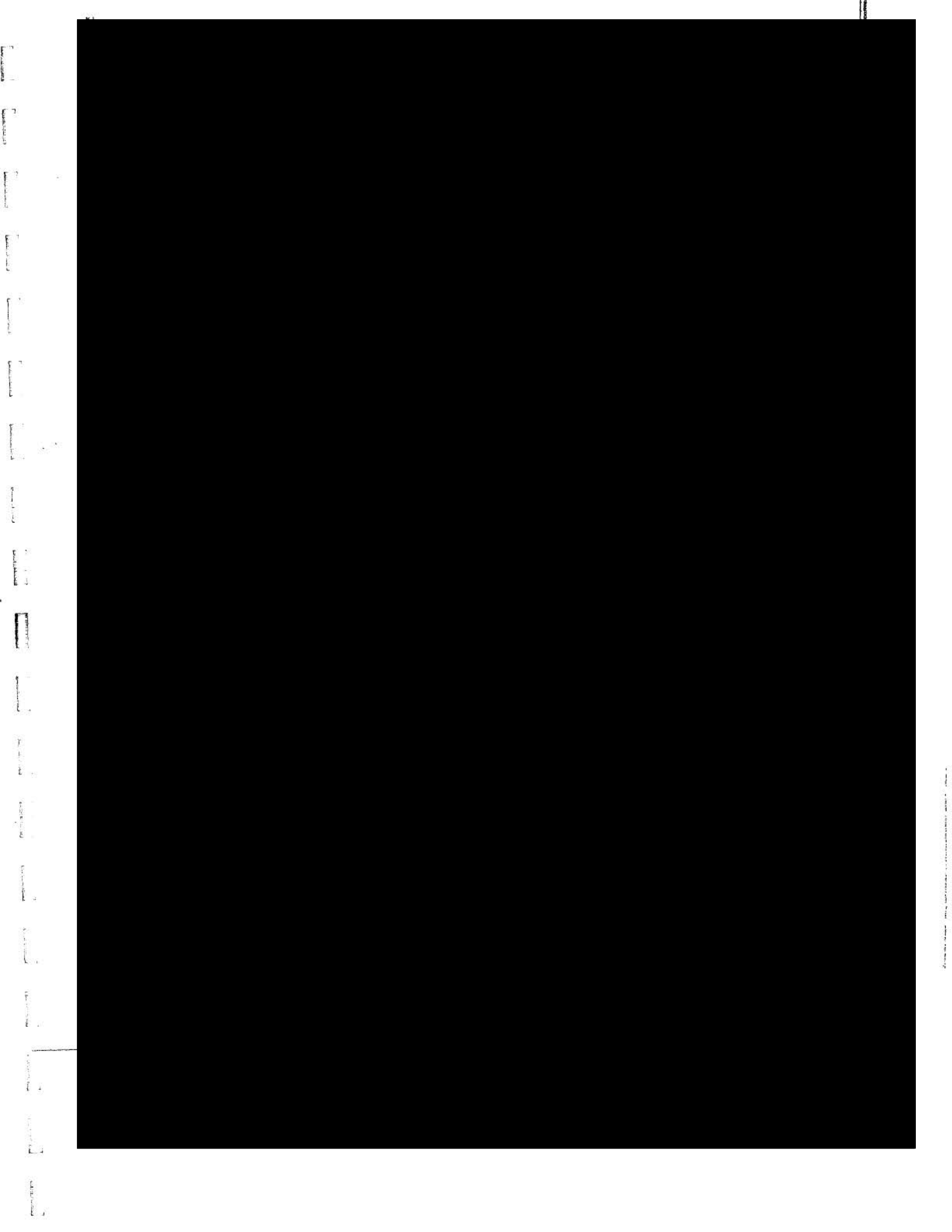




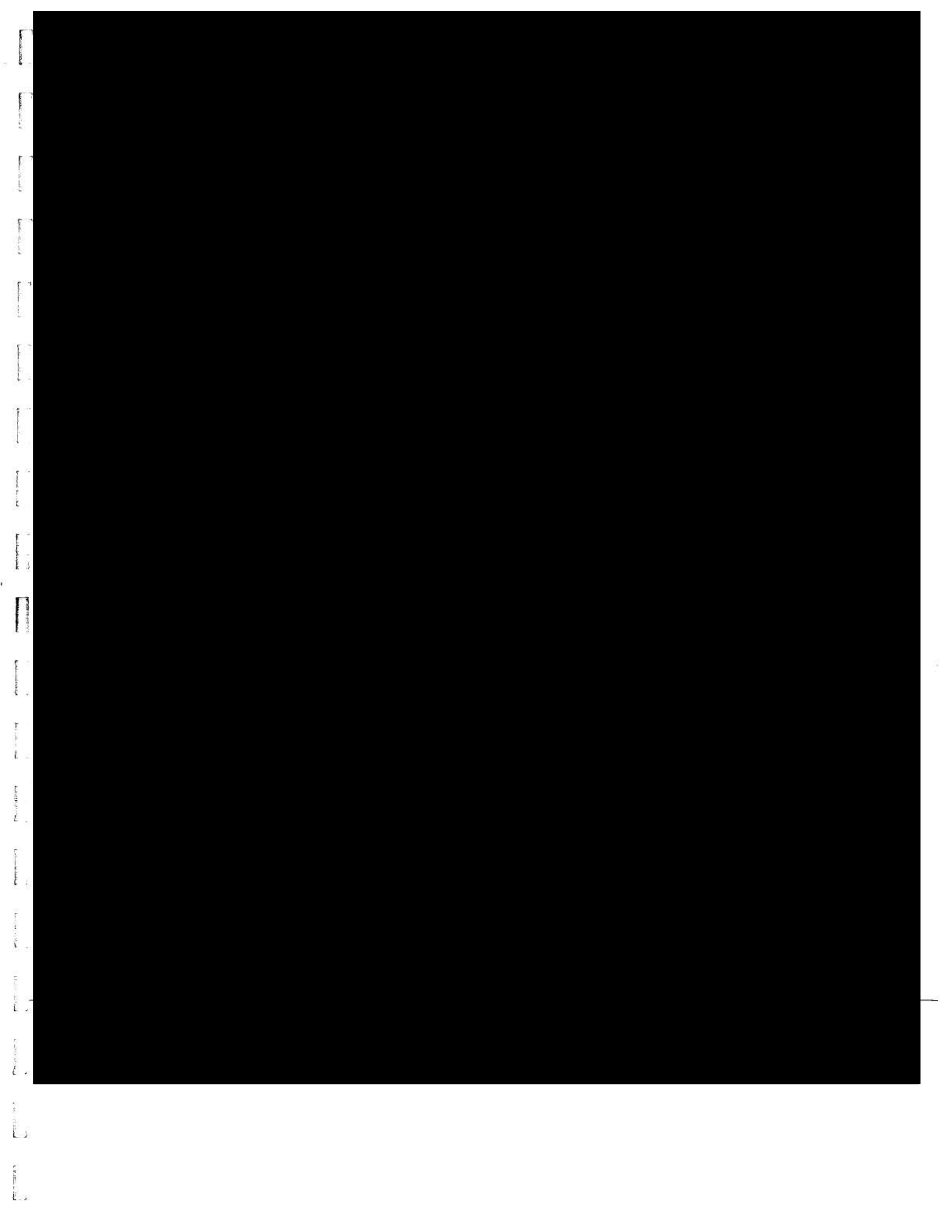


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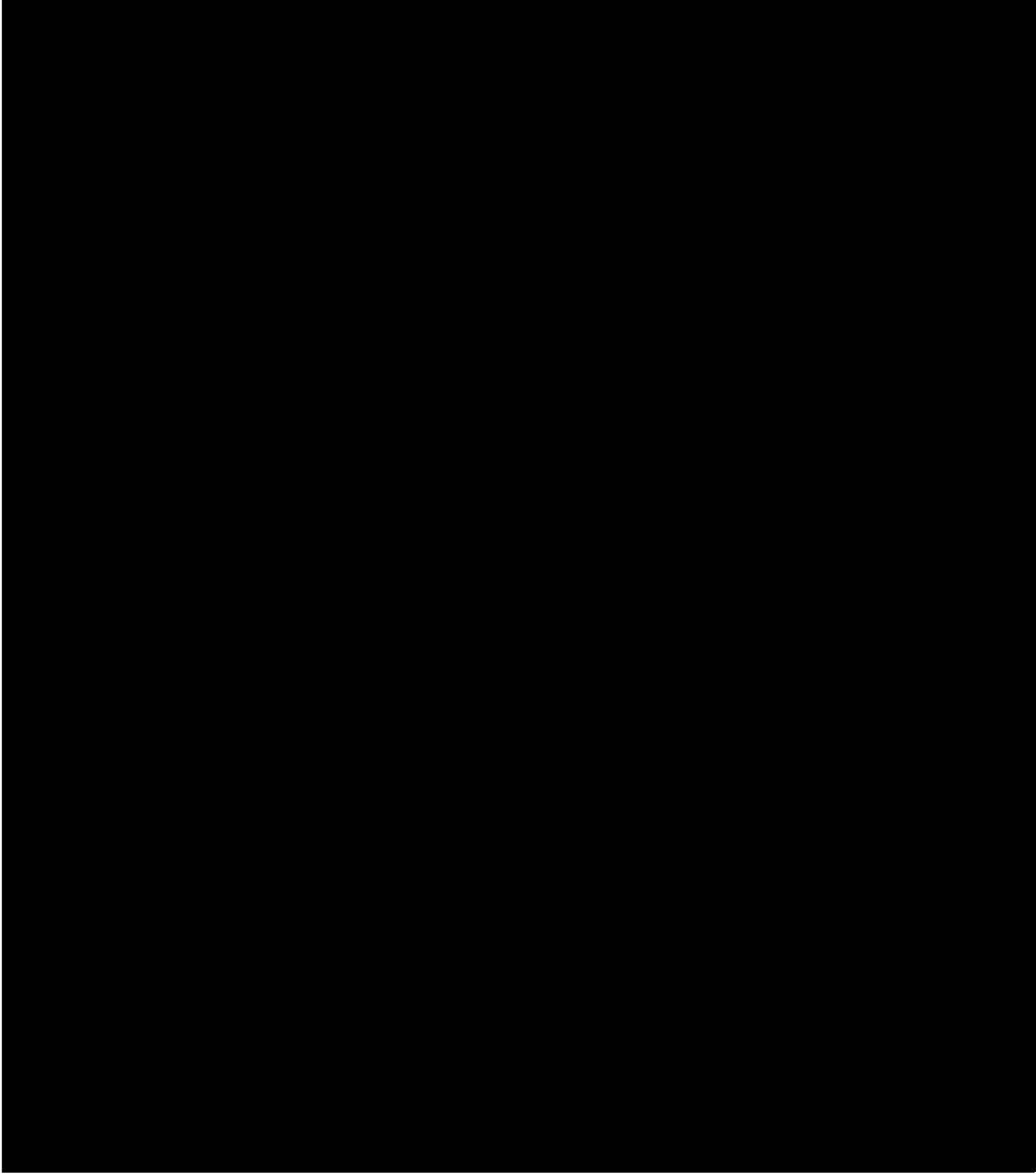




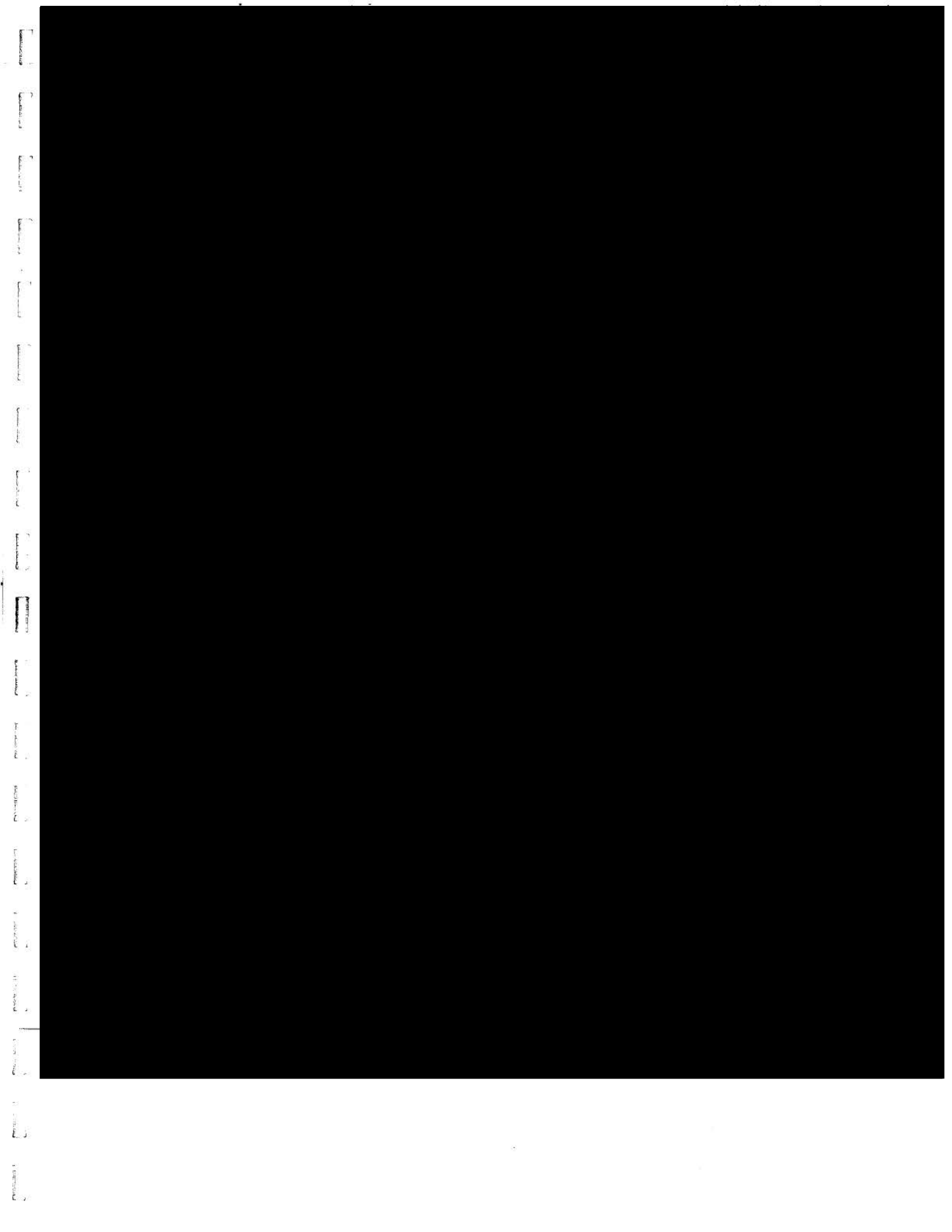
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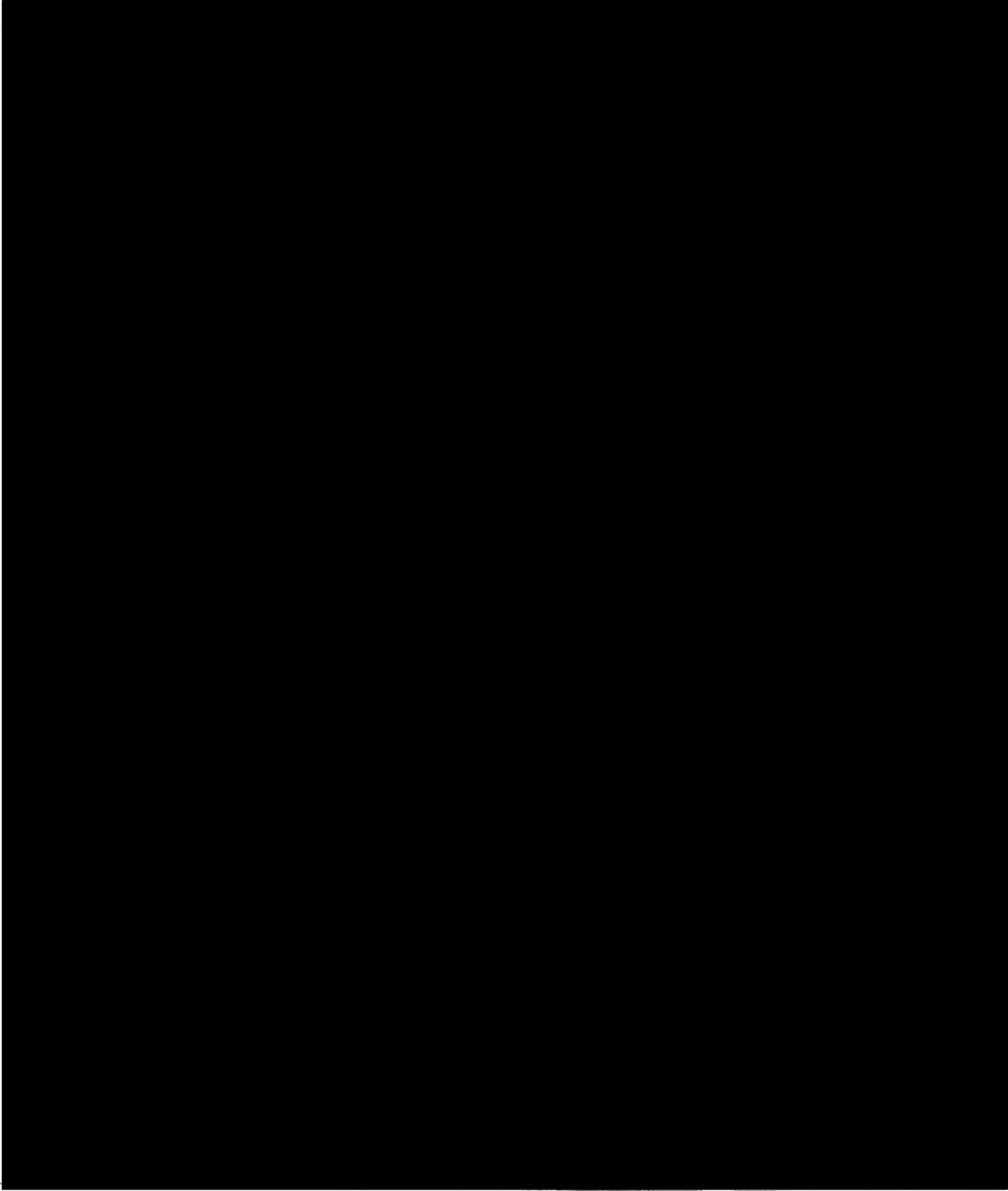


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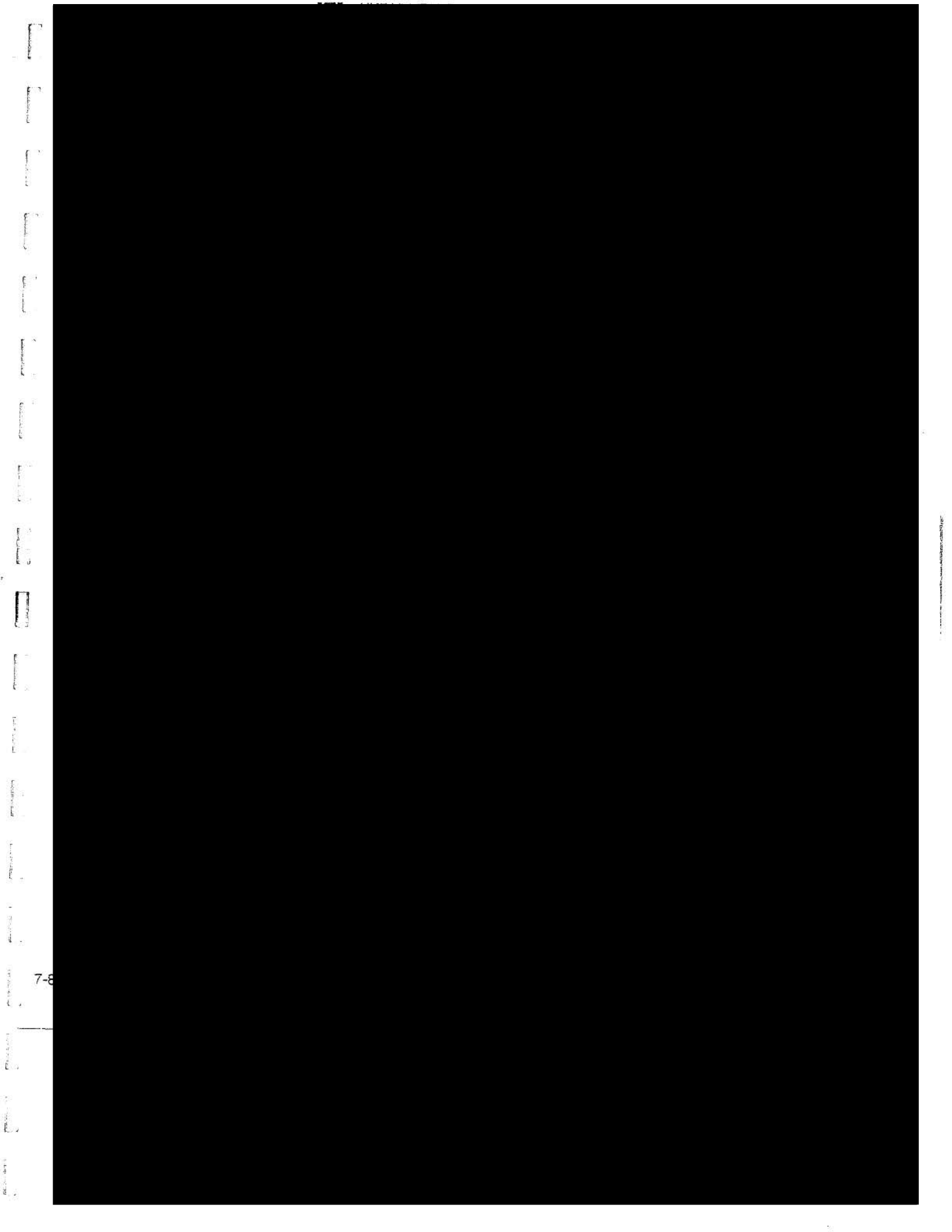




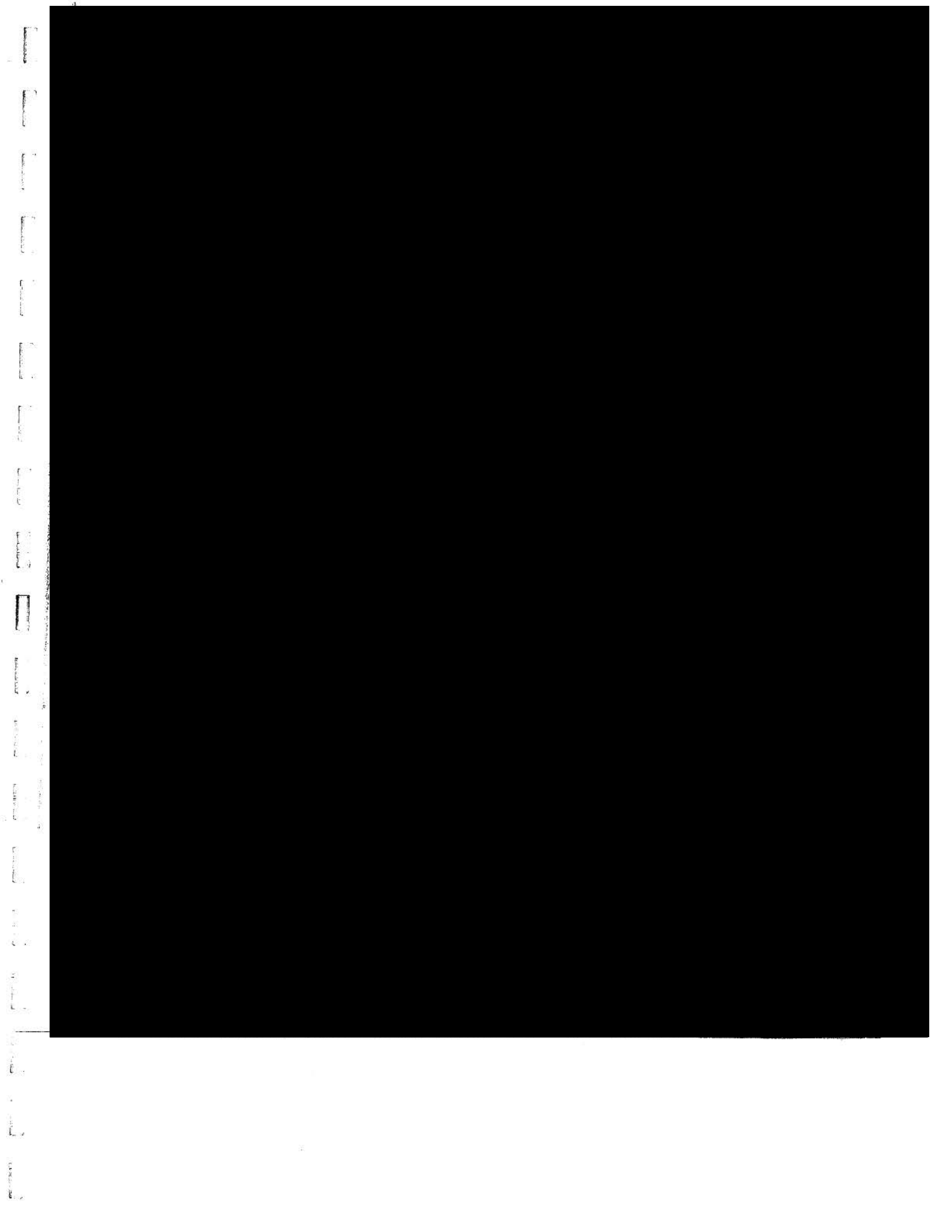
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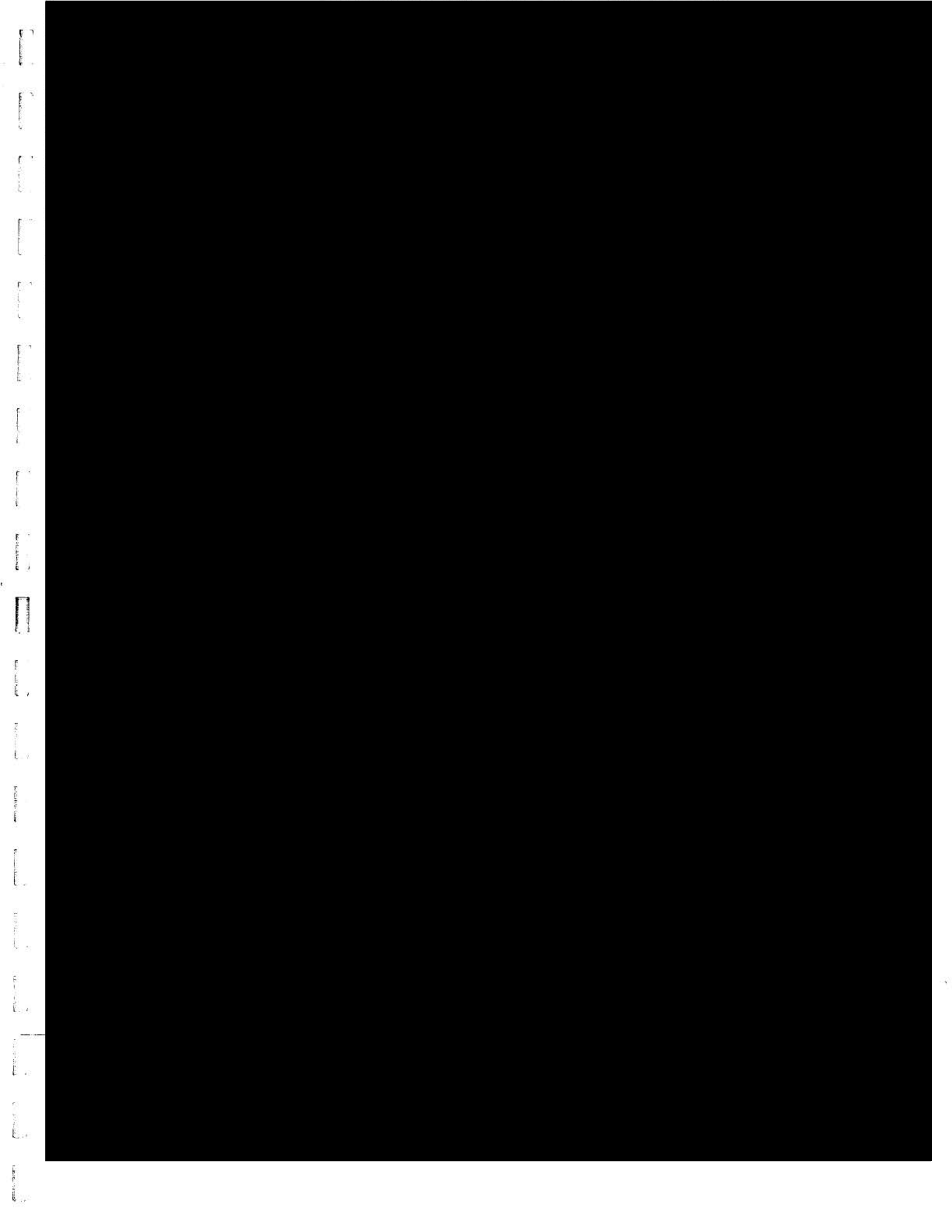


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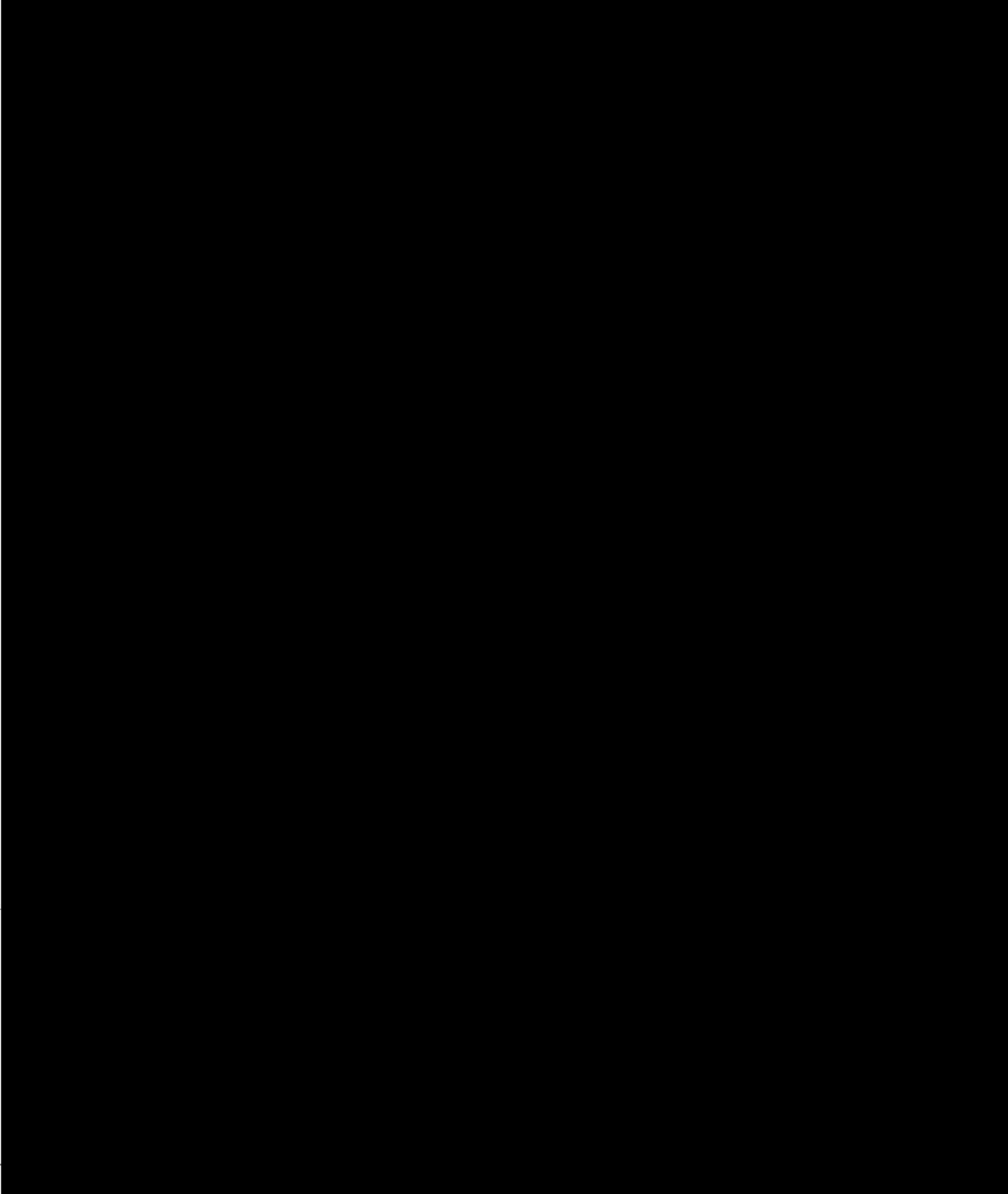


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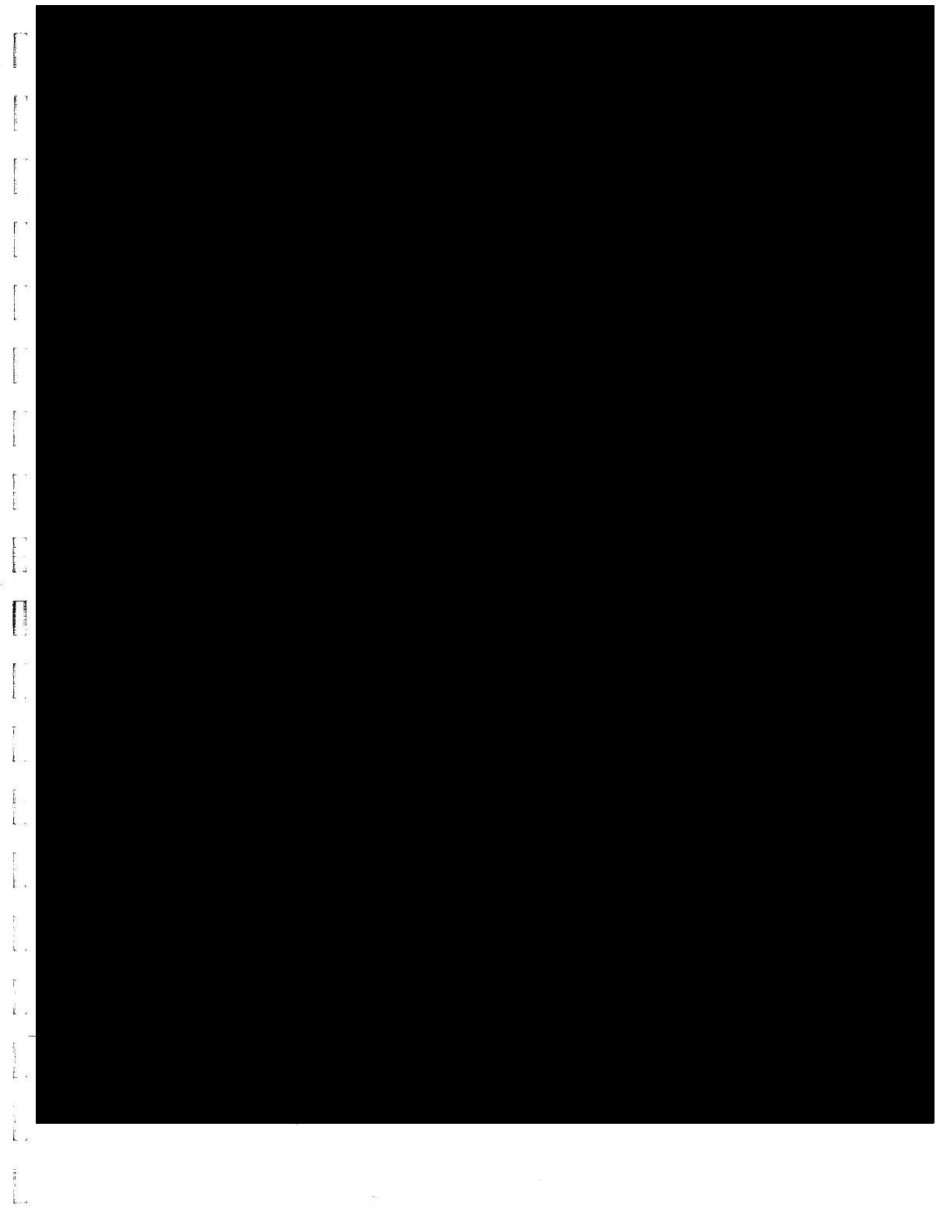




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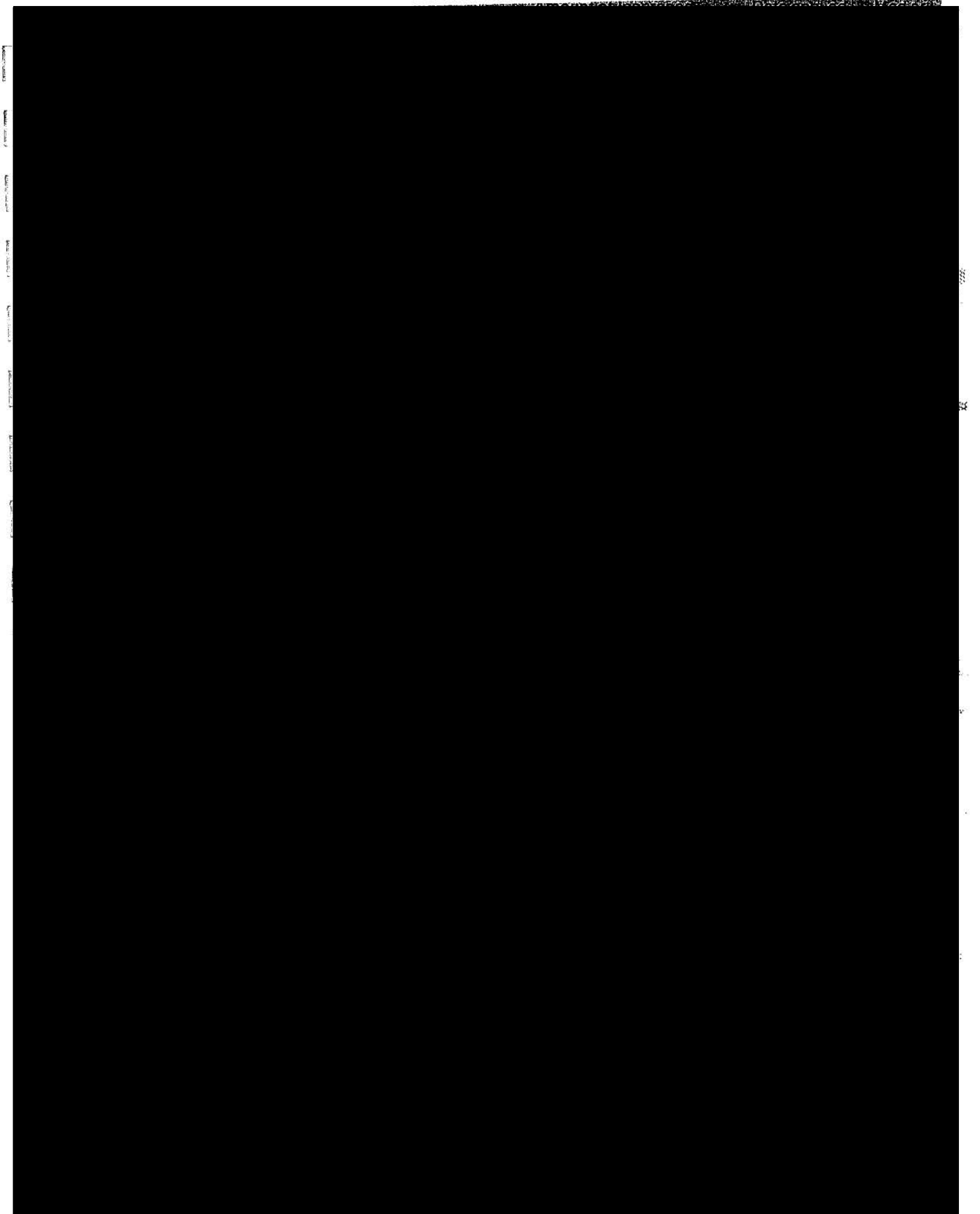


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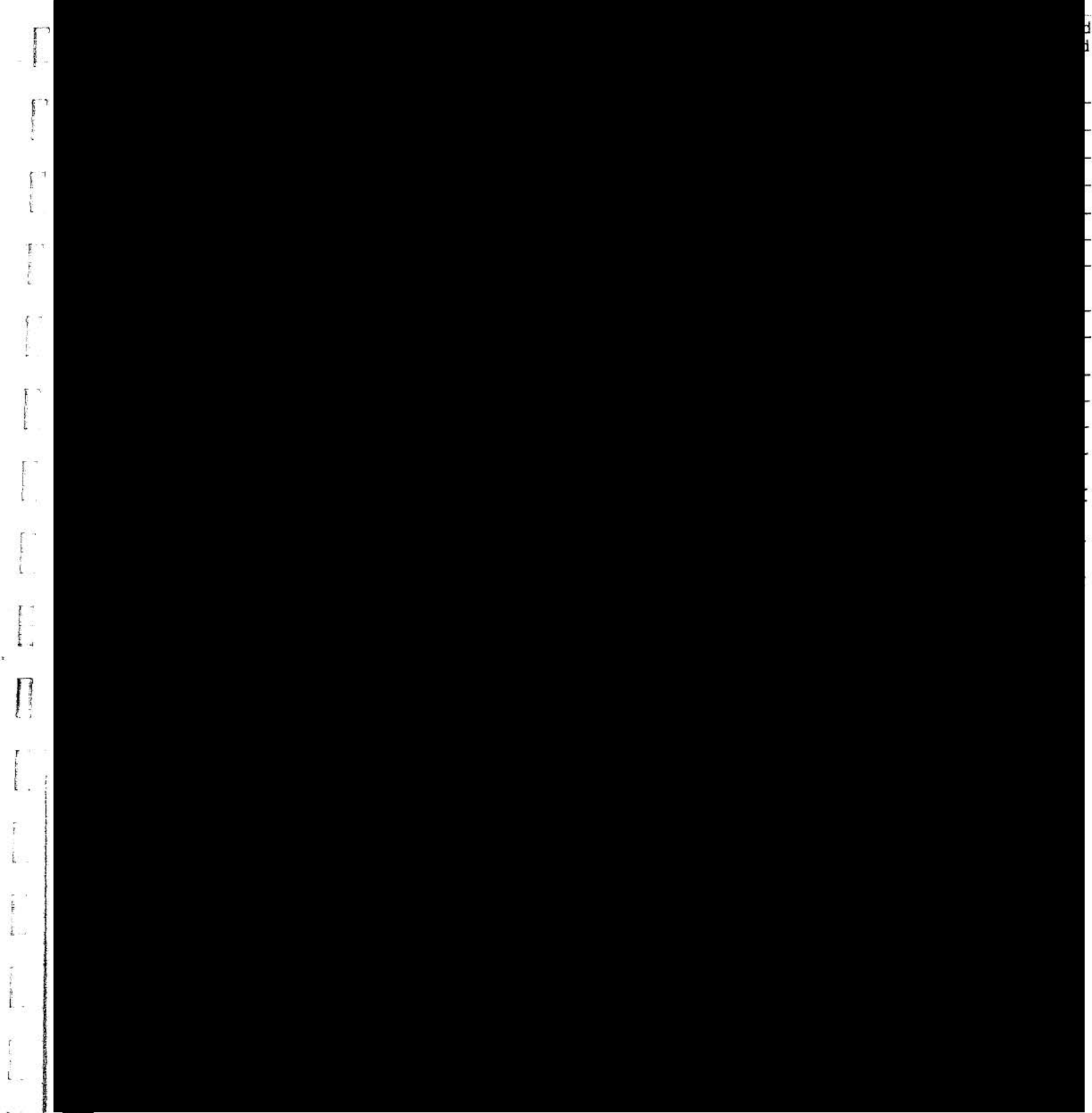
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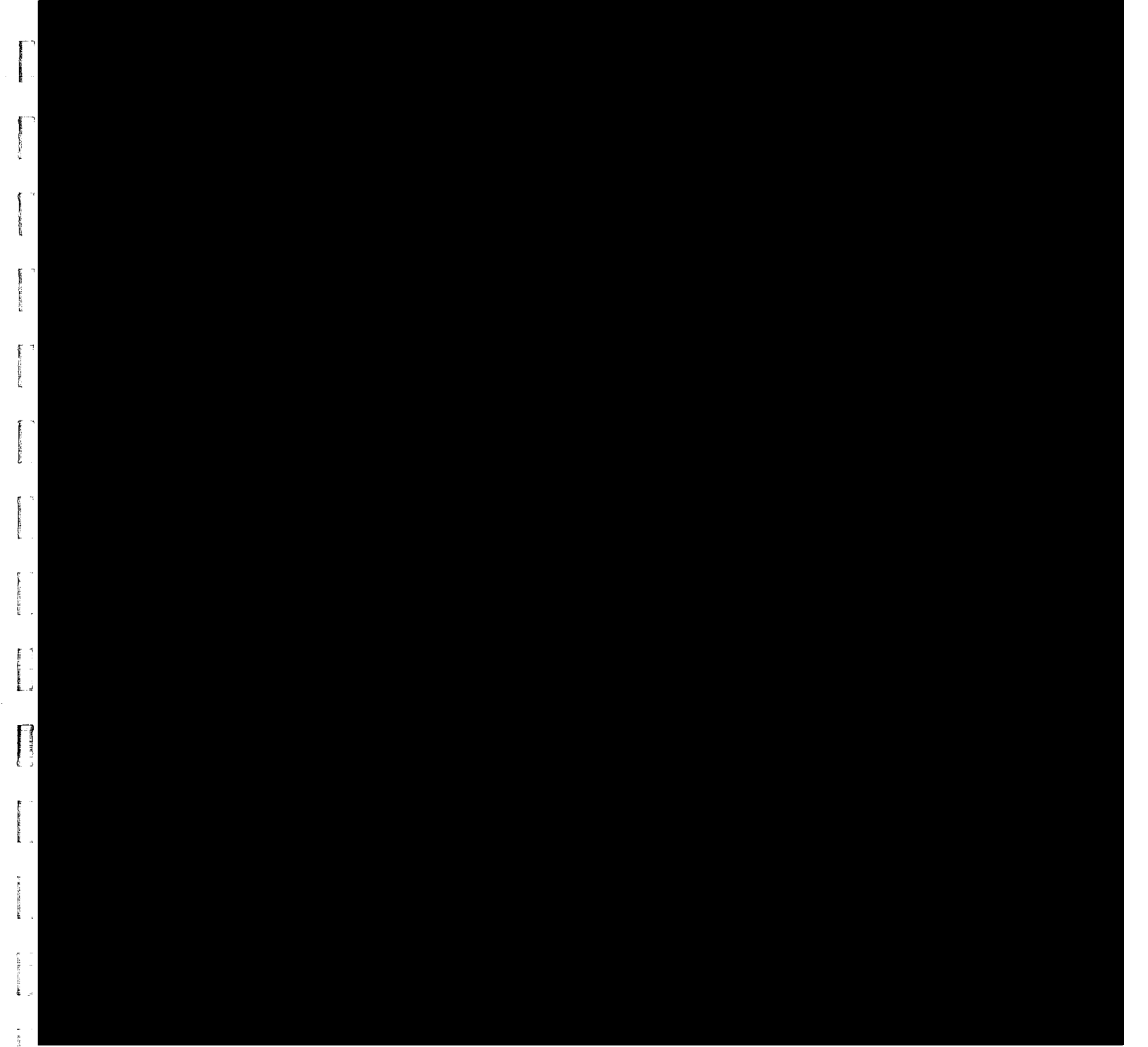
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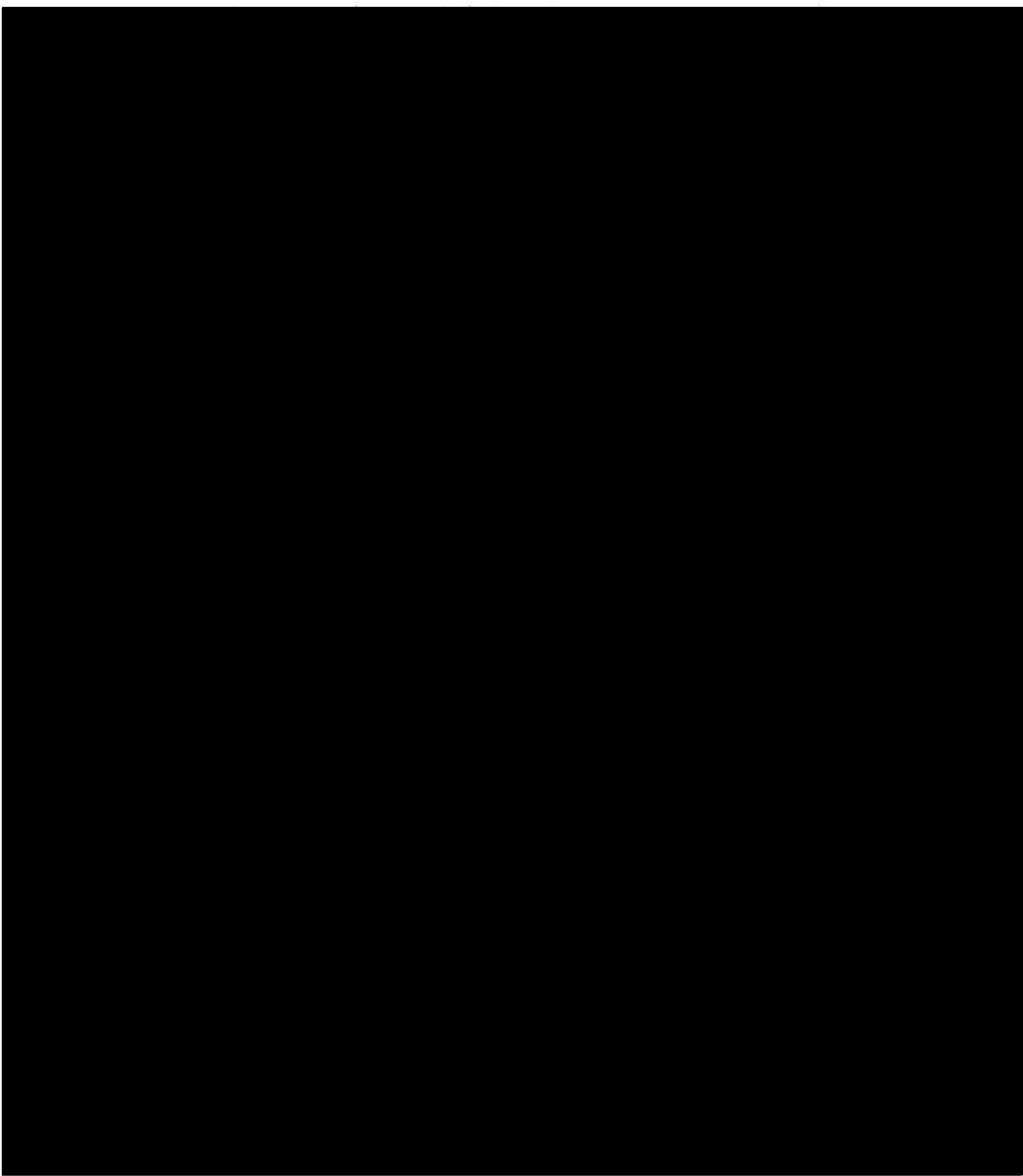
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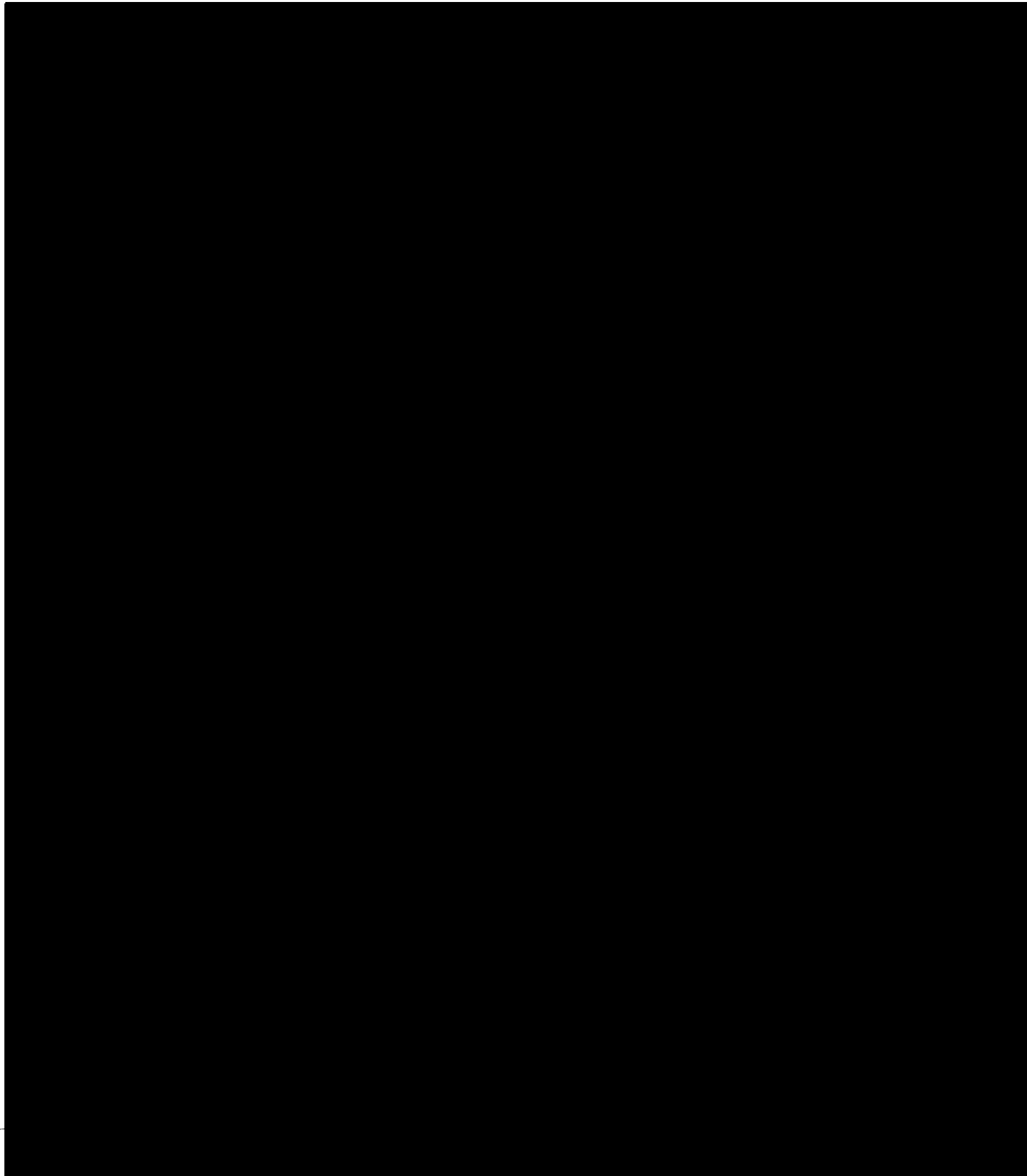


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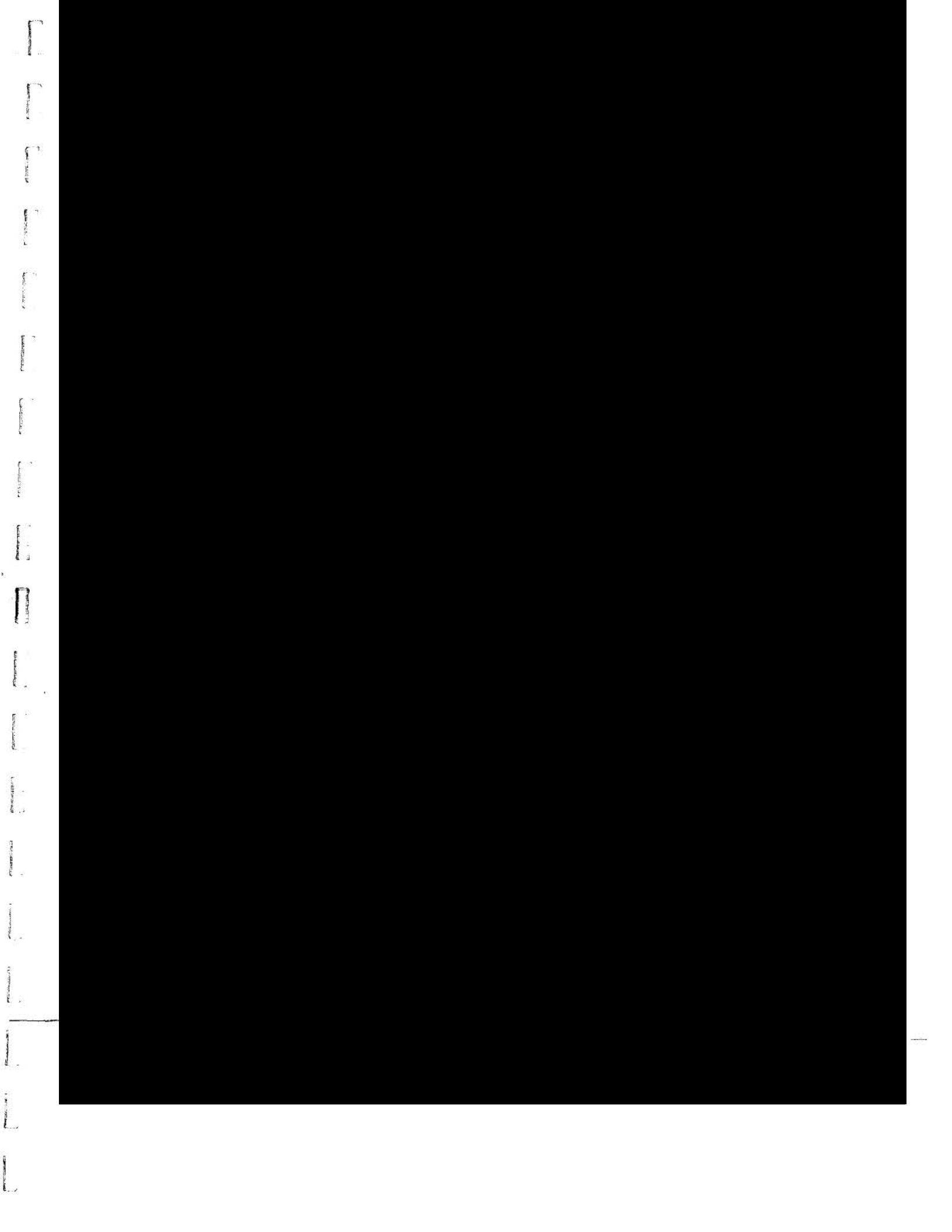


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Part 15

At the Supreme Court of the State of New York held in and for the County of Erie at the Supreme Court Building, <sup>23</sup>50 Delaware Avenue, Buffalo, N.Y. 14202 on the 17<sup>th</sup> day of April 2018.

PRESENT:

HON. MARK J. GRISANTI, JSC.

In the Matter of the Application of

M [REDACTED] F [REDACTED] for the Appointment of a Guardian of the Person and Property of

E [REDACTED] A. D [REDACTED] a.k.a. B [REDACTED] D [REDACTED]

an Alleged Incapacitated Person

Index No. SF2018 900285

ORDER AND JUDGMENT APPOINTING GUARDIAN

A Petition, duly verified the 5th day of February 2018, having been presented by M [REDACTED] F [REDACTED] to the Supreme Court of the State of New York, County of Erie, alleging that E [REDACTED] A. D [REDACTED] was an Incapacitated Person as defined in Article 81 of the Mental Hygiene Law (MHL) and in need of a Guardian;

AND this Court in an Order to Show Cause dated February 7, 2018, having directed that the Alleged Incapacitated Person, E [REDACTED] A. D [REDACTED] show cause why a guardian should not be appointed; and that Notice of the Petition having been given to the Alleged Incapacitated Person, and interested parties, namely: [REDACTED], child of the Alleged Incapacitated Person; [REDACTED] grandson of the Alleged Incapacitated Person; [REDACTED] CEO of the facility where the alleged incapacitated person resided at that time, [REDACTED], counsel for the Erie County Department of Social Services, and MATHEW A. LAZROE, Esq., the Court Evaluator;

AND at a Court appearance held on the scheduled hearing date of March 22, 2018, the Petitioner having been present and represented by FRANK R. VAVONESE, Esq., and MATHEW A. LAZROE, Esq., the Court Evaluator, [REDACTED] and [REDACTED] [REDACTED] having been present, and said hearing having been adjourned to April 17, 2018;



AND at a Subsequent appearance held on April 17<sup>th</sup> 2018, the Petitioner having been present and represented by FRANK R. VAVONESE, Esq., the Alleged Incapacitated Person, E [REDACTED] A. D [REDACTED] and MATHEW A. LAZROE, Esq., the Court Evaluator, having been present;

AND this Court having duly considered the Petition and the proofs and allegations presented therein, the report of the Court Evaluator, MATHEW A. LAZROE, Esq., and all other pleadings filed in this proceeding;

AND this Court having been satisfied by clear and convincing evidence that E [REDACTED] A. D [REDACTED] is a Person In Need of a Guardian as defined in MHL § 81.15(a); and this Court having made the findings required by MHL § 81.15(a) in a decision made on the record at the hearing;

AND E [REDACTED] A. D [REDACTED] having consented to the authority granted herein as reflected in the attached transcript of said April 17, 2018 hearing. (**Exhibit A**);

NOW, upon the motion of FRANK R. VAVONESE, Esq., the attorney for the Petitioner, it is hereby:

ORDERED AND ADJUDGED, that E [REDACTED] A. D [REDACTED] who currently resides with [REDACTED] F [REDACTED] at [REDACTED], County of Erie, is hereby determined to be a person in need of a guardian for her personal and property needs, because the Court has found that E [REDACTED] A. D [REDACTED] consents to the appointment of Guardians of her Person and Property; and it is further

ORDERED AND ADJUDGED, that, pursuant to MHL § 81.16(c), the powers of the Guardian as subsequently set forth in this Order and Judgment constitute the least restrictive form of intervention necessary to assist E [REDACTED] A. D [REDACTED] in providing for her personal and property needs; and it is further

ORDERED AND ADJUDGED, that the appointment of M [REDACTED] F [REDACTED] as Temporary Guardian of the Person and Property of E [REDACTED] A. D [REDACTED] as set forth in the Order to Show Cause dated February 7, 2018 is hereby terminated; and it is further

ORDERED AND ADJUDGED, that M [REDACTED] F [REDACTED] [REDACTED],  
[REDACTED], is hereby appointed Guardian of the Person of  
E [REDACTED] A. D [REDACTED] to serve without bond, upon the condition that she will faithfully  
discharge the trust imposed herein, obey all directions of this Court in regard to such trust, and  
make a true report of her acts in the administration of powers granted herein whenever required  
to do so by this Court, and upon the further condition that pursuant to MHL § 81.26 she file with  
the Clerk of this Court a Designation, duly executed and acknowledged, of the Clerk of this  
Court or his successor in office as a person on whom service of any process may be made in like  
manner and with like effect as if it were served personally upon the Guardian whenever she  
cannot with due diligence be served within the State of New York; and it is further

ORDERED AND ADJUDGED, that [REDACTED] F [REDACTED] [REDACTED],  
[REDACTED], is hereby appointed Guardian of the Property of E [REDACTED]  
A. D [REDACTED] to serve without bond, upon the condition that he will faithfully discharge the trust  
imposed herein, obey all directions of this Court in regard to such trust, and make a true report of  
his acts in the administration of powers granted herein whenever required to do so by this Court,  
and upon the further condition that pursuant to MHL § 81.26 he file with the Clerk of this Court  
a Designation, duly executed and acknowledged, appointing the Clerk of this Court or his  
successor in office as a person on whom service of any process may be made in like manner and  
with like effect as if it were served personally upon the Guardian whenever he cannot with due  
diligence be served within the State of New York; and it is further

ORDERED AND ADJUDGED, that the term of the Guardian shall be for the lifetime of  
E [REDACTED] A. D [REDACTED] and it is further

ORDERED AND ADJUDGED, that pursuant to MHL § 81.27, after the Guardians have  
filed the Designation of the Clerk for the service of process, the Clerk of this Court shall issue a  
Commission stating the title of this proceeding, the names, addresses, and telephone numbers of  
the Guardian, the specific powers of the Guardian, the date when the appointment of the  
Guardian was made, and the term of the Guardianship; and it is further

#### DUTIES OF THE GUARDIAN

ORDERED AND ADJUDGED, that the Guardians of E [REDACTED] A. D [REDACTED] shall have

the duty to:

- (1) visit her not less than four times a year;
- (2) afford E [REDACTED] A. D [REDACTED] the greatest amount of independence and self-determination with respect to her personal needs in light of her functional level, understanding and appreciation of her functional limitations, and personal wishes, preferences and desires with regard to managing the activities of daily living;
- (3) exercise only those powers that the Guardian is authorized to exercise by Court order;
- (4) exercise the utmost care and diligence when acting on behalf of E [REDACTED] A. D [REDACTED];
- (5) exhibit the utmost degree of trust, loyalty and fidelity in relation to E [REDACTED] A. D [REDACTED] and it is further

ORDERED AND ADJUDGED, that [REDACTED] F [REDACTED] as Guardian for the property needs of E [REDACTED] A. D [REDACTED] shall also have the duty to:

- (6) preserve, protect and account for such property and financial resources faithfully;
- (7) determine whether E [REDACTED] A. D [REDACTED] has executed a Will, determine the location of any such Will, identify the appropriate persons to be notified in the event of her death, and notify those persons in the event of her death;
- (8) use the property and financial resources and income available therefrom exclusively to maintain and support E [REDACTED] A. D [REDACTED];
- (9) deliver such property to the persons legally entitled to it at the termination of the appointment or the death of E [REDACTED] A. D [REDACTED] pursuant to Court Order;
- (10) perform all other duties required by law; and it is further

#### POWERS OF THE GUARDIAN FOR PERSONAL NEEDS

ORDERED AND ADJUDGED, that the Guardian of Person of E [REDACTED] A. D [REDACTED] shall have the power to:

- (1) determine who shall provide medical care to her;
- (2) authorize access to or release of confidential records;
- (3) consent to or refuse generally accepted routine or major medical or dental treatment, consistent with the findings of this Court, the patient's wishes, and the standards set forth in MHL § 81.22(a)(8);
- (4) choose her place of abode in accordance with the standards set forth in MHL §

81.22(a)(9);

- (5) arrange for or provide transportation for E [REDACTED] A. D [REDACTED] as is necessary for E [REDACTED] A. D [REDACTED] to attend medical appointments and doctor visits;
- (6) have access to all of E [REDACTED] A. D [REDACTED] protected health information, including, but not limited to, all medical records, reports, statements, billing and payment matters in order to understand any and all diagnosis and make an informed decision with respect to the appropriate treatment and level of care/living arrangements for E [REDACTED] A. D [REDACTED] and
- (7) the powers listed herein shall supplement rather than replace those provided for in the E [REDACTED] A. D [REDACTED] Health Care Proxy dated, May 28, 2017.

#### POWERS OF THE GUARDIAN FOR PROPERTY NEEDS

ORDERED AND ADJUDGED, that the Guardian of the Property of E [REDACTED] A.

D [REDACTED] shall have the power to:

- (1) marshal the income and assets of E [REDACTED] A. D [REDACTED] and establish bank, brokerage and/or other similar accounts in the name of the Guardian for E [REDACTED] A. D [REDACTED] and endorse, collect, negotiate and deposit all negotiable instruments drawn to the order of E [REDACTED] A. D [REDACTED] including, but not limited to, government entitlement checks and insurance proceeds; invest funds with the same authority as a trustee, pursuant to New York EPTL § 11-2.2; inventory personal belongings, and store or dispose, as appropriate;
- (2) close or retitle in her name, as Guardian, bank time deposits prior to maturity, upon the finding by this Court that, for purposes of § 9-I and § 238 of the Banking Law, the Order Appointing Guardian shall be deemed a declaration of incompetence and no banking or savings institution shall impose any penalty upon the transaction;
- (3) provide for the maintenance and support of E [REDACTED] A. D [REDACTED]
- (4) enter into contracts;
- (5) create revocable or irrevocable trusts, including first party and/or pooled supplemental needs trusts, with property of E [REDACTED] A. D [REDACTED]
- (6) authorize access to or release of confidential records;
- (7) apply for, obtain and settle claims for government benefits;
- (8) arrange and pay for health care services, health care aides and household help;
- (9) defend, maintain or commence civil proceedings on behalf of E [REDACTED] A. D [REDACTED]
- (10) retain attorneys, accountants and similar professionals;
- (11) sign and file income tax returns and all other tax documents for any and all tax obligations, and appear before federal, state and local taxing authorities on all claims, litigation, settlements and other related matters;
- (12) engage in Medicaid and estate planning, subject to prior court approval of all proposed transfers, pursuant to MHL§ 81.21 (b);
- (13) take actions required to make E [REDACTED] A. D [REDACTED] eligible for Medicaid;
- (14) deal with Medicare and Medicaid claims, litigation and settlement;
- (15) establish an irrevocable prepaid funeral plan for the E [REDACTED] A. D [REDACTED]
- (16) pay reasonable funeral expenses out of any funds remaining in the guardianship

account at death, to the extent that a prepaid funeral plan, if any, is insufficient to do so;

(17) settle and compromise a personal injury action or other civil matter; and

(18) pursue and/or settle life insurance claims on behalf of E [REDACTED] A. D [REDACTED]

### INSTRUCTIONS OF THE COURT

ORDERED AND ADJUDGED, that all persons are hereby directed to deliver to [REDACTED] F [REDACTED] as Guardian of the property of E [REDACTED] A. D [REDACTED] upon demand and presentation of a certified copy of the Guardian's Commission, all the property and income of E [REDACTED] A. D [REDACTED] that may be in their possession or under their control; and it is further

ORDERED AND ADJUDGED, that pursuant to MHL § 81.39, no later than ninety (90) days after the issuance of a Commission, both Guardians shall complete a training program approved by the Chief Administrator of the Courts (if he/she has not previously completed such a course); and it is further

ORDERED AND ADJUDGED, that pursuant to MHL § 81.30, no later than ninety (90) days after the issuance of the Commission, the both Guardians shall file with the Court and the Court Examiner an initial report in a form prescribed by the Court; and it is further

ORDERED AND ADJUDGED, that, no later than ninety (90) days after the issuance of the Commission, former Temporary Guardian of the Person and Property M [REDACTED] F [REDACTED] shall file with the Court and the Court Examiner an initial and final report in a form prescribed by the Court; and it is further

ORDERED AND ADJUDGED, that upon completion of the duties assigned to them the both Guardians shall file in the office of the Clerk of the County of Erie a final report in the form required by MHL § 81.33; and it is further

ORDERED AND ADJUDGED, that if the annual report sets forth any reason for a change in the powers authorized by the Court, the either of both Guardians shall apply for such relief on notice; and it is further

ORDERED AND ADJUDGED, that the both Guardians are directed to notify both the Court and the Court Examiner of the death of E [REDACTED] A. D [REDACTED] and it is further

ORDERED AND ADJUDGED, that the Guardian of the Property, [REDACTED] F [REDACTED]

shall establish an account at a bank or financial institution that can provide banking statements, canceled checks, or copies of cancelled checks; and it is further

ORDERED AND ADJUDGED, that the Guardian of the Property, [REDACTED] F [REDACTED] is directed to notify the Court Examiner of the discovery of any assets that were not identified in the Court Evaluator's Report, and any personal injury awards or settlements on behalf of E [REDACTED] A. D [REDACTED] not mentioned in the Court Evaluator's Report; and it is further

ORDERED AND ADJUDGED, that either Guardian changes domicile he or she is required to notify the Court of the change; and it is further

ORDERED AND ADJUDGED, that the Guardian of the Property, [REDACTED] F [REDACTED] is directed to file a Final Accounting in writing within 30 days after the death of E [REDACTED] A. D [REDACTED] or the time at which her finances have been reduced to a point at which it is necessary for the Court to determine the amount of appropriate final disbursements; and it is further

ORDERED AND ADJUDGED, that the Guardians are directed to report to the Court Examiner, by letter, within 30 days of any change in E [REDACTED] A. D [REDACTED] place of abode and of any significant changes in E [REDACTED] A. D [REDACTED] physical or mental condition; and it is further

ORDERED AND ADJUDGED, that the prior to the termination of her appointment as Temporary Guardian of the Property of E [REDACTED] A. D [REDACTED] M [REDACTED] F [REDACTED] shall make the following disbursements, in the following order, to the extent that E [REDACTED] A. D [REDACTED] has funds available to do so:

- (1) To MATHEW A. LAZROE, Esq, the sum of \$ 2,184<sup>00</sup> for the services as Court Evaluator; and
- (2) To M [REDACTED] F [REDACTED] the Petitioner, the sum of \$2,323.06 for reimbursement of expenses incurred related to the January 2018 funeral and internment of the M [REDACTED] D [REDACTED] the late husband of E [REDACTED] A. D [REDACTED] and
- (3) To [REDACTED], the sum of \$4,493.13.

and it is further

ORDERED AND ADJUDGED, that Guardian of the Property, [REDACTED] F [REDACTED]

shall pay any remaining balance on any of the aforementioned disbursements, as funds to do so become available to E [REDACTED] A. D [REDACTED]

ORDERED AND ADJUDGED, that pursuant to MHL § 81.16(e), a copy of this Order and Judgment shall be personally served upon E [REDACTED] A. D [REDACTED] by the Guardian of the Property, [REDACTED] F [REDACTED] and it is further

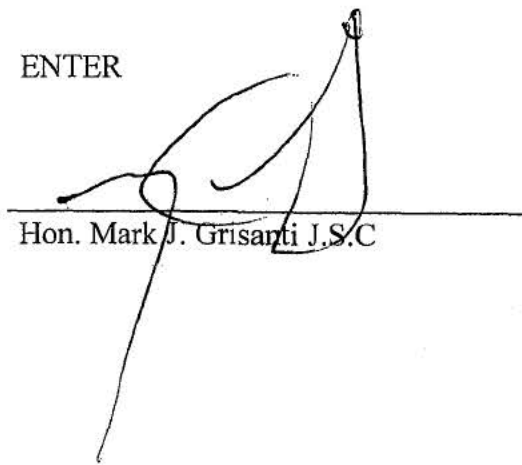
ORDERED AND ADJUDGED, that, pursuant to MHL § 81.16(c)(3), the Court has determined that the persons entitled to notice of all further proceedings in this matter are: E [REDACTED] A. D [REDACTED] the Person in need of a Guardian; M [REDACTED] F [REDACTED] Guardian of the Person for E [REDACTED] A. D [REDACTED] [REDACTED] F [REDACTED] Guardian of the Property for E [REDACTED] A. D [REDACTED] MATHEW A. LAZROE, Esq., Court Evaluator; and any other person entitled to notice; and it is further

ORDERED AND ADJUDGED, that \_\_\_\_\_ of \_\_\_\_\_, N.Y. \_\_\_\_\_, telephone (\_\_\_\_) \_\_\_\_\_ is hereby appointed Court Examiner in this matter, and it is further;

ORDERED AND ADJUDGED, that the County Clerk shall seal all papers filed in this proceeding and may not exhibit the court record to anyone other than the parties, or by order of the court to someone properly interested. Any publication of this matter or reference to it shall identify the subject of the petition by first name and last initial; and it is further

ORDERED AND ADJUDGED, that a true copy of this Order and Judgment be served by forthwith by facsimile or mail upon: the Person In Need of a Guardian, E [REDACTED] A. D [REDACTED] the Guardian of the Person, M [REDACTED] F [REDACTED] and the Guardian of the Property, [REDACTED] F [REDACTED] the Court Evaluator, MATHEW A. LAZROE, Esq.; the ~~COURT EXAMINER~~, and any other person entitled to notice.

ENTER

  
Hon. Mark J. Grisanti J.S.C

JUN 18 2018

PRESENT:  
HON. MARK J. GRISANTI, JSC.

At the Supreme Court of the State of New York held in and for the County of Erie at the Supreme Court Building, 25 Delaware Avenue, Buffalo, N.Y. 14202 on the 13<sup>th</sup> day of September 2018.

In the Matter of the Application of

M [REDACTED] F [REDACTED] for the Appointment of a Guardian of the Person and Property of

E [REDACTED] A. D [REDACTED] a.k.a. B [REDACTED] D [REDACTED]

an Alleged Incapacitated Person

Index No. SF2018 900285

ORDER DISMISSING  
GUARDIANSHIP

A Petition, duly verified the 5th day of February 2018, having been presented by M [REDACTED] F [REDACTED] to the Supreme Court of the State of New York, County of Erie, alleging that E [REDACTED] A. D [REDACTED] was an Incapacitated Person as defined in Article 81 of the Mental Hygiene Law (MHL) and in need of a Guardian;

AND this Court in an Order to Show Cause dated February 7, 2018, having directed that the Alleged Incapacitated Person, E [REDACTED] A. D [REDACTED] show cause why a guardian should not be appointed; and that Notice of the Petition having been given to the Alleged Incapacitated Person, and interested parties, namely: [REDACTED], child of the Alleged Incapacitated Person; [REDACTED] grandson of the Alleged Incapacitated Person; [REDACTED] CEO of the facility where the alleged incapacitated person resided at that time, BONNIE McLAUGHLIN, Esq., counsel for the Erie County Department of Social Services, and MATHEW A. LAZROE, Esq., the Court Evaluator;

AND at a Court appearance held on the scheduled hearing date of March 22, 2018, the Petitioner having been present and represented by FRANK R. VAVONESE, Esq., and MATHEW A. LAZROE, Esq., the Court Evaluator, [REDACTED] and [REDACTED] [REDACTED] having been present, and said hearing having been adjourned to April 17, 2018;



AND at a Subsequent appearance held on April 17, 2018, the Petitioner having been present and represented by FRANK R. VAVONESE, Esq., the Alleged Incapacitated Person, E [REDACTED] A. D [REDACTED] and MATHEW A. LAZROE, Esq., the Court Evaluator, having been present;

AND this Court having duly considered the Petition and the proofs and allegations presented therein, the report of the Court Evaluator, MATHEW A. LAZROE, Esq., and all other pleadings filed in this proceeding;

AND this Court having been satisfied by clear and convincing evidence that E [REDACTED] A. D [REDACTED] is a Person In Need of a Guardian as defined in MHL § 81.15(a); and this Court having made the findings required by MHL § 81.15(a) in a decision made on the record at the hearing;

AND an Order and Judgment Appointing Guardian naming M [REDACTED] F [REDACTED] as Guardian of the Person for E [REDACTED] A. D [REDACTED] and naming [REDACTED] [REDACTED] as Guardian of the Property was signed on June 18, 2018;

AND, a Commission to Guardian never having been issued by the Erie County Clerk in relation to the June 18, 2018 Order and Judgment;

AND at a Court Appearance having been held on September 13, 2019, the Petitioner having been and represented by FRANK R. VAVONESE, Esq., and a transcript of said hearing is attached hereto and labeled **EXHIBIT A**; and

NOW, upon the motion of FRANK R. VAVONESE, Esq., the attorney for the Petitioner, and upon the request of E [REDACTED] A. D [REDACTED] and consent of the Petitioner, M [REDACTED] F [REDACTED] and upon agreement of all parties, it is hereby:

ORDERED AND ADJUDGED, the Order and Judgment Order dated June 18, 2018 is hereby dismissed and E [REDACTED] A. D [REDACTED] shall be free to provide for her own Personal and Property needs;

ORDERED AND ADJUDGED, that M [REDACTED] F [REDACTED] is hereby discharged of her duty as both Temporary Guardian of the Person and Property of E [REDACTED] A. D [REDACTED] and Guardian of the Person of E [REDACTED] A. D [REDACTED] and

ORDERED AND ADJUDGED, that [REDACTED] F [REDACTED] is hereby discharged of his duty as Guardian of the Property of E [REDACTED] A. D [REDACTED]

INSTRUCTIONS OF THE COURT

ORDERED AND ADJUDGED, that [REDACTED] F [REDACTED] and M [REDACTED] F [REDACTED] are hereby directed to deliver to E [REDACTED] A. D [REDACTED] upon demand and presentation all the property and income of E [REDACTED] A. D [REDACTED] that may be in their possession or under their control; and it is further

ORDERED AND ADJUDGED, that pursuant to MHL § 81.33, M [REDACTED] F [REDACTED] shall file with the Court and the Court Examiner a final report in a form prescribed by the Court; and it is further

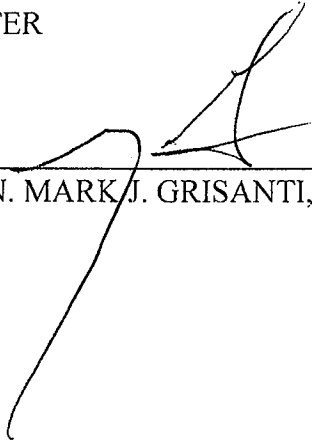
ORDERED AND ADJUDGED, that, pursuant to MHL § 81.16(c)(3), the Court has determined that the persons entitled to notice of all further proceedings in this matter are: E [REDACTED] A. D [REDACTED] the Person in need of a Guardian; M [REDACTED] F [REDACTED] Guardian of the Person for E [REDACTED] A. D [REDACTED] [REDACTED] F [REDACTED] Guardian of the Property for E [REDACTED] A. D [REDACTED] MATHEW A. LAZROE, Esq., Court Evaluator; and any other person entitled to notice; and it is further

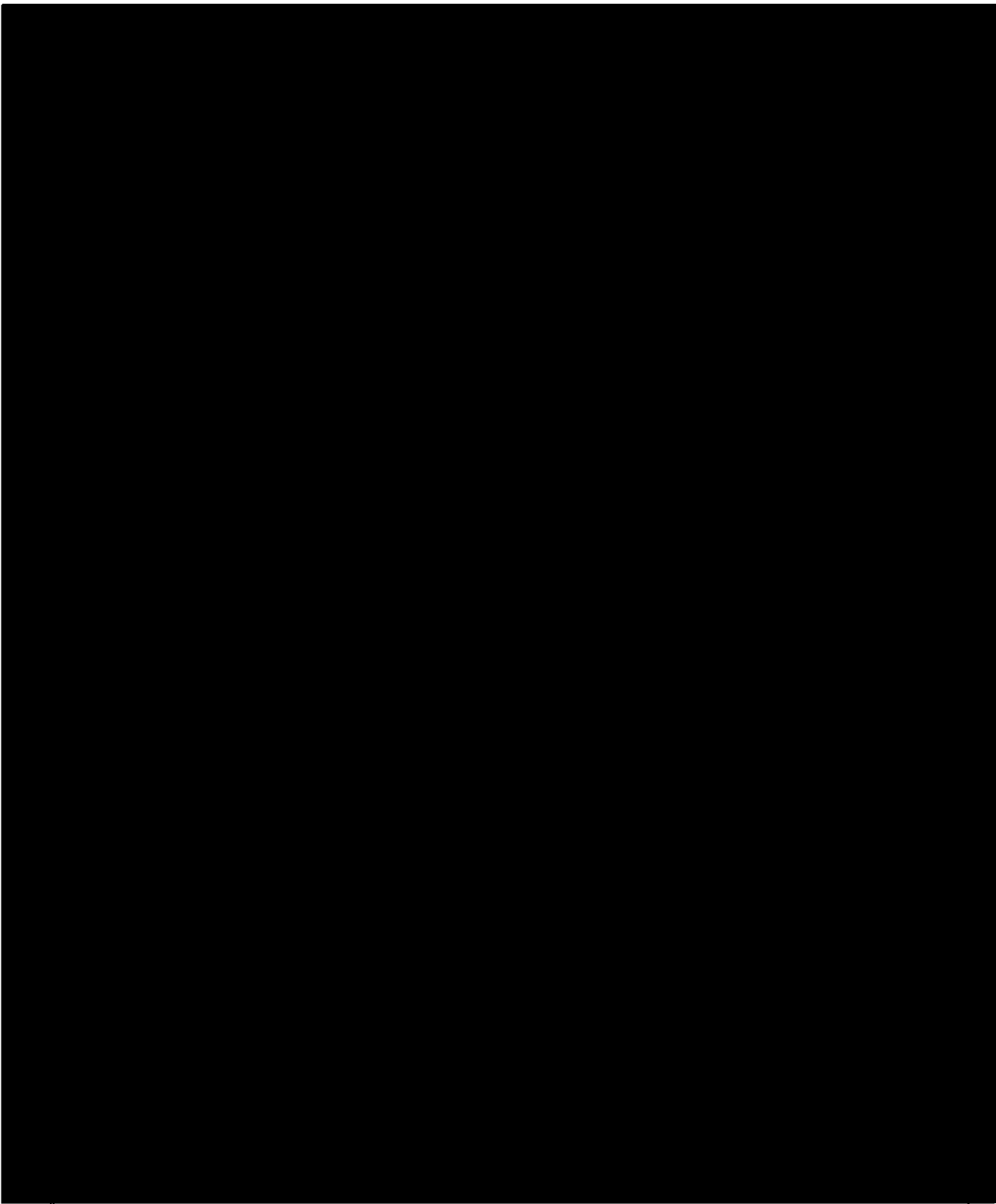
ORDERED AND ADJUDGED, that the County Clerk shall seal all papers filed in this proceeding and may not exhibit the court record to anyone other than the parties, or by order of the court to someone properly interested. Any publication of this matter or reference to it shall identify the subject of the petition by first name and last initial; and it is further

ORDERED AND ADJUDGED, that a true copy of this Order and Judgment be served forthwith by facsimile or mail upon: E [REDACTED] A. D [REDACTED] M [REDACTED] F [REDACTED], [REDACTED] FI [REDACTED] MATHEW A. LAZROE, Esq., and any other person entitled to notice.

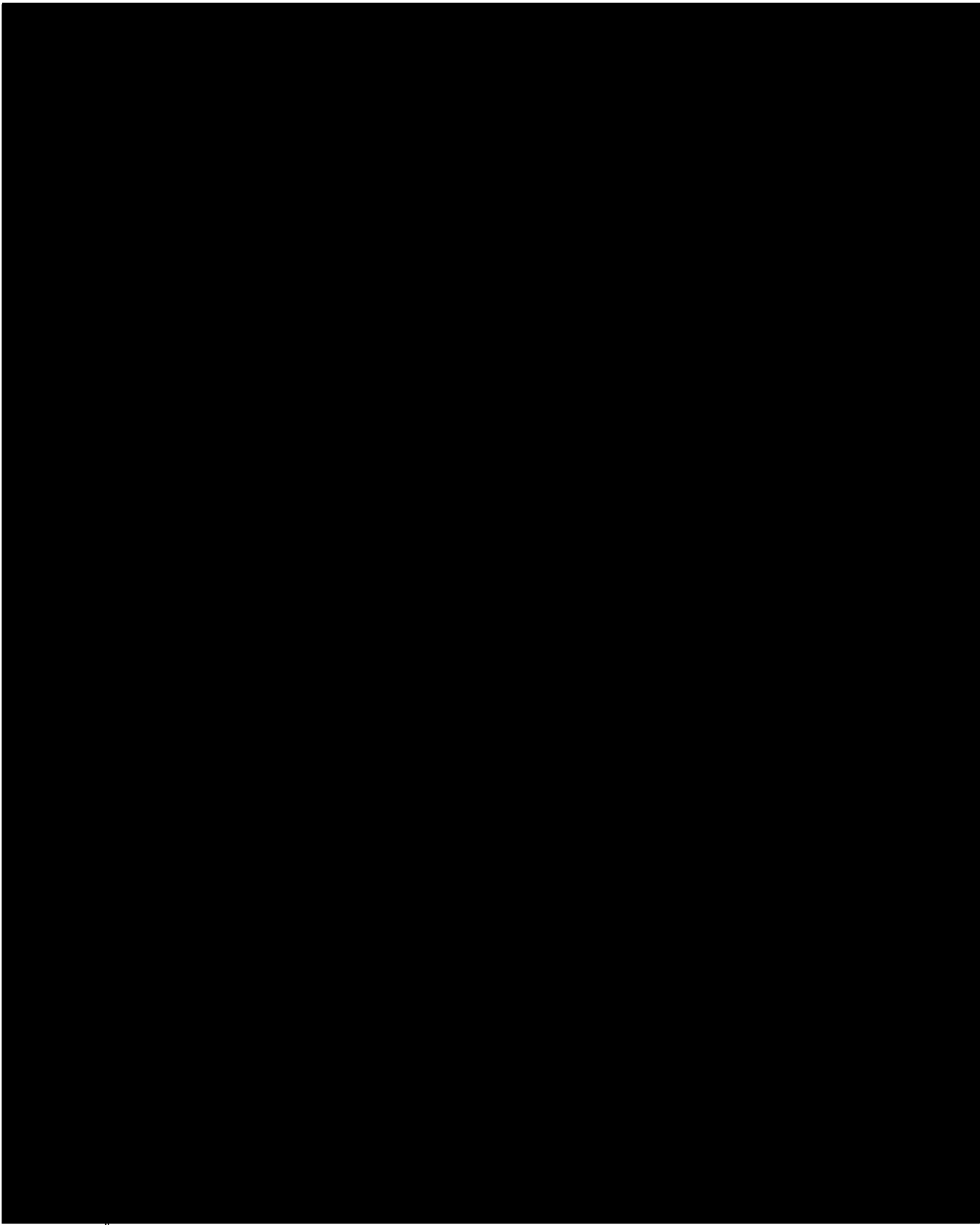
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SEP 28 2018

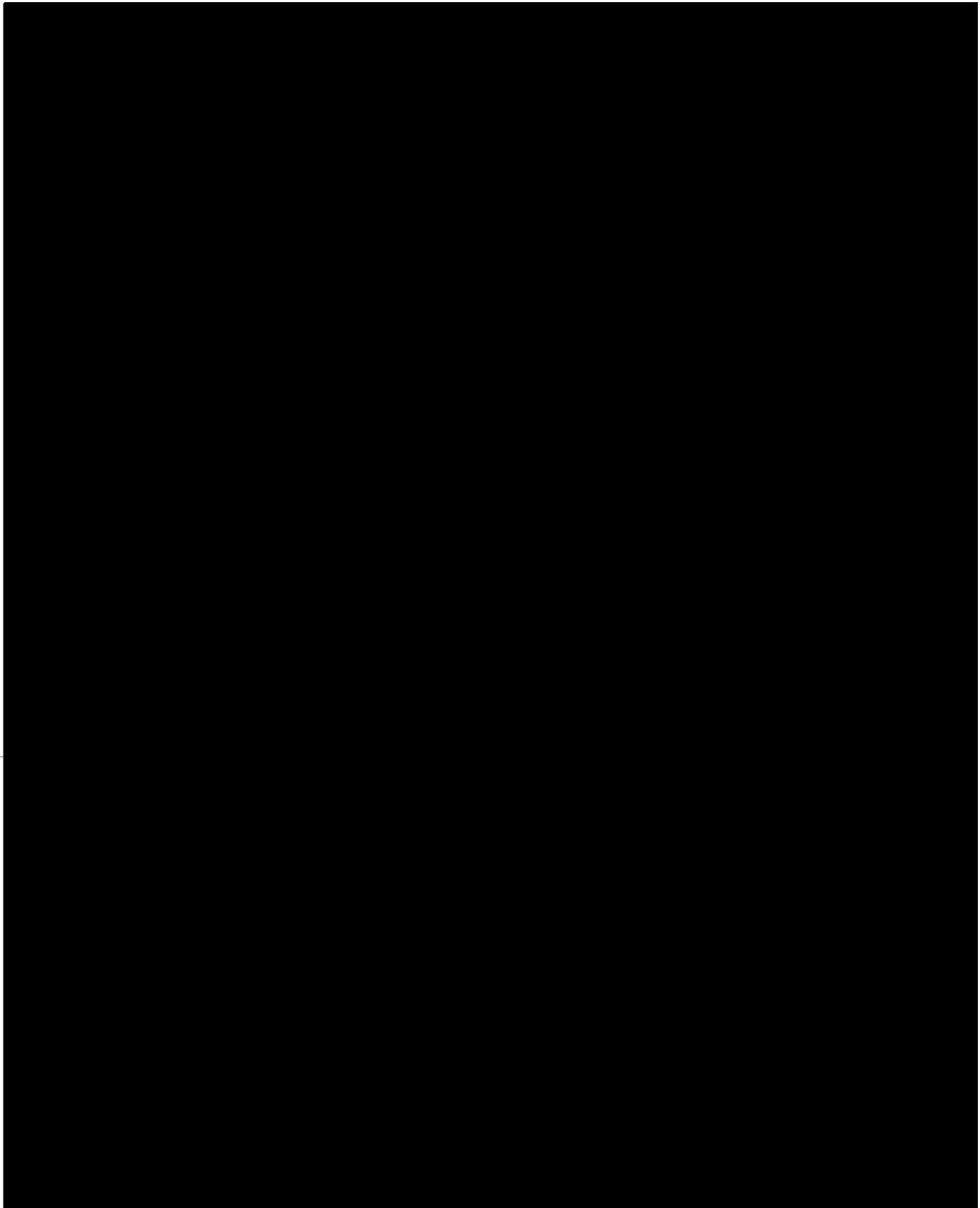
  
\_\_\_\_\_  
HON. MARK J. GRISANTI, J.S.C



AMY L. HAYES  
Senior Court Reporter



AMY L. HAYES  
Senior Court Reporter



AMY L. HAYES  
Senior Court Reporter

C E R T I F I C A T I O N

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Date:

I certify that the foregoing 3 pages are a correct transcription of the proceedings recorded by me in this matter.

\_\_\_\_\_  
AMY L. HAYES,  
Senior Court Reporter.

AMY L. HAYES  
Senior Court Reporter

At IAS Part 15 of the Supreme Court of the State of New York held in and for the County of Erie at the Courthouse thereof, located at, 25 Delaware Avenue, Buffalo, New York 14202 on the 31 day of May, 2018.

PRESENT: **HON. MARK J. GRISANTI, J.S.C.**  
HON. \_\_\_\_\_, J.S.C.

-----X  
TRIFERA, LLC,

Plaintiff

Index No. 810988/2017



-against-

**ORDER**

**Mortgaged Premises**

[REDACTED]

a/k/a

[REDACTED]

**Section:** 342.00

**Block:** 1

**Lot:** 8

UNKNOWN HEIRS-AT-LAW OF THE ESTATE OF DOUGLAS S. MORRISON, DECEASED, NEXT-OF-KIN, DISTRIBUTEES, EXECUTORS, ADMINISTRATORS, TRUSTEES, DEVISEES, LEGATEES, ASSIGNEES, LIENORS, CREDITORS, AND SUCCESSORS IN INTEREST AND GENERALLY ALL PERSONS HAVING OR CLAIMING UNDER, BY OR THROUGH SAID DEFENDANT WHO IS DECEASED, BY PURCHASE, INHERITANCE, LIEN OR OTHERWISE, ANY RIGHT, TITLE, AND INTEREST IN AND TO THE REAL PROPERTY DESCRIBED IN THE COMPLAINT; UNKNOWN HEIRS-AT-LAW OF THE ESTATE OF DEBORAH L. MORRISON, DECEASED, NEXT-OF-KIN, DISTRIBUTEES, EXECUTORS, ADMINISTRATORS, TRUSTEES, DEVISEES, LEGATEES, ASSIGNEES, LIENORS, CREDITORS, AND SUCCESSORS IN INTEREST AND GENERALLY ALL PERSONS HAVING OR CLAIMING UNDER, BY OR THROUGH SAID DEFENDANT WHO IS DECEASED, BY PURCHASE, INHERITANCE, LIEN OR OTHERWISE, ANY RIGHT, TITLE, AND INTEREST IN AND TO THE REAL PROPERTY DESCRIBED IN THE COMPLAINT; UNITED STATES OF AMERICA O/B/O INTERNAL REVENUE SERVICE; NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE; "JOHN DOE" and "JANE DOE", said names being fictitious, it being the intention of Plaintiff



to designate any and all occupants of premises being foreclosed herein,

Defendants

-----X

Upon reading and filing the affirmation of Ralph L. Vartolo, Esq. dated April 30, 2018, the exhibits annexed thereto and upon all papers and proceedings had herein, it is:

**ORDERED**, that this motion is granted in all respects; and it is further

**ORDERED**, that the named Plaintiff "TRIFERA, LLC" shall be substituted with "LAELIA, LLC" and that the caption of this action shall be amended accordingly to reflect the proper alignment of the parties; and it is further

**ORDERED**, that the caption of this action is amended by adding "CINDY L. JURAIN" and "MARY L. JIMERSON" and all proceedings heretofore filed herein shall be deemed amended accordingly; and it is further

**ORDERED**, that the caption of this action, as amended, shall read as follows:

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ERIE

-----X

LAELIA, LLC,

Index No. 810988/2017

Plaintiff

-against-

UNKNOWN HEIRS-AT-LAW OF THE ESTATE OF DOUGLAS S. MORRISON, DECEASED, NEXT-OF-KIN, DISTRIBUTEES, EXECUTORS, ADMINISTRATORS, TRUSTEES, DEVISEES, LEGATEES, ASSIGNEES, LIENORS, CREDITORS, AND SUCCESSORS IN INTEREST AND GENERALLY ALL PERSONS HAVING OR CLAIMING UNDER, BY OR THROUGH SAID DEFENDANT WHO IS DECEASED, BY PURCHASE, INHERITANCE, LIEN OR OTHERWISE, ANY RIGHT, TITLE, AND INTEREST IN AND TO THE REAL PROPERTY DESCRIBED IN THE COMPLAINT; UNKNOWN HEIRS-AT-LAW OF THE ESTATE OF DEBORAH L. MORRISON, DECEASED, NEXT-OF-KIN, DISTRIBUTEES, EXECUTORS, ADMINISTRATORS, TRUSTEES, DEVISEES, LEGATEES, ASSIGNEES, LIENORS, CREDITORS, AND SUCCESSORS IN INTEREST AND GENERALLY ALL PERSONS HAVING OR CLAIMING UNDER, BY OR THROUGH SAID

DEFENDANT WHO IS DECEASED, BY PURCHASE, INHERITANCE, LIEN OR OTHERWISE, ANY RIGHT, TITLE, AND INTEREST IN AND TO THE REAL PROPERTY DESCRIBED IN THE COMPLAINT; UNITED STATES OF AMERICA O/B/O INTERNAL REVENUE SERVICE; NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE; CINDY L. JURAIN; MARY L. JIMERSON; "JOHN DOE" and "JANE DOE", said names being fictitious, it being the intention of Plaintiff to designate any and all occupants of premises being foreclosed herein,

Defendants

-----X  
; and it is further

**ORDERED**, that Plaintiff's application for leave to serve a Supplemental Summons, Amended Complaint and Amended Notice of Pendency pursuant to CPLR §3025(b) in the form attached to Plaintiff's moving papers is hereby granted; and it is further

**ORDERED**, that service of the Supplemental Summons herein upon the Defendants UNKNOWN HEIRS-AT-LAW OF THE ESTATE OF DOUGLAS S. MORRISON, DECEASED, NEXT-OF-KIN, DISTRIBUTEES, EXECUTORS, ADMINISTRATORS, TRUSTEES, DEVISEES, LEGATEES, ASSIGNEES, LIENORS, CREDITORS, AND SUCCESSORS IN INTEREST AND GENERALLY ALL PERSONS HAVING OR CLAIMING UNDER, BY OR THROUGH SAID DEFENDANT WHO IS DECEASED, BY PURCHASE, INHERITANCE, LIEN OR OTHERWISE, ANY RIGHT, TITLE, AND INTEREST IN AND TO THE REAL PROPERTY DESCRIBED IN THE COMPLAINT and UNKNOWN HEIRS-AT-LAW OF THE ESTATE OF DEBORAH L. MORRISON, DECEASED, NEXT-OF-KIN, DISTRIBUTEES, EXECUTORS, ADMINISTRATORS, TRUSTEES, DEVISEES, LEGATEES, ASSIGNEES, LIENORS, CREDITORS, AND SUCCESSORS IN INTEREST AND GENERALLY ALL PERSONS HAVING OR CLAIMING UNDER, BY OR THROUGH SAID DEFENDANT WHO IS DECEASED, BY PURCHASE, INHERITANCE, LIEN OR OTHERWISE, ANY RIGHT, TITLE, AND INTEREST IN AND TO THE REAL PROPERTY DESCRIBED IN THE COMPLAINT, together with a brief statement of the object of the action and a brief description of the property, shall be published in two (2) newspapers of general circulation, to wit: THE Buffalo Law Journal, which is published in the County of Erie and in The Hamburg Sun, which is published in the County of Erie, State of New York, once a week for four (4) consecutive weeks; and it is further

**ORDERED**, that this Order shall be filed with the Clerk of this Court on or before the first date of publication and that the first publication shall be made within ninety (90) days after the entered date of this Order; and it is further

**ORDERED**, that pursuant to CPLR §306-b the time to serve all the defendants is hereby

extended 120 days from the entered date of this Order; and it is further

**ORDERED**, that service shall be deemed complete upon the filing of proof of publication of the Summons; and it is further

**ORDERED**, that this action be, and the same is hereby referred to:

Steven Walters, Esq. whose address is

[REDACTED], and telephone number is 716-644-5614, an attorney and counselor at law, who

shall hereby be appointed Guardian ad Litem and Military Attorney for the unknown heirs-at-law, next-of-kin, distributees, executors, administrators, trustees, devisees, legatees, assignees, lienors, creditors, and successors in interest and generally all persons having or claiming under, by or through said defendant who may be deceased, by purchase, inheritance, lien or otherwise, any right, title, and interest in and to the real property described in the complaint; and is authorized to appear and defend this action on behalf of said individual(s);

**ORDERED**, that said Guardian ad Litem and Military Attorney shall also act for said defendants should they be in default or be in the military service of the United States of America, and is hereby authorized and appointed for the purpose of representing their interest in this action pursuant to the provisions of the Soldiers' and Sailors' Civil Relief Act and Military Law of 1940, as amended and the Military Law of the State of New York; and it is further

**ORDERED**, that Plaintiff shall compensate the aforementioned Guardian ad Litem and Military Attorney ~~\$250.00 for his/her services; and it is further~~ *on a per hour basis approved by the court and not to exceed \$200.00 per hour.*

**ORDERED**, that upon service of the supplemental summons and amended complaint upon the UNKNOWN HEIRS-AT-LAW OF THE ESTATE OF DOUGLAS S. MORRISON, DECEASED, NEXT-OF-KIN, DISTRIBUTEES, EXECUTORS, ADMINISTRATORS, TRUSTEES, DEVISEES, LEGATEES, ASSIGNEES, LIENORS, CREDITORS, AND SUCCESSORS IN INTEREST AND GENERALLY ALL PERSONS HAVING OR CLAIMING UNDER, BY OR THROUGH SAID DEFENDANT WHO IS DECEASED, BY PURCHASE, INHERITANCE, LIEN OR OTHERWISE, ANY RIGHT, TITLE, AND INTEREST IN AND TO THE REAL PROPERTY DESCRIBED IN THE COMPLAINT; UNKNOWN HEIRS-AT-LAW OF THE ESTATE OF DEBORAH L. MORRISON, DECEASED, NEXT-OF-KIN, DISTRIBUTEES, EXECUTORS, ADMINISTRATORS, TRUSTEES, DEVISEES, LEGATEES, ASSIGNEES, LIENORS, CREDITORS, AND SUCCESSORS IN INTEREST AND GENERALLY ALL PERSONS HAVING OR CLAIMING UNDER, BY OR THROUGH SAID DEFENDANT WHO IS DECEASED, BY PURCHASE, INHERITANCE, LIEN OR OTHERWISE, ANY RIGHT, TITLE, AND INTEREST IN AND TO THE REAL PROPERTY DESCRIBED IN THE COMPLAINT; CINDY L. JURAIN; and MARY L. JIMERSON, which defendants shall thereupon have the time prescribed by the CPLR to serve an answer or otherwise move so as to challenge the summons and complaint or any other order entered in this action prior to the date of service of the supplemental summons and amended complaint upon UNKNOWN HEIRS-AT-LAW OF THE ESTATE OF DOUGLAS S. MORRISON, DECEASED, NEXT-OF-KIN, DISTRIBUTEES, EXECUTORS, ADMINISTRATORS, TRUSTEES,

DEVISEES, LEGATEES, ASSIGNEES, LIENORS, CREDITORS, AND SUCCESSORS IN INTEREST AND GENERALLY ALL PERSONS HAVING OR CLAIMING UNDER, BY OR THROUGH SAID DEFENDANT WHO IS DECEASED, BY PURCHASE, INHERITANCE, LIEN OR OTHERWISE, ANY RIGHT, TITLE, AND INTEREST IN AND TO THE REAL PROPERTY DESCRIBED IN THE COMPLAINT; UNKNOWN HEIRS-AT-LAW OF THE ESTATE OF DEBORAH L. MORRISON, DECEASED, NEXT-OF-KIN, DISTRIBUTEES, EXECUTORS, ADMINISTRATORS, TRUSTEES, DEVISEES, LEGATEES, ASSIGNEES, LIENORS, CREDITORS, AND SUCCESSORS IN INTEREST AND GENERALLY ALL PERSONS HAVING OR CLAIMING UNDER, BY OR THROUGH SAID DEFENDANT WHO IS DECEASED, BY PURCHASE, INHERITANCE, LIEN OR OTHERWISE, ANY RIGHT, TITLE, AND INTEREST IN AND TO THE REAL PROPERTY DESCRIBED IN THE COMPLAINT; CINDY L. JURAIN; and MARY L. JIMERSON; and it is further

**ORDERED**, that should the defendants UNKNOWN HEIRS-AT-LAW OF THE ESTATE OF DOUGLAS S. MORRISON, DECEASED, NEXT-OF-KIN, DISTRIBUTEES, EXECUTORS, ADMINISTRATORS, TRUSTEES, DEVISEES, LEGATEES, ASSIGNEES, LIENORS, CREDITORS, AND SUCCESSORS IN INTEREST AND GENERALLY ALL PERSONS HAVING OR CLAIMING UNDER, BY OR THROUGH SAID DEFENDANT WHO IS DECEASED, BY PURCHASE, INHERITANCE, LIEN OR OTHERWISE, ANY RIGHT, TITLE, AND INTEREST IN AND TO THE REAL PROPERTY DESCRIBED IN THE COMPLAINT; UNKNOWN HEIRS-AT-LAW OF THE ESTATE OF DEBORAH L. MORRISON, DECEASED, NEXT-OF-KIN, DISTRIBUTEES, EXECUTORS, ADMINISTRATORS, TRUSTEES, DEVISEES, LEGATEES, ASSIGNEES, LIENORS, CREDITORS, AND SUCCESSORS IN INTEREST AND GENERALLY ALL PERSONS HAVING OR CLAIMING UNDER, BY OR THROUGH SAID DEFENDANT WHO IS DECEASED, BY PURCHASE, INHERITANCE, LIEN OR OTHERWISE, ANY RIGHT, TITLE, AND INTEREST IN AND TO THE REAL PROPERTY DESCRIBED IN THE COMPLAINT; CINDY L. JURAIN; and MARY L. JIMERSON, default in answering or in otherwise moving, said defendants shall be bound by all of the terms and conditions set forth in the summons and complaint, order of reference and judgment of foreclosure and sale, *nunc pro tunc*, as if said defendant were a party to this action before entry of the respective orders; and it is further

**ORDERED**, that the foreclosure sale to be had pursuant to a judgment of foreclosure and sale entered herein shall sever and extinguish any rights, title and interest UNKNOWN HEIRS-AT-LAW OF THE ESTATE OF DOUGLAS S. MORRISON, DECEASED, NEXT-OF-KIN, DISTRIBUTEES, EXECUTORS, ADMINISTRATORS, TRUSTEES, DEVISEES, LEGATEES, ASSIGNEES, LIENORS, CREDITORS, AND SUCCESSORS IN INTEREST AND GENERALLY ALL PERSONS HAVING OR CLAIMING UNDER, BY OR THROUGH SAID DEFENDANT WHO IS DECEASED, BY PURCHASE, INHERITANCE, LIEN OR OTHERWISE, ANY RIGHT, TITLE, AND INTEREST IN AND TO THE REAL PROPERTY DESCRIBED IN THE COMPLAINT; UNKNOWN HEIRS-AT-LAW OF THE ESTATE OF DEBORAH L. MORRISON, DECEASED, NEXT-OF-KIN, DISTRIBUTEES, EXECUTORS, ADMINISTRATORS, TRUSTEES, DEVISEES, LEGATEES, ASSIGNEES, LIENORS, CREDITORS, AND SUCCESSORS IN INTEREST AND GENERALLY ALL PERSONS HAVING OR CLAIMING UNDER, BY OR THROUGH SAID DEFENDANT WHO IS

DECEASED, BY PURCHASE, INHERITANCE, LIEN OR OTHERWISE, ANY RIGHT, TITLE, AND INTEREST IN AND TO THE REAL PROPERTY DESCRIBED IN THE COMPLAINT; CINDY L. JURAIN; and MARY L. JIMERSON, which are subordinate to Plaintiff's mortgage.

ENTER,

HON.

, J.S.C.

MARK J. GRISANTI, J.S.C.

GRANTED

MAY 31 2018

BY *Brigitte Roestel*  
BRIGITTE ROESTEL  
COURT CLERK

At an IAS Part 15 of the Supreme Court of the State of New York held in the Courthouse for the County of New York, in the City of Erie, New York, on the 12<sup>th</sup> day of October, 2018.

MARK J. GRISANTI, J.S.C.

HON. \_\_\_\_\_, J.S.C.

LAELIA, LLC,

Plaintiff

-against-

UNKNOWN HEIRS-AT-LAW OF THE ESTATE OF DOUGLAS S. MORRISON, DECEASED, NEXT-OF-KIN, DISTRIBUTEES, EXECUTORS, ADMINISTRATORS, TRUSTEES, DEVISEES, LEGATEES, ASSIGNEES, LIENORS, CREDITORS, AND SUCCESSORS IN INTEREST AND GENERALLY ALL PERSONS HAVING OR CLAIMING UNDER, BY OR THROUGH SAID DEFENDANT WHO IS DECEASED, BY PURCHASE, INHERITANCE, LIEN OR OTHERWISE, ANY RIGHT, TITLE, AND INTEREST IN AND TO THE REAL PROPERTY DESCRIBED IN THE COMPLAINT; UNKNOWN HEIRS-AT-LAW OF THE ESTATE OF DEBORAH L. MORRISON, DECEASED, NEXT-OF-KIN, DISTRIBUTEES, EXECUTORS, ADMINISTRATORS, TRUSTEES, DEVISEES, LEGATEES, ASSIGNEES, LIENORS, CREDITORS, AND SUCCESSORS IN INTEREST AND GENERALLY ALL PERSONS HAVING OR CLAIMING UNDER, BY OR THROUGH SAID DEFENDANT WHO IS DECEASED, BY PURCHASE, INHERITANCE, LIEN OR OTHERWISE, ANY RIGHT, TITLE, AND INTEREST IN AND TO THE REAL PROPERTY DESCRIBED IN THE COMPLAINT; UNITED STATES OF AMERICA O/B/O INTERNAL REVENUE SERVICE; NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE; CINDY L. JURAIN; MARY L. JIMERSON; DOUGLAS I. MORRISON A/K/A DOUGLAS MORRISON, JR.; "JOHN DOE" and "JANE DOE", said names being fictitious, it being the intention of Plaintiff to designate any and all occupants of premises being foreclosed herein,

Defendants.

-----X

Index No. 810988/2017

**ORDER OF PUBLICATION OF SUMMONS WITH NOTICE AND EXTENSION OF 120 DAY SERVICE AND FILING REQUIREMENT OF CPLR §315**

**Mortgaged Premises**

[REDACTED]

a/k/a

[REDACTED]

Section: 342.00

Block: 1

Lot: 8

Upon reading and filing the annexed Affirmation with exhibits of Ralph L. Vartolo, the attorney for Plaintiff in the above entitled action, signed on September 26, 2018, requesting the Court permit Plaintiff to serve and file the Second Supplemental Summons with Notice upon Douglas I. Morrison a/k/a Douglas Morrison, Jr. (hereinafter "Defendant") by publication pursuant to CPLR §315, and that the Court extend the 120-day service requirement of CPLR §306-b, and upon reading the Summons and Complaint herein duly filed in the Clerk of this Court, for the foreclosure of a mortgage upon real property situated in Erie County, which establishes a good and sufficient cause of action against the above-captioned defendants and it appearing to the satisfaction of the Court that the Plaintiff has been unable to serve the Supplemental Summons and Amended Complaint herein upon the Defendant, Douglas I. Morrison a/k/a Douglas Morrison, Jr., by another prescribed method, and that the Plaintiff has been unable to ascertain where the said Defendants reside or is employed, or to ascertain a place where the Defendants would probably receive mail;

NOW, upon motion of Friedman Vartolo LLP, attorneys for Plaintiff, and the affirmation of Ralph L. Vartolo, Esq. it is:

**ORDERED**, that service of the Second Supplemental Summons with Notice in this action herein upon Douglas I. Morrison a/k/a Douglas Morrison, Jr. together with a brief statement of the object of the action and a brief description of the property to be published once a week for four consecutive weeks, most likely to give notice to the Defendants, at least one of which shall be in the English language to wit:

The Buffalo Law Journal, and in  
East Aurora Berea, which is published in the County of  
Erie, State of New York, and it is further

ORDERED, that the first publication be within sixty (60) days after the entry date of this Order; the time to serve Defendants pursuant to CPLR §306-b is hereby extended for an additional one hundred and twenty (120) days from the granted date of this Order, and it is further

ORDERED, that the Second Supplemental Summons and Second Amended Complaint be served by regular mail upon those defendants who have already been properly served with the original pleadings at their last known addresses (or at the address of their attorney); and it is further

ORDERED, that the Second Supplemental Summons with Notice and Second Amended Complaint herein be delivered on behalf of Douglas I. Morrison a/k/a Douglas Morrison, Jr., who may be served herein by publication of this order, on:

Matthew Lazroe, Esq. whose address is  
43 Court Street Ste 1111  
Buffalo NY 14202, and  
telephone number is 716-989-0090, who is hereby authorized,

empowered and designated to appear herein as Guardian Ad Litem and Military Attorney on behalf of any individuals discovered to have an interest in the subject property who may be absentees, infants or incompetents or unknown successors in interest of Defendant who may be deceased, or Defendants who may be in military service, and to protect and defend the interest of said Defendant in the action upon filing his acknowledgement consent and qualifying affidavit; and it is further

ORDERED, that said Guardian Ad Litem and Military Attorney shall act for said individuals should they be in default or be in the military service of the United States of America,



and is hereby authorized and appointed for the purposes of representing them and protecting their interest in this action pursuant to the provisions of the Service Members Relief Act of 2003; and it is further

**ORDERED**, that Plaintiff shall compensate the aforementioned Guardian ad Litem and Military Attorney \$250.00 for his/her services; and it is further

**ORDERED**, that the Plaintiff's Motion for Order of Reference and Judgment of Foreclosure and Sale be made on notice to the Guardian Ad Litem; and it is further

**ORDERED**, that the Guardian Ad Litem and Military Attorney (if applicable), is directed to execute his/her oath and that the same shall be filed with the Erie County Clerk; and it is further

**ORDERED**, that the caption of this action be amended, *nunc pro tunc*, to add "DOUGLAS I. MORRISON A/K/A DOUGLAS MORRISON, JR., if living, and if dead, the respective heirs at law, next of kin, distributees, executors, administrators, trustees, devisees, legatees, assignees, lienors, creditors, and successors in interest and generally all persons having or claiming under, by or through said defendant who may be deceased, by purchase, inheritance, lien or otherwise, any right, title, and interest in and to the real property described in the complaint;" and it is further

**ORDERED**, that the action is hereby dismissed against the Unknown Heirs-at-Law of the Estate of Douglas S. Morrison, Deceased and the caption is hereby amended to remove him and all proceedings heretofore filed herein shall be deemed amended accordingly;

**ORDERED**, that the caption of this action is amended by removing those parties named herein as "JOHN DOE" and "JANE DOE," and all proceedings heretofore filed herein shall be deemed amended accordingly; and it is further

**ORDERED**, that the caption of this action, as amended, shall read as follows:

-----X  
LAELIA, L.I.C,

Plaintiff,

Index No. 810988/2017

-against-

CINDY L. JURAIN; MARY L. JIMERSON;  
DOUGLAS I. MORRISON A/K/A DOUGLAS  
MORRISON, JR., if living, and if dead, the respective  
heirs at law, next of kin, distributees, executors,  
executors, administrators, trustees, devisees, legatees,  
assignees, lienors, creditors, and successors in interest  
and generally all persons having or claiming under, by  
or through said defendant who may be deceased, by  
purchase, inheritance, lien or otherwise, any right, title,  
and interest in and to the real property described in the  
complaint; UNKNOWN HEIRS-AT-LAW OF THE  
ESTATE OF DEBORAH L. MORRISON,  
DECEASED, next-of-kin, distributees, executors,  
administrators, trustees, devisees, legatees, assignees,  
lienors, creditors, and successors in interest and  
generally all persons having or claiming under, by or  
through said defendant who is deceased, by purchase,  
inheritance, lien or otherwise, any right, title, and  
interest in and to the real property described in the  
complaint; UNITED STATES OF AMERICA O/B/O  
INTERNAL REVENUE SERVICE; NEW YORK  
STATE DEPARTMENT OF TAXATION AND  
FINANCE,

Defendants.

-----X  
and it is further

**ORDERED**, that Plaintiff be and hereby is granted leave to issue, file and serve the annexed  
Second Supplemental Summons with Notice and Second Amended Complaint, and Second  
Amended Notice of Pendency, and that the title of this action is hereby amended to confirm with  
the caption on those pleadings without prejudice to any of the proceedings heretofore had herein;  
and it is further

**ORDERED**, that Plaintiff's attorney serve a conformed copy of this Order upon the County


Clerk and Trial Support Office for amendment of their records; and it is further

**ORDERED**, that service shall be deemed complete upon the filing of proof of publication of the Summons.

Dated:     **OCT 12 2018**    

ENTER,

HON.



A handwritten signature in black ink, appearing to read 'Mark J. Grisanti', is written over a horizontal line. The signature is stylized and cursive.

**MARK J. GRISANTI, J.S.C.**

**GRANTED**

OCT 12 2018

BY   
BRIGITTE ROESTEL  
COURT CLERK

At an I.A.S. Term Part 15 of the Supreme Court of the State of New York held in and for the County of ERIE at the Courthouse thereof on the 2 day of MAY, 2019.

Present

Honorable MARK J. GRISANTI, J.S.C.  
Justice



INDEX NO. 801576/2019

FEDERAL NATIONAL MORTGAGE ASSOCIATION ("FANNIE MAE"), A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE UNITED STATES OF AMERICA,

**EX-PARTE ORDER DIRECTING SERVICE PURSUANT TO CPLR 316**

Plaintiff

Vs.

HEIRS AND DISTRIBUTEES OF THE ESTATE OF AVERL D. ANDERSON; ALLEN ANDERSON, JR., AS HEIR AND DISTRIBUTEES OF THE ESTATE OF AVERL D. ANDERSON; DWAYNE MCGEE, AS HEIR AND DISTRIBUTEES OF THE ESTATE OF AVERL D. ANDERSON; LEROY JONES, AS HEIR AND DISTRIBUTEES OF THE ESTATE OF AVERL D. ANDERSON; UNITED STATES OF AMERICA - INTERNAL REVENUE SERVICE; NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE; NEW YORK STATE AFFORDABLE HOUSING CORPORATION; TOWN OF CHEEKTOWAGA,

"JOHN DOE #1" through "JOHN DOE #12," the last twelve names being fictitious and unknown to plaintiff, the persons or parties intended being the tenants, occupants, persons or corporations, if any, having or claiming an interest in or lien upon the premises, described in the complaint,

Defendant(s).

UPON the summons, complaint and notice of pendency of action heretofore filed herein in the Office of the Clerk of the County of ERIE, from which it appears that the complaint herein

demands judgment foreclosing a mortgage against specific real property within the County of ERIE and State of New York, and it appearing that there is a sufficient cause of action stated therein against the borrower/mortgagor, AVERL D. ANDERSON A/K/A AVERL DENISE ANDERSON JONES, upon reading and filing the annexed affidavit of due diligence for the Unknown Heirs and Distributees of the Estate of AVERL D. ANDERSON A/K/A AVERL DENISE ANDERSON JONES made by Stevie Rose Li Aquinas, sworn to on November 06, 2018; and upon the affidavit of due diligence and attempted service upon ALLEN ANDERSON, JR., AS HEIR AND DISTRIBUTE OF THE ESTATE OF AVERL D. ANDERSON A/K/A AVERL DENISE ANDERSON JONES made by Richard Jamison, sworn to on April 04, 2019; and upon the annexed affirmation of Matthew Rothstein, Esq. an associate of RAS BORISKIN, LLC, attorneys for the Plaintiff, from which it appears that and the Unknown Heirs and Distributees of the Estate of AVERL D. ANDERSON A/K/A AVERL DENISE ANDERSON JONES and ALLEN ANDERSON, JR., AS HEIR AND DISTRIBUTE OF THE ESTATE OF AVERL D. ANDERSON A/K/A AVERL DENISE ANDERSON JONES cannot be served personally within the State of New York, plaintiff having made proof to the Court's satisfaction that the names and locations of all the heirs and distributees of the Estate cannot with due diligence be ascertained, and that the plaintiff has been and will be unable, in the exercise of such due diligence, to make personal service of the summons herein or by any other prescribed method on the unknown heirs of the Estate within the State; and after due diligence, the plaintiff has been unable to ascertain where said defendant(s) maintain an office to conduct business or to ascertain a place where said defendants would probably receive mail; and it appearing that service upon all said heirs/defendants pursuant to CPLR 308 (1), (2), and (4) is impracticable;

**NOW**, upon motion of RAS BORISKIN, LLC, attorneys for the plaintiff, it is hereby

**ORDERED**, that plaintiff hereby is granted leave to file, and serve where necessary, the annexed Supplemental Summons and Amended Complaint and Amended Notice of Pendency of Action, and that the title of this action is hereby amended to conform with the caption on said Supplemental Summons, Amended Complaint and Amended Notice of Pendency of action, without prejudice to any of the proceedings theretofore had herein; and it is further

**ORDERED**, that the service of the Supplemental Summons in this action upon the unknown heirs at law of AVERL D. ANDERSON A/K/A AVERL DENISE ANDERSON JONES, her next of kin, distributes, executors, administrators, trustees, devisees, legatees, assignees, lienors, creditors, and successors in interest, and generally all persons having or claiming, under, by or through said defendant who may be deceased, by purchase, inheritance, lien or otherwise, any right title or interest in and to the premises described in the complaint herein, all of whom and whose names and places of residence are unknown to the plaintiff and cannot after diligent inquiry be ascertained, be made by mailing a copy of the Supplemental Summons and Amended Complaint to the Estate of AVERL D. ANDERSON A/K/A AVERL DENISE ANDERSON JONES at [REDACTED] [REDACTED] [REDACTED] [REDACTED] A/K/A CHEEKTOWAGA, NY 14211, the mortgaged premises and the decedent's last known residence, and by publishing the Supplemental Summons with notice, annexed hereto as "Exhibit C", in two (2) newspapers, at least one in the English language, hereby designated as most likely to give notice to the said defendant; together with a notice and brief statement of the object of the action and a brief description of the property, to wit:

- (1) Cheektowaga Bee
- (2) Buffalo Law Journal

published and distributed in the County of ERIE, and State of New York, once a week for four (4) consecutive weeks, the first such publication to be made within sixty (60) days of the entry of this Order; and it is further;

**ORDERED**, that the Supplemental Summons and Amended Complaint in this action be delivered on behalf of said Defendant, who may be served by publication in this action to Matthew Lazario of 43 Court Street  
Ste 111, Buffalo NY 14202, whose telephone number is 716-989-0090, who is hereby authorized, empowered and designated to appear in this action as Guardian Ad Litem and Military Attorney on behalf of any said defendants who may be infants, absentees or incompetents, or unknown successors in interest of the defendant who may no longer be in existence, and to protect and defend the interest of said defendant(s) in this action upon filing her/his acknowledged consent and qualifying affidavits; and it is further;

**ORDERED**, that the Guardian Ad Litem and Military Attorney (if applicable) shall also act for said Defendants should they be in default and be in the military service of the United States of America, the purpose of representing her and protecting her interests in this action pursuant to the provisions the Service Members Civil Relief Act of 2003; and it is further;

**ORDERED**, that the plaintiff's motion for Order of Reference and Judgment of Foreclosure and Sale be made on notice to the Guardian Ad Litem; and it is further;

**ORDERED**, that the Guardian Ad Litem and Military Attorney (if applicable), is directed to execute his/her oath and that the same be filed with the Office of the County Clerk in the County of ERIE; and it is further

**ORDERED**, that the Guardian appointed herein be paid \$250.00 upon the filing of a notice of appearance on behalf of the ward(s) and provision shall be made in the judgment of foreclosure and sale for an additional fee, payable upon transfer of title; and it is further

**ORDERED**, that the Supplemental Summons, Amended Complaint, Amended Notice of Pendency, this Order and the papers upon which the same are based be filed with the Clerk of this Court on or before the first day of publication, and that the first publication be within sixty (60) days after the entry date of this Order; and it is further

**ORDERED**, that the time to serve all Defendants is extended 120 days from the filing date of Supplemental Summons and Amended Complaint; and it is further;

**ORDERED**, that HEIRS AND DISTRIBUTEES OF THE ESTATE OF AVERL D. ANDERSON be removed as a party defendant herein, and that the caption of this action is hereby amended accordingly, without prejudice to all the proceedings heretofore had herein; and it is further

**ORDERED**, that UNKNOWN HEIRS OF THE ESTATE OF AVERL D. ANDERSON A/K/A AVERL DENISE ANDERSON JONES and THE PEOPLE OF THE STATE OF NEW YORK be added as a party defendant herein, and that the caption of this action is hereby amended accordingly, without prejudice to all the proceedings heretofore had herein; and it is further

**ORDERED**, that the caption be amended as follows:

FEDERAL NATIONAL MORTGAGE  
ASSOCIATION ("FANNIE MAE"), A  
CORPORATION ORGANIZED AND EXISTING



UNDER THE LAWS OF THE UNITED STATES OF  
AMERICA,

Plaintiff

Vs.

LEROY JONES, AS HEIR AND DISTRIBUTE OF THE ESTATE OF AVERL D. ANDERSON A/K/A AVERL DENISE ANDERSON JONES; DWAYNE MCGEE, AS HEIR AND DISTRIBUTE OF THE ESTATE OF AVERL D. ANDERSON A/K/A AVERL DENISE ANDERSON JONES; ALLEN ANDERSON, JR., AS HEIR AND DISTRIBUTE OF THE ESTATE OF AVERL D. ANDERSON A/K/A AVERL DENISE ANDERSON JONES, if living, and if she/he be dead, any and all persons unknown to plaintiff, claiming, or who may claim to have an interest in, or general or specific lien upon the real property described in this action; such unknown persons being herein generally described and intended to be included in the following designation, namely: the wife, widow, husband, widower, heirs at law, next of kin, descendants, executors, administrators, devisees, legatees, creditors, trustees, committees, lienors, and assignees of such deceased, any and all persons deriving interest in or lien upon, or title to said real property by, through or under them, or either of them, and their respective wives, widows, husbands, widowers, heirs at law, next of kin, descendants, executors, administrators, devisees, legatees, creditors, trustees, committees, lienors and assigns, all of whom and whose names, except as stated, are unknown to plaintiff; UNKNOWN HEIRS OF THE ESTATE OF AVERL D. ANDERSON A/K/A AVERL DENISE ANDERSON JONES; any and all persons unknown to plaintiff, claiming, or who may claim to have an interest in, or general or specific lien upon the real property described in this action; such unknown persons being herein generally described and intended to be included in the following designation, namely: the wife, widow, husband, widower, heirs at law, next of kin, descendants, executors, administrators, devisees, legatees, creditors, trustees, committees, lienors, and assignees of such deceased, any and all persons deriving interest in or lien upon, or title to said

real property by, through or under them, or either of them, and their respective wives, widows, husbands, widowers, heirs at law, next of kin, descendants, executors, administrators, devisees, legatees, creditors, trustees, committees, lienors and assigns, all of whom and whose names, except as stated, are unknown to plaintiff; UNITED STATES OF AMERICA - INTERNAL REVENUE SERVICE; NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE; NEW YORK STATE AFFORDABLE HOUSING CORPORATION; TOWN OF CHEEKTOWAGA; THE PEOPLE OF THE STATE OF NEW YORK;

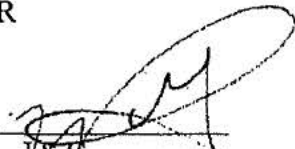
"JOHN DOE #1" through "JOHN DOE #12," the last twelve names being fictitious and unknown to plaintiff, the persons or parties intended being the tenants, occupants, persons or corporations, if any, having or claiming an interest in or lien upon the premises, described in the complaint,

Defendant(s).

ORDERED, that the extension of time to serve, pursuant to CPRL 306-b, will be satisfied as long as publication is made and proof thereof is filed in the Office of County Clerk of the County of ERIE within 120 days of the filing of the Supplemental Summons and Amended Complaint; and it is further

ORDERED, that by acceptance of such guardianship, said Guardian Ad Litem certifies that he/she has complied with Rule 36 of the Chief Judge and Section 35-A of the Judiciary Law of the State of New York.

ENTER

  
\_\_\_\_\_  
J.S.C.

MAY 03 2019

MARK J. GRISANTI, J.S.C.

18-215440 - JaW

**FILED**  
**Feb 03 2020**  
**ERIE COUNTY**  
**COUNTY CLERK'S OFFICE**

At Part 15 of the Supreme Court of the State of New York, held in and for the County of ERIE at the Courthouse thereof, 25 Delaware Ave, Buffalo, NY 14202 on the 29 day of January, 2020.

P R E S E N T: Honorable Mark J. Grisanti, J.S.C.

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ERIE

-----X  
FEDERAL NATIONAL MORTGAGE  
ASSOCIATION ("FANNIE MAE"), A  
CORPORATION ORGANIZED AND EXISTING  
UNDER THE LAWS OF THE UNITED STATES  
OF AMERICA,

INDEX NO.: 801576/2019

**ORDER CONFIRMING REFEREE**  
**REPORT AND JUDGMENT OF**  
**FORECLOSURE AND SALE**

Plaintiff,

-against-

MORTGAGED PROPERTY:

  
CHEEKTOWAGA, NY 14211

COUNTY: ERIE

SBL#: Section 101.60, Block 2, Lot 30

LEROY JONES, AS HEIR AND DISTRIBUTE OF THE ESTATE OF AVERL D. ANDERSON A/K/A AVERL DENISE ANDERSON JONES; DWAYNE MCGEE, AS HEIR AND DISTRIBUTE OF THE ESTATE OF AVERL D. ANDERSON A/K/A AVERL DENISE ANDERSON JONES; ALLEN ANDERSON, JR., AS HEIR AND DISTRIBUTE OF THE ESTATE OF AVERL D. ANDERSON A/K/A AVERL DENISE ANDERSON JONES, if living, and if she/he be dead, any and all persons unknown to plaintiff, claiming, or who may claim to have an interest in, or general or specific lien upon the real property described in this action; such unknown persons being herein generally described and intended to be included in the following designation, namely: the wife, widow, husband, widower, heirs at law, next of kin, descendants, executors, administrators, devisees, legatees, creditors, trustees, committees, lienors, and assignees of such deceased, any and all persons deriving interest in or lien upon, or title to said real property by, through or under them, or either of them, and their respective wives, widows,

18-215440 - RoO

husbands, widowers, heirs at law, next of kin, descendants, executors, administrators, devisees, legatees, creditors, trustees, committees, lienors and assigns, all of whom and whose names, except as stated, are unknown to plaintiff; UNKNOWN HEIRS OF THE ESTATE OF AVERL D. ANDERSON A/K/A AVERL DENISE ANDERSON JONES; any and all persons unknown to plaintiff, claiming, or who may claim to have an interest in, or general or specific lien upon the real property described in this action; such unknown persons being herein generally described and intended to be included in the following designation, namely: the wife, widow, husband, widower, heirs at law, next of kin, descendants, executors, administrators, devisees, legatees, creditors, trustees, committees, lienors, and assignees of such deceased, any and all persons deriving interest in or lien upon, or title to said real property by, through or under them, or either of them, and their respective wives, widows, husbands, widowers, heirs at law, next of kin, descendants, executors, administrators, devisees, legatees, creditors, trustees, committees, lienors and assigns, all of whom and whose names, except as stated, are unknown to plaintiff; UNITED STATES OF AMERICA – INTERNAL REVENUE SERVICE; NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE; NEW YORK STATE AFFORDABLE HOUSING CORPORATION; TOWN OF CHEEKTOWAGA; THE PEOPLE OF THE STATE OF NEW YORK; REBECCA RODRIGUEZ;

"JOHN DOE #2" through "JOHN DOE #12," the last eleven names being fictitious and unknown to plaintiff, the persons or parties intended being the tenants, occupants, persons or corporations, if any, having or claiming an interest in or lien upon the premises, described in the complaint,

Defendant(s).

-----X

18-215440 - RoO

UPON the Summons, Complaint and Notice of Pendency filed in this action on February 6, 2019; the Supplemental Summons, Amended Complaint and Amended Notice of Pendency filed in this action on May 8, 2019; the Notice of Motion dated December 23, 2019, the affirmation of Glenn W. Caulfield, Esq., the affidavit of merit and amount due by Andre Dickson who is Doc Ex Assoc. of NATIONSTAR MORTGAGE LLC D/B/A MR. COOPER as servicer of FEDERAL NATIONAL MORTGAGE ASSOCIATION ("FANNIE MAE"), A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE UNITED STATES OF AMERICA, duly sworn to on September 13, 2019; together with the exhibits attached thereto, all in support of Plaintiff's motion for a Judgment of Foreclosure and Sale; and

UPON proof that each of the Defendants herein have been duly served with the Summons and Complaint in this action, and has voluntarily appeared either personally or by their respective attorneys or have not served any answer to the Complaint or otherwise appeared, nor had their time to so do extended; and it appearing that more than the legally required number of days had elapsed since said Defendants LEROY JONES, AS HEIR AND DISTRIBUTE OF THE ESTATE OF AVERL D. ANDERSON, DWAYNE MCGEE, AS HEIR AND DISTRIBUTE OF THE ESTATE OF AVERL D. ANDERSON, ALLEN ANDERSON, JR., AS HEIR AND DISTRIBUTE OF THE ESTATE OF AVERL D. ANDERSON, UNITED STATES OF AMERICA – INTERNAL REVENUE SERVICE, NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE, AVERL ANDERSON, THE PEOPLE OF THE STATE OF

18-215440 - RoO

NEW YORK, REBECCA RODRIGUEZ were so served and/or appeared; and Plaintiff having established to the court's satisfaction that judgment against the defendants is warranted; and

UPON the affidavit of mailing reflecting compliance with CPLR 3215(g)(3)(iii); and

UPON proof that non-appearing defendants LEROY JONES, AS HEIR AND DISTRIBUTE OF THE ESTATE OF AVERL D. ANDERSON, DWAYNE MCGEE, AS HEIR AND DISTRIBUTE OF THE ESTATE OF AVERL D. ANDERSON, ALLEN ANDERSON, JR., AS HEIR AND DISTRIBUTE OF THE ESTATE OF AVERL D. ANDERSON, UNITED STATES OF AMERICA -- INTERNAL REVENUE SERVICE, NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE, AVERL ANDERSON, THE PEOPLE OF THE STATE OF NEW YORK, REBECCA RODRIGUEZ are not absent, in accordance with RPAPL §1321(2), except for such defendants who were served via publication and for whom a guardian ad litem was appointed herein; and

A Referee having been appointed to compute the amount due to the Plaintiff upon the bond/note and mortgage set forth in the Complaint, and to examine whether the mortgaged property can be sold in parcels; and

UPON reading and filing the Report of JEFFREY MARION, ESQ. dated December 5, 2019, showing the sum of ~~\$507,46.02~~ <sup>\$30,746.02</sup> due as of July 22, 2019 and that the mortgaged property cannot be sold in parcels; and

UPON proof of due notice of this application upon all parties entitled to receive same, and upon all of the prior proceedings and papers filed herein;

18-215440 - RoO

NOW, on motion by Glenn W. Caulfield, Esq., associate of RAS BORISKIN, LLC, attorneys for Plaintiff, it is hereby

ORDERED, ADJUDGED AND DECREED that the motion is granted; without opposition and it is further

ORDERED, ADJUDGED AND DECREED that the Referee's Report be, and the same is, hereby in all respects ratified and confirmed; and it is further

ORDERED, ADJUDGED AND DECREED that the mortgaged property described in the Complaint in this action and as hereafter described, or such part thereof as may be sufficient to discharge the mortgage debt, the expenses of the sale, and the costs of this action as provided by the RPAPL be sold, within 90 days from the date of this Judgment, in one parcel, at public auction at the Foreclosure Auction, 92 Franklin, Buffalo NY 14202 by and under the direction of JEFFREY MARION, ESQ., who is hereby appointed Referee for that purpose; that said Referee give public notice of the time and place of sale in accordance with RPAPL §231 in Buffalo Law Journal / Business First; and it is further

ORDERED, ADJUDGED AND DECREED that by accepting this appointment the Referee certifies that he/she is in compliance with Part 36 of the Rules of the Chief Judge (22 NYCRR Part 36), including, but not limited to §36.2(c) ("Disqualifications from appointment"), and §36.2(d) ("Limitations on appointments based upon compensation"); and, if the Referee is

18-215440 - RoO

disqualified from receiving an appointment pursuant to the provisions of that Rule, the Referee shall immediately notify the Appointing Judge; and it is further

ORDERED, ADJUDGED AND DECREED that the Referee is prohibited from accepting or retaining any funds for him/herself or paying funds to him/herself without compliance with Part 36 of the Rules of the Chief Administrative Judge; and it is further

ORDERED, ADJUDGED AND DECREED that the Referee shall conduct the foreclosure sale only if Plaintiff, its successors and/or assignees, or its representative is present at the sale; and it is further

ORDERED, ADJUDGED AND DECREED that if the Referee does not conduct the sale within 90 days of the date of the judgment, in accordance with CPLR 2004, the time fixed by RPAPL §1351(1) is extended for the Referee to conduct the sale as soon as reasonably practicable; and it is further

ORDERED, ADJUDGED AND DECREED that the Referee shall accept the highest bid offered by a bidder who shall be identified upon the court record, and shall require that the successful bidder immediately execute Terms of Sale for the purchase of the property, and pay to the Referee, in cash or certified or bank check, ten percent (10%) of the sum bid, unless the successful bidder is the Plaintiff in which case no deposit against the purchase price shall be required; and it is further

ORDERED, ADJUDGED AND DECREED that in the event the first successful bidder fails to execute the Terms of Sale immediately following the bidding upon the subject property or

18-215440 - RoO



fails to immediately pay the ten percent (10%) deposit as required, the property shall be reoffered at auction; and it is further

ORDERED, ADJUDGED AND DECREED that the Referee shall then deposit the down payment and proceeds of sale, as necessary, in IOLA

in his/her own name as Referee, in accordance with CPLR 2609; and it is further

ORDERED, ADJUDGED AND DECREED that after the property is sold the Referee shall execute a deed to the purchaser, in accordance with RPAPL §1353 and the terms of sale, which shall be deemed a binding contract; and it is further

ORDERED, ADJUDGED AND DECREED that in the event a party other than the Plaintiff becomes the purchaser at the sale, the closing of title shall be had thirty (30) days after the date of such sale unless otherwise stipulated by all parties to the sale; and it is further

ORDERED, ADJUDGED, AND DECREED that if the Plaintiff (or its affiliate, as defined in paragraph (a) of subdivision 1 of section six-1 of the Banking Law) is the purchaser, such party shall place the property back on the market for sale or other occupancy: (a) within one hundred eighty (180) days of the execution of the deed of sale, or (b) within ninety (90) days of completion of construction, renovation, or rehabilitation of the property, provided that such construction, renovation, or rehabilitation proceeded diligently to completion, whichever comes first, provided however, a court of competent jurisdiction may grant an extension for good cause; and it is further

18-215440 - RoO

ORDERED, ADJUDGED, AND DECREED that the Referee, on receiving the proceeds of such sale, shall forthwith pay therefrom, in accordance with their priority according to law, all taxes, assessments, sewer rents, or water rates, which are, or may become, liens on the property at the time of sale, with such interest or penalties which may have lawfully accrued thereon to the date of payment; and it is further

ORDERED, ADJUDGED, AND DECREED, that the Referee then deposit the balance of said proceeds of sale in her/his own name as Referee in JOLA, and shall thereafter make the following payments in accordance with RPAPL §1354, as follows:

FIRST: The Referee's statutory fees for conducting the sale, in accordance with CPLR 8003(b), in the sum of in the event a sale was canceled or postponed, Plaintiff shall compensate the Referee in the sum of \$ 200.00 for each adjournment or cancellation, unless the Referee caused the delay;

SECOND: All taxes, assessments and water rates that are liens upon the property and monies necessary to redeem the property from any sales for unpaid taxes, assessments, or water rates that have not apparently become absolute, and any other amounts due in accordance with RPAPL §1354(2). Purchaser shall be responsible for interest and penalties due on any real property taxes accruing after the sale. The Referee shall not be held responsible for the payment of penalties or fees pursuant to this appointment. The Purchaser shall hold the Referee harmless from any such penalties or fees assessed;

18-215440 - RoO

ORDERED, ADJUDGED AND DECREED that all expenses of recording the Referee's deed, including real property transfer tax, which is not a lien upon the property at the time of sale, shall be paid by the purchaser, not by the Referee from sale proceeds; and that any transfer tax shall be paid in accordance with Tax Law §1404; and it is further

ORDERED, ADJUDGED AND DECREED that Matthew Lazroe, Esq., the Guardian Ad Litem and Military Attorney appointed herein, having filed his Answer, Waiver, Consent and Affidavit, is hereby awarded the fee of \$ 350.00, payable to said Guardian Ad Litem upon transfer of title; and it is further

ORDERED, ADJUDGED, AND DECREED that the mortgaged property is to be sold in one parcel in "as is" physical order and condition, subject to any state of facts that an inspection of the property would disclose; any state of facts that an accurate survey of the property would show; any covenants, restrictions, declarations, reservations, easements, right of way, and public utility agreements of record, if any; any building and zoning ordinances of the municipality in which the mortgaged property is located and possible violations of same; any rights of tenants or persons in possession of the subject property; prior liens of record, if any, except those liens addressed in RPAPL §1354; any equity of redemption of the United States of America to redeem the property within 120 days from the date of sale; and any rights pursuant to CPLR §317, §2003 and §5015 or any appeal of the underlying action or additional litigation brought by any defendant or its successor or assignee contesting the validity of this foreclosure; and it is further

18-215440 - RoO

THIRD: The expenses of the sale and the advertising expenses as shown on the bills presented and certified by said Referee to be correct, duplicate copies of which shall be annexed to the report of sale;

FOURTH: The Referee shall then pay to the Plaintiff or its attorney the following:

Amount Due per Referee's Report: \$50,746.02 with interest at the note rate from May 1, 2018 to July 22, 2019, together with any advances together with any advances as provided for in the note and mortgage which Plaintiff has made for taxes, insurance, principal, and interest, and any other charges due to prior mortgages or to maintain the property pending consummation of this foreclosure sale, not previously included in the computation, upon presentation of receipts for said expenditures to the Referee, all together with interest thereon pursuant to the note and mortgage, and then with interest from the date of entry of this judgment at the statutory rate until the date the deed is transferred;

Costs and Disbursements: \$ 5,145.47 adjudged to the Plaintiff for costs and disbursements in this action, with interest at the statutory judgment rate from the date of entry of this judgment;

Additional Allowance: \$ 0 is hereby awarded to the Plaintiff in addition to costs, with interest at the statutory judgment rate from the date of entry of this judgment, pursuant to CPLR Article 83;

18-215440 - RoO

Attorney Fees: \$ 7,900.00 is hereby awarded to the Plaintiff as reasonable legal fees herein, with interest at the statutory rate from the date of entry of this judgment;

FIFTH: Surplus monies arising from the sale shall be paid into court by the officer conducting the sale within five days after receipt in accordance with RPAPL §1354(4) and in accordance with local County rules regarding Surplus Monies; and it is further

ORDERED, ADJUDGED AND DECREED that if the Plaintiff is the purchaser of the property, or in the event that the rights of the purchasers at such sale and the terms of sale under this judgment shall be assigned to and be acquired by the Plaintiff, and a valid assignment thereof is filed with said Referee, said Referee shall not require the Plaintiff to pay in cash the entire amount bid at said sale, but shall execute and deliver to the Plaintiff or its assignee, a deed or deeds of the property sold upon the payment to said Referee of the amounts specified in items marked "First", "Second", and "Third" above; that the Referee shall allow the Plaintiff to pay the amounts specified in "Second" and "Third" above when it is recording the deed; that the balance of the bid, after deducting the amounts paid by the Plaintiff, shall be applied to the amount due Plaintiff as specified in paragraph "Fourth" above; that if there is a surplus after applying the balance of the bid, the Plaintiff shall pay that amount to the Referee, who shall deposit it in accordance with paragraph "Fifth" above; and it is further

18-215440 - RoO

ORDERED, ADJUDGED AND DECREED that the purchaser be let into possession of the property on production of the Referee's Deed or upon personal service of the Referee's deed in accordance with CPLR §308; and it is further

ORDERED, ADJUDGED AND DECREED that the Defendants in this action and all persons claiming through them and any person obtaining an interest in the property after the filing of the Notice of Pendency are barred and foreclosed of all right, claim, lien, title, and interest in the property after the sale of the mortgaged property; and it is further

ORDERED, ADJUDGED AND DECREED that within thirty days after completing the sale and executing the proper conveyance to the purchaser, unless the time is extended by the court, the officer making the sale shall file with the clerk a report under oath of the disposition of the proceeds of the sale in accordance with RPAPL §1355(1) and follow all local County rules regarding handling of Surplus Monies; and it is further

ORDERED ADJUDGED AND DECREED that if the purchaser or purchasers at said sale default(s) upon the bid and/or the terms of sale the Referee may place the property for resale without prior application to the Court unless the Plaintiff's attorneys shall elect to make such application; and it is further

ORDERED, ADJUDGED AND DECREED, that Defendants captioned as "JOHN DOE #2" through "JOHN DOE #12", who were neither necessary nor proper parties to this action and thus were not served with copies of the Summons and Complaint herein, are hereby stricken from the caption of this action; and it is further

18-215440 - RoO

ORDERED ADJUDGED AND DECREED, that the amended caption shall read as

follows:

-----X  
FEDERAL NATIONAL MORTGAGE ASSOCIATION INDEX NO. 801576/2019  
("FANNIE MAE"), A CORPORATION ORGANIZED  
AND EXISTING UNDER THE LAWS OF THE UNITED  
STATES OF AMERICA,

Plaintiff,

-against-

LEROY JONES, AS HEIR AND DISTRIBUTE OF THE  
ESTATE OF AVERL D. ANDERSON A/K/A AVERL  
DENISE ANDERSON JONES; DWAYNE MCGEE, AS  
HEIR AND DISTRIBUTE OF THE ESTATE OF  
AVERL D. ANDERSON A/K/A AVERL DENISE  
ANDERSON JONES; ALLEN ANDERSON, JR., AS  
HEIR AND DISTRIBUTE OF THE ESTATE OF  
AVERL D. ANDERSON A/K/A AVERL DENISE  
ANDERSON JONES, if living, and if she/he be dead, any  
and all persons unknown to plaintiff, claiming, or who may  
claim to have an interest in, or general or specific lien upon  
the real property described in this action; such unknown  
persons being herein generally described and intended to  
be included in the following designation, namely: the wife,  
widow, husband, widower, heirs at law, next of kin,  
descendants, executors, administrators, devisees, legatees,  
creditors, trustees, committees, lienors, and assignees of  
such deceased, any and all persons deriving interest in or  
lien upon, or title to said real property by, through or under  
them, or either of them, and their respective wives,  
widows, husbands, widowers, heirs at law, next of kin,  
descendants, executors, administrators, devisees, legatees,  
creditors, trustees, committees, lienors and assigns, all of  
whom and whose names, except as stated, are unknown to  
plaintiff; UNKNOWN HEIRS OF THE ESTATE OF  
AVERL D. ANDERSON A/K/A AVERL DENISE  
ANDERSON JONES; any and all persons unknown to  
plaintiff, claiming, or who may claim to have an interest in,  
or general or specific lien upon the real property described

18-215440 - RoO

in this action; such unknown persons being herein generally described and intended to be included in the following designation, namely: the wife, widow, husband, widower, heirs at law, next of kin, descendants, executors, administrators, devisees, legatees, creditors, trustees, committees, lienors, and assignees of such deceased, any and all persons deriving interest in or lien upon, or title to said real property by, through or under them, or either of them, and their respective wives, widows, husbands, widowers, heirs at law, next of kin, descendants, executors, administrators, devises, legatees, creditors, trustees, committees, lienors and assigns, all of whom and whose names, except as stated, are unknown to plaintiff; UNITED STATES OF AMERICA – INTERNAL REVENUE SERVICE; NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE; NEW YORK STATE AFFORDABLE HOUSING CORPORATION; TOWN OF CHEEKTOWAGA; THE PEOPLE OF THE STATE OF NEW YORK; REBECCA RODRIGUEZ;

Defendant(s).

-----X

and it is further

ORDERED, ADJUDGED AND DECREED that Plaintiff shall serve a copy of this Judgment with Notice of Entry upon the owner of the equity of redemption, any tenants named in this action, and any other parties or persons entitled to service, including the Referee appointed herein; and it is further

ORDERED, ADJUDGED AND DECREED that nothing herein shall be deemed to relieve Plaintiff of any obligation imposed by RPAPL §1307 and RPAPL §1308 to secure and maintain the property until such time as ownership of the property has been transferred and the deed duly recorded; and it is further

18-215440 - RoO



ORDERED, ADJUDGED AND DECREED that when the Referee files a report of sale, he or she shall concurrently file a Foreclosure Actions Surplus Monies Form; and it is further

ORDERED, ADJUDGED AND DECREED that to ensure compliance herewith, Plaintiff shall file a written report with the court within six months from the date of entry of this judgment stating whether the sale has occurred and the outcome thereof.

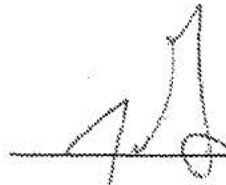
Said property is commonly known as [REDACTED] CHEEKTOWAGA, NY 14211.

The legal description of the mortgaged property referred to herein is annexed hereto as Schedule "A".

DATED: \_\_\_\_\_

ENTER:

FEB 03 2020

  
\_\_\_\_\_  
J.S.C.

Judgment Signed and Filed 2/3/2020

MARK J. GRISANTI, J.S.C.

  
Michael P. Kearns County Clerk

ORDERED, that the appointed Referee shall file the completed, signed Foreclosure Action Surplus Monies Form with the County Clerk's Office within 30 days after the auction; if said form has not been filed within six(6) months of the date the Judgment of Foreclosure is signed, the appointed Referee shall appear as directed by the Court.

18-215440 - RoO

**SCHEDULE A - LEGAL DESCRIPTION**

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE TOWN OF CHEEKTOWAGA, COUNTY OF ERIE AND STATE OF NEW YORK, BEING PART OF [REDACTED] TOWNSHIP [REDACTED] OF THE HOLLAND LAND COMPANY'S SURVEY AND IN A CERTAIN SURVEY AND MAP THEREOF FILED IN THE ERIE COUNTY CLERK'S OFFICE JULY 12 1887 AND IS DISTINGUISHED AS SUBDIVISION LOT NO. [REDACTED] IN BLOCK [REDACTED], AND MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING IN THE EASTERLY LINE OF [REDACTED] STREET 246.46 FEET NORTHERLY FROM THE POINT OF ITS INTERSECTION WITH THE NORTHERLY LINE OF [REDACTED] AVENUE;

THENCE NORTHERLY ALONG SAID LINE OF [REDACTED] STREET, 35 FEET;

THENCE AT RIGHT ANGLES EASTERLY 129.60 FEET;

THENCE SOUTHERLY AT RIGHT ANGLES, 35 FEET;

THENCE WESTERLY AT RIGHT ANGLES 129.90 FEET TO THE PLACE OF BEGINNING.

## New York State Unified Court System

*WebCivil Supreme - Case Detail*[Add to eTrack](#)

Court: **Erie Supreme Court**  
Index Number: **804007/2019**  
Case Name: **Greater Woodlawn Federal Credit Union vs. Pachucki, Charles et al**  
Case Type: **RP-Mortgage Foreclosure-Residential**  
Track: **Standard**  
RJI Filed: **04/28/2019**  
Date NOI Due: **04/27/2020**  
NOI Filed:  
Disposition Date: **01/21/2021**  
Calendar Number:  
Jury Status:  
Justice Name: **Colaiacovo, Hon. Emilio L.**

## Attorney/Firm For Plaintiff:

**Muth, Peter Andrew**  
**460 Linwood Ave**  
**Buffalo, NY 14209-1629**  
**(716) 289-1930**

Attorney Type: **RETAINED**Atty. Status: **Active**

## Attorney/Firm For Defendant:

**Pachucki, Charles**  
[REDACTED]  
**Hamburg, NY 14075**

Attorney Type: **RETAINED**Atty. Status: **Active**[Close](#)[Show Appearances](#)[Show Motions](#)[Show eFiled Documents](#)



*WebCivil Supreme - Appearance Detail*

Court: **Erie Supreme Court**  
 Index Number: **804007/2019**  
 Case Name: **Greater Woodlawn Federal Credit Union vs. Pachucki, Charles et al**  
 Case Type: **RP-Mortgage Foreclosure-Residential**  
 Track: **Standard**

**Appearance Information:**

Date	Time	Event	Status	Judge	Count
01/21/2021		Conference-Compliance	Held	Colaiacono, Hon. Emilio L.	
10/19/2020		Motion-Notice of Motion	Granted	Grisanti, Hon. Mark J.	<u>3</u>
01/29/2020	11:00 AM	Conference-Compliance	Closed	Grisanti, Hon. Mark J.	
01/29/2020		Motion-Notice of Motion	Granted	Grisanti, Hon. Mark J.	<u>2</u>
11/07/2019	11:00 AM	Conference-Compliance	Adjourned	Grisanti, Hon. Mark J.	
08/22/2019	11:00 AM	Conference-Compliance	Held	Grisanti, Hon. Mark J.	
08/22/2019	09:30 AM	Motion-Notice of Motion	Granted	Grisanti, Hon. Mark J.	<u>1</u>
08/01/2019	11:00 AM	Conference-Compliance	Adjourned	Grisanti, Hon. Mark J.	
07/10/2019	11:00 AM	Conference-Preliminary	Held	Grisanti, Hon. Mark J.	
05/20/2019	12:30 PM	Conference-Foreclosure Settlement	Default	Part (FCP), Foreclosure FCP PM	

Close



*WebCivil Supreme - Motion Detail*

Court: **Erie Supreme Court**  
 Index Number: **804007/2019**  
 Case Name: **Greater Woodlawn Federal Credit Union vs. Pachucki, Charles et al**  
 Case Type: **RP-Mortgage Foreclosure-Residential**  
 Track: **Standard**

**Motion Information:**

3	10/19/2020		Amend/Modify Decision/Order/Judgment	10/19/2020	No	Decided: 10/19/2020 Granted Before Justice: Grisanti, Hon. Mark J.	Long Form Order	10/19/2020
2	02/03/2020		Judgment - Foreclosure & Sale	01/29/2020	No	Decided: 01/29/2020 Granted Before Justice: Grisanti, Hon. Mark J.	Long Form Order	02/03/2020
1	07/16/2019		Order of Reference/Referee to Compute	08/22/2019	No	Decided: 08/22/2019 Granted Before Justice: Grisanti, Hon. Mark J.	Long Form Order	08/22/2019

Close

# New York State Unified Court System



## WebCivil Supreme - eFiled Documents Detail

Court: **Erie Supreme Court**  
 Index Number: **804007/2019**  
 Case Name: **Greater Woodlawn Federal Credit Union vs. Pachucki, Charles et al**  
 Case Type: **RP-Mortgage Foreclosure-Residential**  
 Track: **Standard**

### Document List - Click on the document name to view the document

Document Number	Date	Document Name	Description	Author
1	03/31/2019	<a href="#">SUMMONS + COMPLAINT</a>	--none--	PETER ANDREW MUTH
2	03/31/2019	<a href="#">EXHIBIT(S)</a>	legal description of mortgaged premises	PETER ANDREW MUTH
3	03/31/2019	<a href="#">EXHIBIT(S)</a>	copy of Note	PETER ANDREW MUTH
4	03/31/2019	<a href="#">EXHIBIT(S)</a>	copy of mortgage	PETER ANDREW MUTH
5	03/31/2019	<a href="#">EXHIBIT(S)</a>	90 day pre-foreclosure letter	PETER ANDREW MUTH
6	03/31/2019	<a href="#">EXHIBIT(S)</a>	military status reports	PETER ANDREW MUTH
7	03/31/2019	<a href="#">NOTICE OF PENDENCY</a>	--none--	PETER ANDREW MUTH
8	03/31/2019	<a href="#">CERTIFICATE OF MERIT</a>	--none--	PETER ANDREW MUTH
9	04/18/2019	<a href="#">AFFIRMATION/AFFIDAVIT OF SERVICE</a>	--none--	PETER ANDREW MUTH
10	04/18/2019	<a href="#">AFFIRMATION/AFFIDAVIT OF SERVICE</a>	--none--	PETER ANDREW MUTH
11	04/18/2019	<a href="#">AFFIRMATION/AFFIDAVIT OF SERVICE</a>	--none--	PETER ANDREW MUTH
12	04/18/2019	<a href="#">STATEMENT OF AUTHORIZATION FOR ELECTRONIC FILING</a>	--none--	PETER ANDREW MUTH
13	04/28/2019	<a href="#">RJI -RE: RESIDENTIAL MORTGAGE FORECLOSURE SETTLEMENT CONFERENCE</a>	--none--	PETER ANDREW MUTH
14	04/28/2019	<a href="#">ADDENDUM - GENERAL (840A)</a>	--none--	PETER ANDREW MUTH
15	04/28/2019	<a href="#">ADDENDUM - FORECLOSURE (840F)</a>	--none--	PETER ANDREW MUTH
16	05/30/2019	<a href="#">NOTICE OF FORECLOSURE SETTLEMENT CONFERENCE</a>	--none--	Cynthia Critoph court user
17	05/30/2019	<a href="#">OTHER COURT FILED DOCUMENT</a>	Conference Sheets	Cynthia Critoph court user
18	05/31/2019	<a href="#">ORDER - CASE SCHEDULING</a>	SCHEDULING ORDER	Brigitte Roestel court user
19	07/12/2019	<a href="#">ORDER - CASE SCHEDULING</a>	AMENDED SCHEDULING ORDER	Brigitte Roestel court user

20	07/12/2019	<u>NOTICE OF MOTION</u>	--none--	001	PETER ANDREW MUTH
21	07/12/2019	<u>AFFIDAVIT OR AFFIRMATION IN SUPPORT</u>	--none--	001	PETER ANDREW MUTH
22	07/12/2019	<u>EXHIBIT(S)</u>	copy of certificate of merit	001	PETER ANDREW MUTH
23	07/12/2019	<u>EXHIBIT(S)</u>	copy of Note	001	PETER ANDREW MUTH
24	07/12/2019	<u>EXHIBIT(S)</u>	copy of Mortgage	001	PETER ANDREW MUTH
25	07/12/2019	<u>EXHIBIT(S)</u>	90 day pre-foreclosure letter	001	PETER ANDREW MUTH
26	07/12/2019	<u>EXHIBIT(S)</u>	copy of military status report	001	PETER ANDREW MUTH
27	07/12/2019	<u>EXHIBIT(S)</u>	copy of Summons and Complaint	001	PETER ANDREW MUTH
28	07/12/2019	<u>EXHIBIT(S)</u>	copy of Notice of Pendency	001	PETER ANDREW MUTH
29	07/12/2019	<u>EXHIBIT(S)</u>	affidavits of service	001	PETER ANDREW MUTH
30	07/12/2019	<u>EXHIBIT(S)</u>	copy of affidavit of service by mail	001	PETER ANDREW MUTH
31	07/12/2019	<u>ORDER ( PROPOSED )</u>	--none--	001	PETER ANDREW MUTH
32	08/22/2019	<u>ORDER - REFERENCE</u>	ORDER OF REFERENCE FOR APPOINTMENT OF REFEREE TO COMPUTE	001	Brigitte Roestel court user
33	08/23/2019	<u>ORDER - CASE SCHEDULING</u>	SECOND AMENDED SCHEDULING ORDER		Brigitte Roestel court user
34	10/19/2019	<u>OATH &amp; DESIGNATION</u>	--none--		PETER ANDREW MUTH
35	11/20/2019	<u>ORDER - CASE SCHEDULING</u>	THIRD AMENDED SCHEDULING ORDER		Brigitte Roestel court user
36	11/29/2019	<u>NOTICE OF MOTION</u>	--none--	002	PETER ANDREW MUTH
37	11/29/2019	<u>AFFIDAVIT OR AFFIRMATION IN SUPPORT OF MOTION</u>	--none--	002	PETER ANDREW MUTH
38	11/29/2019	<u>EXHIBIT(S)</u>	Certificate of Merit	002	PETER ANDREW MUTH
39	11/29/2019	<u>EXHIBIT(S)</u>	copy of mortgage note	002	PETER ANDREW MUTH
40	11/29/2019	<u>EXHIBIT(S)</u>	copy of mortgage	002	PETER ANDREW MUTH
41	11/29/2019	<u>EXHIBIT(S)</u>	90 day pre-foreclosure notice	002	PETER ANDREW MUTH
42	11/29/2019	<u>EXHIBIT(S)</u>	military status report	002	PETER ANDREW MUTH
43	11/29/2019	<u>EXHIBIT(S)</u>	summons and complaint	002	PETER ANDREW MUTH
44	11/29/2019	<u>EXHIBIT(S)</u>	notice of pendency	002	PETER ANDREW MUTH
45	11/29/2019	<u>EXHIBIT(S)</u>	affidavit of service	002	PETER ANDREW MUTH
46	11/29/2019	<u>EXHIBIT(S)</u>	affidavit of service by mail	002	PETER ANDREW MUTH
47	11/29/2019	<u>EXHIBIT(S)</u>	mortgagor's Power of Attorney given to his brother	002	PETER ANDREW MUTH

48	11/29/2019	<u>EXHIBIT(S)</u>	motion for Order of Reference and supporting affirmation	002	PETER ANDREW MUTH
49	11/29/2019	<u>EXHIBIT(S)</u>	copy of Order of Reference	002	PETER ANDREW MUTH
50	11/29/2019	<u>EXHIBIT(S)</u>	Copy of Referee's Oath	002	PETER ANDREW MUTH
51	11/29/2019	<u>EXHIBIT(S)</u>	Plaintiff's Affidavit of Amount Due	002	PETER ANDREW MUTH
52	11/29/2019	<u>EXHIBIT(S)</u>	copy of Referee's Report of Computations	002	PETER ANDREW MUTH
53	11/29/2019	<u>EXHIBIT(S)</u>	copy of attorney's fee affirmation	002	PETER ANDREW MUTH
54	11/29/2019	<u>EXHIBIT(S)</u>	Copy of Bill of Costs	002	PETER ANDREW MUTH
55	11/29/2019	<u>JUDGMENT -TO COURT (PROPOSED)</u>	--none--	002	PETER ANDREW MUTH
56	11/29/2019	<u>BILL OF COSTS</u>	--none--	002	PETER ANDREW MUTH
57	11/29/2019	<u>AFFIRMATION OF ATTORNEY FEES</u>	--none--	002	PETER ANDREW MUTH
58	11/29/2019	<u>REFEREE REPORT OF AMOUNT DUE</u>	--none--	002	PETER ANDREW MUTH
59	11/29/2019	<u>AFFIDAVIT OR AFFIRMATION IN SUPPORT</u>	Plaintiff's Affidavit of Amount Due	002	PETER ANDREW MUTH
60	02/03/2020	<u>JUDGMENT - SIGNED BY COURT TO COUNTY CLERK</u>	--none--	002	Brigitte Roestel court user
61	02/03/2020	<u>JUDGMENT OF FORECLOSURE AND SALE</u>	JUDGMENT OF FORECLOSURE AND SALE entered in the office of the County Clerk on February 03, 2020	002	Aaron J Taylor court user
62	09/09/2020	<u>NOTICE OF SALE</u>	Notice of adjourned Sale		PETER ANDREW MUTH
63	10/13/2020	<u>LETTER / CORRESPONDENCE TO JUDGE</u>	letter enclosing amended Judgment and terms to comply with Covid-19 measures	002	PETER ANDREW MUTH
64	10/13/2020	<u>JUDGMENT -TO COURT (PROPOSED)</u>	amended Judgment and Terms to comply with Covid-19 rules	002	PETER ANDREW MUTH
65	10/19/2020	<u>JUDGMENT - SIGNED BY COURT TO COUNTY CLERK (AMENDED)</u>	AMENDED ORDER CONFIRMING REFEREE REPORT AND JUDGMENT OF FORECLOSURE AND SALE	002	Brigitte Roestel court user
66	11/06/2020	<u>AFFIDAVIT</u>	Affidavit to prove vacancy of Mortgaged Premises		PETER ANDREW MUTH
67	11/06/2020	<u>EXHIBIT(S)</u>	invoices documenting bank's care of vacant property		PETER ANDREW MUTH
68	11/12/2020	<u>AFFIRMATION</u>	--none--		PETER ANDREW MUTH
69	12/21/2020	<u>JUDGMENT -TO COURT (PROPOSED)</u>	Addendum to Judgment to list mortgage servicer per recent Administrative Order		PETER ANDREW MUTH
70	12/21/2020	<u>NOTICE OF SALE</u>	Notice of Adjourned Sale for 1/6/21		PETER ANDREW MUTH
71	04/22/2021	<u>NOTICE OF SALE</u>	--none--		PETER ANDREW MUTH
72	04/22/2021	<u>AFFIDAVIT OF PUBLICATION</u>	--none--		PETER ANDREW MUTH
73	04/22/2021	<u>AFFIDAVIT</u>	Affidavit of Posting of Notice of Sale in three government buildings		PETER ANDREW MUTH
74	04/22/2021	<u>AFFIDAVIT</u>	Affidavit of Posting of Notice of Sale in three general sites		PETER ANDREW MUTH
75	04/22/2021	<u>TERMS OF SALE</u>	--none--		PETER ANDREW MUTH



76	04/22/2021	REFEREE REPORT OF SALE	--none--		PETER ANDREW MUTH
77	04/22/2021	FORECLOSURE ACTION SURPLUS MONIES FORM	--none--		PETER ANDREW MUTH
78	06/16/2021	JUDGMENT	JUDGMENT entered in the office of the County Clerk on June 16, 2021		Lisa Kucharski court user
79	06/17/2021	JUDGMENT (AMENDED)	JUDGMENT (AMENDED) entered in the office of the County Clerk on June 17, 2021	002	Lisa Kucharski court user

Close

REQUEST FOR JUDICIAL INTERVENTION

UCS-840 (7/2012)

For Court Clerk Use Only:

Erie Supreme COURT, COUNTY OF Erie

Index No: 804007/2019

Date Index Issued: 04/01/2019

Form with fields: IAS Entry Date, Judge Assigned, RJI Date

CAPTION: Enter the complete case caption. Do not use et al or et ano. If more space is required, attach a caption rider sheet.

Greater Woodlawn Federal Credit Union fka Woodlawn Auto Workers Federal Credit Union

Plaintiff(s)/Petitioner(s)

-against-

Charles Pachucki, John Doe, Jane Doe, Doe Corp., Doe Partnership

Defendant(s)/Respondent(s)

NATURE OF ACTION OR PROCEEDING:

Check ONE box only and specify where indicated.

Main form grid with categories: MATRIMONIAL, TORTS, OTHER MATTERS, COMMERCIAL, REAL PROPERTY, SPECIAL PROCEEDINGS

STATUS OF ACTION OR PROCEEDING:

Answer YES or NO for EVERY question AND enter additional information where indicated.

Form with YES/NO columns and questions: Has a summons and complaint or summons w/notice been filed? Has a summons and complaint or summons w/notice been served? Is this action/proceeding being filed post-judgment?

**NATURE OF JUDICIAL INTERVENTION:**

Check ONE box only AND enter additional information where indicated. RECEIVED NYSCEF: 04/28/2019

- Infant's Compromise
- Note of Issue and/or Certificate of Readiness
- Notice of Medical, Dental, or Podiatric Malpractice
- Notice of Motion
- Notice of Petition
- Order to Show Cause
- Other Ex Parte Application
- Poor Person Application
- Request for Preliminary Conference
- Residential Mortgage Foreclosure Settlement Conference
- Writ of Habeas Corpus
- Other:

Date Issue Joined:

Relief Sought:

Return Date:

Relief Sought:

Return Date:

Relief Sought:

Return Date:

Relief Sought:

**RELATED CASES:**

List any related actions. For Matrimonial actions, include any related criminal and/or Family Court cases. If additional space is required, complete and attach the **RJI Addendum**. If none, leave blank.

Case Title	Index/Case No.	Court	Judge (if assigned)	Relationship to Instant Case

**PARTIES:**

For parties without an attorney, check "Un-Rep" box AND enter party address, phone number and e-mail address in space provided. If additional space is required, complete and attach the **RJI Addendum**.

Un-Rep	Parties:	Attorneys and/or Unrepresented Litigants:	Issue Joined (Y/N):	Insurance Carrier(s):
	List parties in caption order and indicate party role(s) (e.g., defendant; 3rd-party plaintiff).	Provide attorney name, firm name, business address, phone number and e-mail address of all attorneys that have appeared in the case. For unrepresented litigants, provide address, phone number and e-mail address.		
<input type="checkbox"/>	Name: Greater Woodlawn Federal Credit Union Role(s): Plaintiff/Petitioner	PETER MUTH, 460 LINWOOD AVE , BUFFALO, NY 14209, [REDACTED]@roadrunner.com	YES	
<input checked="" type="checkbox"/>	Name: Pachucki, Charles Role(s): Defendant/Respondent	[REDACTED] Hamburg, NY 14075	YES	
<input checked="" type="checkbox"/>	Name: Doe, John Role(s): Defendant/Respondent	..	YES	
<input checked="" type="checkbox"/>	Name: Doe, Jane Role(s): Defendant/Respondent	..	YES	
<input checked="" type="checkbox"/>	Name: Doe Corp. Role(s): Defendant/Respondent	..	YES	

**I AFFIRM UNDER THE PENALTY OF PERJURY THAT, TO MY KNOWLEDGE, OTHER THAN AS NOTED ABOVE, THERE ARE AND HAVE BEEN NO RELATED ACTIONS OR PROCEEDINGS, NOR HAS A REQUEST FOR JUDICIAL INTERVENTION PREVIOUSLY BEEN FILED IN THIS ACTION OR PROCEEDING.**

Dated: 04/28/2019

PETER ANDREW MUTH  
SIGNATURE

1770320

ATTORNEY REGISTRATION NUMBER

PETER ANDREW MUTH  
PRINT OR TYPE NAME

# Request for Judicial Intervention Addendum

Erie Supreme COURT, COUNTY OF Erie

**Index No:** 804007/2019

**For use when additional space is needed to provide party or related case information.**

**PARTIES:** For parties without an attorney, check "Un-Rep" box AND enter party address, phone number and e-mail address in "Attorneys" space.

Un-Rep	Parties:	Attorneys and/or Unrepresented Litigants:	Issue Joined (Y/N):	Insurance Carrier(s):
<input checked="" type="checkbox"/>	List parties in caption order and indicate party role(s) (e.g., defendant; 3rd-party plaintiff).  Name: Doe Partnership  Role(s): Defendant/Respondent	Provide attorney name, firm name, business address, phone number and e-mail address of all attorneys that have appeared in the case. For unrepresented litigants, provide address, phone number and e-mail address.	YES	

**RELATED CASES:** List any related actions. For Matrimonial actions, include any related criminal and/or Family Court cases.

At an IAS Part of the Supreme Court of the State of New York, held in and for the County of Erie in Part 15 thereof, 25 Delaware Avenue, Buffalo, New York 14202, on the ~~22~~ <sup>nd</sup> day of August, 2019

PRESENT: HON. MARK J. GRISANTI, J.S.C.  
Justice Presiding

STATE OF NEW YORK  
SUPREME COURT : COUNTY OF ERIE

---

GREATER WOODLAWN FEDERAL CREDIT UNION, f/k/a Woodlawn Auto Workers Federal Credit Union,

*Plaintiff,*

-v-

CHARLES PACHUCKI, JOHN DOE, JANE DOE, DOE CORP. AND DOE PARTNERSHIP, being fictitious names included for the purpose of naming and including in this action any parties currently unknown, who are possible tenants, occupants, persons or corporations, if any, having or claiming an interest in or lien upon the mortgaged premises which are the subject of this action,

*Defendants.*

---

ORDER OF REFERENCE FOR APPOINTMENT OF REFEREE TO COMPUTE

Index No. 804007/2019

Mortgaged Premises:

  
Hamburg, New York

SBL #170.84-2-4

UPON the Summons, Verified Complaint and Notice of Pendency filed in this action on March 31, 2019, the Notice of Motion dated July 12, 2019, the Affirmation of Peter A. Muth, Esq., attorney for Plaintiff, dated July 12, 2019, and the exhibits annexed thereto, including the Verification of Connie DuMond, Manager of Greater Woodlawn Federal Credit Union, dated March 29, 2019, together with the exhibits

attached thereto, and all prior papers filed in this action and prior proceedings had herein; and

UPON proof that each of the defendants herein has been duly served with the Summons and Complaint in this action and any required notices;

AND it appearing that a settlement conference were held on January 15, 2019 with no appearance by the mortgagor, Charles Pachucki or any representative, and hence, with no resolution;

AND it appearing to the satisfaction of the Court that this action was brought to foreclose a mortgage on real property located at [REDACTED], Hamburg, New York in the County of Erie, SBL #170.84-2-4,

NOW on motion by Peter A. Muth, Esq. attorney for Plaintiff, and determining that Greater Woodlawn Federal Credit Union has fairly proved itself entitled to the relief requested, it is hereby

ORDERED that Plaintiff's motion is hereby granted; and it is further

ORDERED that Matt Lazure, with an address of

43 Court Street Ste 1111, Matt NY 14202 (Tel. No. 716-999-0090) is hereby appointed Referee, in accordance with RPAPL § 1321 to compute the amount due to Plaintiff and to examine whether the Mortgaged Premises may be sold in parcels; and it is further

ORDERED that the Referee make his/her computation and report with all convenient speed; and it is further

ORDERED that, if necessary, the Referee may take testimony pursuant to RPAPL § 1321; and it is further

ORDERED that by accepting this appointment the Referee certifies that he/she is in compliance with Part 36 of the Rules of the Chief Judge (22 NYCRR Part 36), including, but not limited to § 36.2 (c) ("Disqualifications from appointment") and § 36(d) ("Limitations on appointments based upon compensation"), and, if the Referee is disqualified from receiving an appointment pursuant to the provisions of this Rule, the Referee shall immediately notify the Appointing Judge; and it is further

ORDERED that, pursuant to CPLR 8003(a), the statutory fee of \$50.00, and in the discretion of the Court, a fee of \$ 100 , shall be paid to the Referee for the Computation of the amount due and upon the filing of his/her Report and the Referee shall not request or accept additional compensation for the computation unless it has been fixed by the Court in accordance with CPLR § 8003(a); and it is further

ORDERED that the Referee is prohibited from accepting or retaining any funds for him/herself or paying funds to him/herself without compliance with Part 36 of the Rules of the Chief Administrative Judge; and it is further

ORDERED that the names "John Doe", "Jane Doe", "Doe Partnership" and "Doe Corp." be removed as party defendants in this action; and it is further


ORDERED that the caption shall read as follows:

STATE OF NEW YORK  
SUPREME COURT : COUNTY OF ERIE

Index No. 804007/2019

GREATER WOODLAWN FEDERAL CREDIT  
UNION, f/k/a Woodlawn Auto Workers Federal Credit  
Union,

*Plaintiff,*

Mortgaged Premises:  


Hamburg, New York

-v-

SBL #170.84-2-4

CHARLES PACHUCKI,

Defendants.

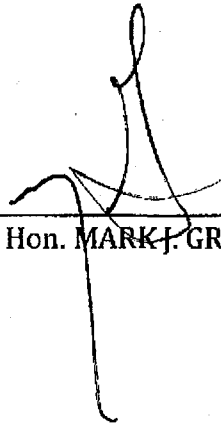
AND it is further

ORDERED that Plaintiff shall serve a copy of this Order with Notice of Entry on all parties and persons entitled to notice, including the Referee appointed herein.

This constitutes the decision and order of the Court.

DATED:     **AUG 22** 2019

ENTER:

  
\_\_\_\_\_  
Hon. MARK J. GRISANTI, JSC



## Douglas Curella

---

**From:** Douglas Curella  
**Sent:** Monday, March 22, 2021 10:16 AM  
**To:** Hon. Mark Grisanti  
**Subject:** Greater Woodlawn v. Pachucki 804007/2019  
**Attachments:** Notice of Sale Post Grisanti.pdf

This case assigned to Judge Colaiacovo. We previously had this case and Mr. Lazore was assigned as a Referee pursuant to RPAPL 1321. On August 22, 2019. Judgment signed on February 30, 2020, prior to COVID, COVID hit and froze everything re foreclosures.

The Sale was adjourned due to COVID and case transferred to Judge Colaiacovo. Where Mr. Lazaroe is still the Referee.

Douglas J. Curella Jr., Esq.  
Confidential Law Clerk to  
Honorable Mark J. Grisanti  
[REDACTED]@nycourts.gov

*Click [here](#) for our Court Rules*



# NYSCEF - Erie County Supreme Court

## Confirmation Notice



The NYSCEF website has received an electronic filing on 12/21/2020 02:45 PM. Please keep this notice as a confirmation of this filing.

**804007/2019**

**Greater Woodlawn Federal Credit Union v. Charles Pachucki et al**  
**Assigned Judge: Emilio Colaiacovo**

### **Documents Received on 12/21/2020 02:45 PM**

<b>Doc #</b>	<b>Document Type</b>
70	NOTICE OF SALE Notice of Adjourned Sale for 1/6/21

### **Filing User**

Peter Andrew Muth | [REDACTED]@roadrunner.com  
[REDACTED]

### **E-mail Notifications**

An email regarding this filing has been sent to the following on 12/21/2020 02:45 PM:

**PETER A. MUTH - [REDACTED]@roadrunner.com**

---

**Michael P. Kearns, Erie County Clerk**

Website: <http://www.erie.gov/clerk>

---

**NYSCEF Resource Center, [nyscef@nycourts.gov](mailto:nyscef@nycourts.gov)**

Phone: (646) 386-3033 | Fax: (212) 401-9146 | Website: [www.nycourts.gov/efile](http://www.nycourts.gov/efile)



# NYSCEF - Erie County Supreme Court Confirmation Notice



804007/2019

**Greater Woodlawn Federal Credit Union v. Charles Pachucki et al**  
**Assigned Judge: Emilio Colalacovo**

## Email Notifications NOT Sent

<b>Role</b>	<b>Party</b>	<b>Attorney</b>
Respondent	Charles Pachucki	No consent on record.
Respondent	John Doe	No consent on record.
Respondent	Jane Doe	No consent on record.
Respondent	Doe Corp.	No consent on record.
Respondent	Doe Partnership	No consent on record.

\* Court rules require hard copy service upon non-participating parties and attorneys who have opted-out or declined consent.

---

**Michael P. Kearns, Erie County Clerk**

Website: <http://www.erie.gov/clerk>

---

**NYSCEF Resource Center, [nyscef@nycourts.gov](mailto:nyscef@nycourts.gov)**

Phone: (646) 386-3033 | Fax: (212) 401-9146 | Website: [www.nycourts.gov/efile](http://www.nycourts.gov/efile)

**Mark Grisanti**

---

**Sent:** Hon. Mark Grisanti  
**To:** Wednesday, December 16, 2020 2:15 PM  
**Subject:** Laura L. Smith  
Questions on referrals

Hi Laura: Not sure I have right person. I was told to ask you some questions on recusals. Are you not with ethics Committee. I can be reached at [REDACTED] Thank You

## Hon. Mark Grisanti

---

**From:** Hon. Mark Grisanti  
**Sent:** Wednesday, December 16, 2020 4:12 PM  
**To:** Laura L. Smith  
**Subject:** RE: Your Inquiry (referral fee disqualifications)

Thank You so much .I did not know certain aspects prior, so I am making sure they are correct going forward. Much Appreciated. This way I can adjust my recusal list.

**From:** Laura L. Smith <[REDACTED]@nycourts.gov>  
**Sent:** Wednesday, December 16, 2020 4:02 PM  
**To:** Hon. Mark Grisanti <[REDACTED]@nycourts.gov>  
**Subject:** Your Inquiry (referral fee disqualifications)

Dear Judge Grisanti,

As discussed, for your consideration:

<https://www.nycourts.gov/ipjudicialethicsopinions/19-25.htm>  
<https://www.nycourts.gov/ipjudicialethicsopinions/12-179.htm> (3rd paragraph)  
<https://www.nycourts.gov/ipjudicialethicsopinions/12-08.htm>

**Searching Opinions:** To search for additional opinions, please visit [www.nycourts.gov/ip/acje](http://www.nycourts.gov/ip/acje) and click on "Search Opinions" in the left-hand menu to reach the Search Landing page and access our current search engine. **NOTE:** Search Help is available at <http://ww2.nycourts.gov/ip/acje/search-help.shtml>

**Requesting an Opinion:** Please visit <http://www.nycourts.gov/ip/acje/request-opinion.shtml> for information and guidelines on how judges may request a written opinion concerning their own specific circumstances. This page also contains our policy on emails and the address to which emailed inquiries may be sent ([part100@nycourts.gov](mailto:part100@nycourts.gov)).

**Timing Note:** At this time, we expect that inquiries received **by January 15, 2020** will be considered at the Committee's meeting on January 29.

Laura L. Smith, Esq.  
Chief Counsel  
New York State Advisory Committee on Judicial Ethics  
25 Beaver Street, room 866  
New York, NY 10004  
Toll Free: 1-866-795-8343  
Office Telephone: [REDACTED]  
Work Cellphone: [REDACTED]  
Website: [www.nycourts.gov/ip/acje](http://www.nycourts.gov/ip/acje)

Please be CAREFUL when clicking links or opening attachments.

**Hon. Mark Grisanti**

*July 007-2019 Moulam v Pacheco  
called 1-521 Laura Smith - got Judge with another line. Told them I had with  
Matt suggestion - think to another judge due to work done on file 2 but  
That judge signs final order - John Schell 16-21*

**From:** Hon. Mark Grisanti  
**Sent:** Tuesday, January 5, 2021 2:06 PM  
**To:** Daniel Marren  
**Subject:** RE: Question on a foreclosure sale of vacant property scheduled for tomorrow.

I did check with ethics and transfer to another judge is the suggestion based on work done by the parties and have that judge sign final papers. I told Paula the convo I had.

**From:** Daniel Marren <[REDACTED]@nycourts.gov>  
**Sent:** Tuesday, January 5, 2021 1:31 PM  
**To:** Hon. Mark Grisanti <[REDACTED]@nycourts.gov>; Douglas Curella <[REDACTED]@nycourts.gov>  
**Cc:** Hon. Paula Feroletto <[REDACTED]@nycourts.gov>  
**Subject:** RE: Question on a foreclosure sale of vacant property scheduled for tomorrow.

I don't know. You may want to check with one of the "Ethics" Judges. If you have to replace him it needs to be done asap as the sale is tomorrow at 11:00. That, or they would need to reschedule it. I don't know what the remedy is or if it's even a "remediable" issue.

**From:** Hon. Mark Grisanti <[REDACTED]@nycourts.gov>  
**Sent:** Tuesday, January 5, 2021 1:26 PM  
**To:** Douglas Curella <[REDACTED]@nycourts.gov>; Daniel Marren <[REDACTED]@nycourts.gov>  
**Cc:** Hon. Paula Feroletto <[REDACTED]@nycourts.gov>  
**Subject:** Re: Question on a foreclosure sale of vacant property scheduled for tomorrow.

Matt was appointed referee before I knew he needed to be on my list. Does he just proceed. I noticed this when I read further down email that he was the referee. Don't know when appointed but it was before he went back on list

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**From:** Daniel Marren <[REDACTED]@nycourts.gov>  
**Sent:** Tuesday, January 5, 2021 1:18:58 PM  
**To:** Douglas Curella <[REDACTED]@nycourts.gov>  
**Cc:** Hon. Paula Feroletto <[REDACTED]@nycourts.gov>; Hon. Mark Grisanti <[REDACTED]@nycourts.gov>  
**Subject:** FW: Question on a foreclosure sale of vacant property scheduled for tomorrow.

Never mind. It looks like you've resolved this already. Cool. Thanks. Dan

**From:** [REDACTED]@roadrunner.com <[REDACTED]@roadrunner.com>  
**Sent:** Tuesday, January 5, 2021 1:12 PM  
**To:** Cornelius Hart <[REDACTED]@nycourts.gov>  
**Cc:** Daniel Marren <[REDACTED]@nycourts.gov>  
**Subject:** RE: Question on a foreclosure sale of vacant property scheduled for tomorrow.

Neil:  
Actually the sale is at 11:00. You will recall that it was originally scheduled for December 30th at 11:00, but you had

advised that the clerk's office would be closed between Christmas and New Year's. Hence, the matter was put over a week until January 6th at 11:00.

Justice Grisanti's chambers have advised that, considering the circumstances of the vacancy, the sale can go forward unless someone at the sale itself raises an objection.

Peter

-----  
From: "Cornelius Hart"

To: "Daniel Marren", "[REDACTED]@roadrunner.com"

Cc:

Sent: Tuesday January 5 2021 1:01:00PM

Subject: RE: Question on a foreclosure sale of vacant property scheduled for tomorrow.

Dan,

The auction is set for 10 Am tomorrow, the IAS Judge assigned to the case is Judge Grisanti.

Neil

From: Daniel Marren [REDACTED]@nycourts.gov>

Sent: Tuesday, January 5, 2021 12:16 PM

To: [REDACTED]@roadrunner.com

Subject: RE: Question on a foreclosure sale of vacant property scheduled for tomorrow.

Hi Peter,

When is the sale scheduled to take place? I don't have an answer for you as the law and AO are so new and I am hardly the person to be interpreting it on a case not assigned to us. You may have to reach out to the IAS Judge for a determination. You can forward my e-mail to that Judge so they can check with me if they'd like. But, my opinion is only mine and may not be shared by anyone else. It's really the call of the IAS Judge with, perhaps, some consultation with the AJ.

All the best,  
Dan

From: [REDACTED]@roadrunner.com <[REDACTED]@roadrunner.com>

Sent: Tuesday, January 5, 2021 8:58 AM

To: Daniel Marren <[REDACTED]@nycourts.gov>

Subject: Question on a foreclosure sale of vacant property scheduled for tomorrow.

Dan:

I have a foreclosure sale of vacant property in a judgment entered early last year. The mortgagor has been and remains incarcerated.

I have interpreted the recent legislation last week as permitting sales of vacant property. I know that the statute mentions exceptions for properties listed on the state's list of vacant foreclosure properties. In this case, the plaintiff is exempt from the state listing requirement because of the minimal mortgages it writes every year.

My Referee, Matt Lazroe, participated in yesterday's settlement conferences and suggested I check with you to confirm my conclusion that this is one of the rare cases where the new legislation does not prohibit the sale.

Peter  
Peter A. Muth, Esq.  
[REDACTED]  
Buffalo, New York 14209  
[REDACTED]

Please be CAREFUL when clicking links or opening attachments from external senders.



# REQUEST FOR JUDICIAL INTERVENTION

UCS-840 (7/2012)

Supreme COURT, COUNTY OF Erie

Index No: \_\_\_\_\_ Date Index Issued: \_\_\_\_\_

For Court Clerk Use Only:	
IAS Entry Date	
11-1-19 MR	
Judge Assigned	
Carisanti	
RJI Date	

**CAPTION:** Enter the complete case caption. Do not use et al or et ano. If more space is required, attach a caption rider sheet.

In the Matter of the Application of W. L. for the Appointment of a Guardian for the Personal Needs and Property Management of D. L.

Under Article 81 of the Mental Hygiene Law.

Plaintiff(s)/Petitioner(s)

FILED  
11/01/2019/ 13:01:56  
ERIE COUNTY CLERK  
RCPT # 1918442  
SF 201902343



-against-

Defendant(s)/Respondent(s)

**NATURE OF ACTION OR PROCEEDING:** Check ONE box only and specify where indicated.

**MATRIMONIAL**

Contested

NOTE: For all Matrimonial actions where the parties have children under the age of 18, complete and attach the MATRIMONIAL RJI Addendum. For Uncontested Matrimonial actions, use RJI form UD-13.

**TORTS**

Asbestos

Breast Implant

Environmental: \_\_\_\_\_ (specify)

Medical, Dental, or Podiatric Malpractice

Motor Vehicle

Products Liability: \_\_\_\_\_ (specify)

Other Negligence: \_\_\_\_\_ (specify)

Other Professional Malpractice: \_\_\_\_\_ (specify)

Other Tort: \_\_\_\_\_ (specify)

**OTHER MATTERS**

Certificate of Incorporation/Dissolution [see NOTE under Commercial]

Emergency Medical Treatment

Habeas Corpus

Local Court Appeal

Mechanic's Lien

Name Change

Pistol Permit Revocation Hearing

Sale or Finance of Religious/Not-for-Profit Property

Other: \_\_\_\_\_ (specify)

**COMMERCIAL**

Business Entity (including corporations, partnerships, LLCs, etc.)

Contract

Insurance (where insurer is a party, except arbitration)

UCC (including sales, negotiable instruments)

Other Commercial: \_\_\_\_\_ (specify)

NOTE: For Commercial Division assignment requests [22 NYCRR § 202.70(d)], complete and attach the COMMERCIAL DIV RJI Addendum.

**REAL PROPERTY:** How many properties does the application include?

Condemnation

Mortgage Foreclosure (specify):  Residential  Commercial

Property Address: \_\_\_\_\_ Street Address City State Zip

NOTE: For Mortgage Foreclosure actions involving a one- to four-family, owner-occupied, residential property, or an owner-occupied condominium, complete and attach the FORECLOSURE RJI Addendum.

Tax Certiorari - Section: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_

Tax Foreclosure

Other Real Property: \_\_\_\_\_ (specify)

**SPECIAL PROCEEDINGS**

CPLR Article 75 (Arbitration) [see NOTE under Commercial]

CPLR Article 78 (Body or Officer)

Election Law

MHL Article 9.60 (Kendra's Law)

MHL Article 10 (Sex Offender Confinement-Initial)

MHL Article 10 (Sex Offender Confinement-Review)

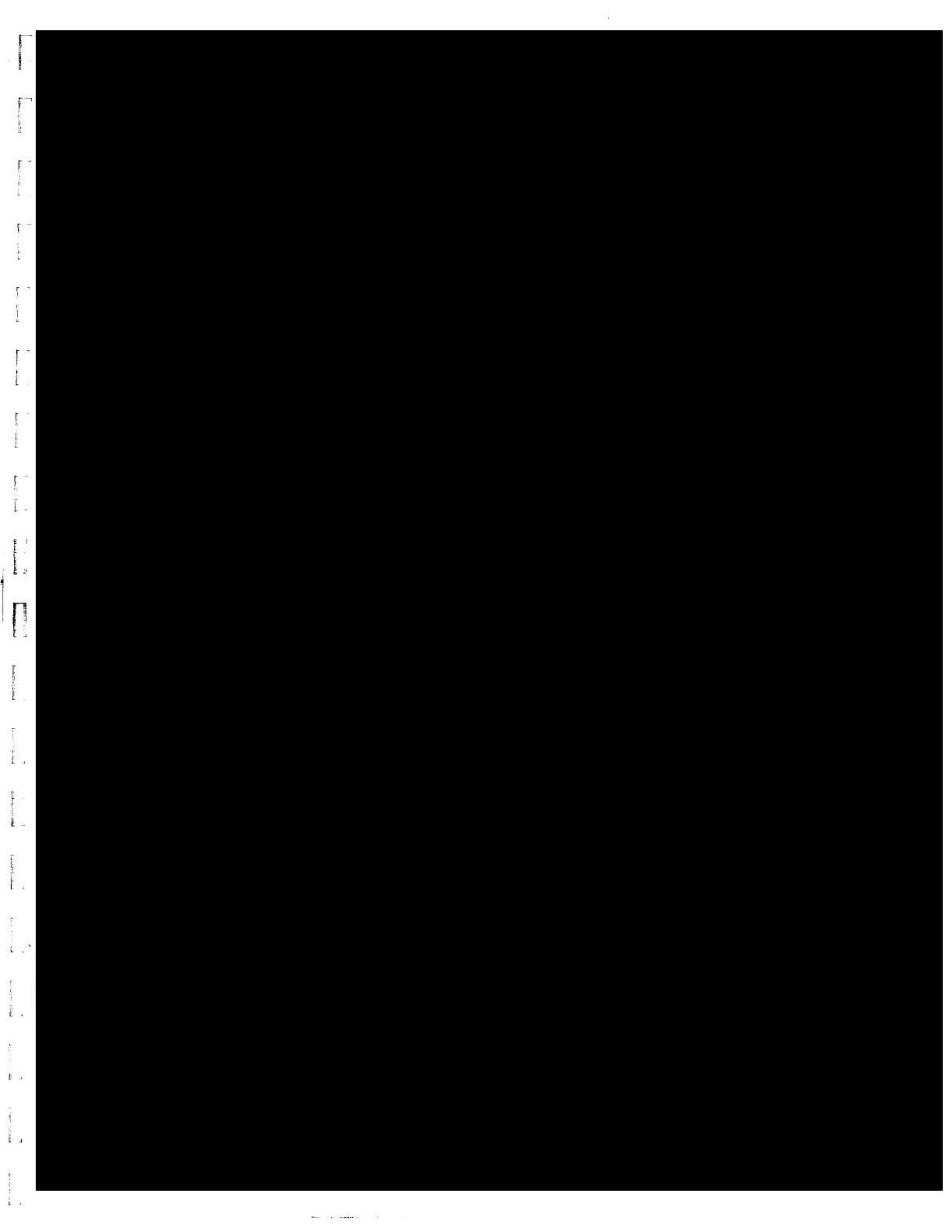
MHL Article 81 (Guardianship)

Other Mental Hygiene: \_\_\_\_\_ (specify)

Other Special Proceeding: \_\_\_\_\_ (specify)

**STATUS OF ACTION OR PROCEEDING:** Answer YES or NO for EVERY question AND enter additional information where indicated.

	<input type="radio"/> YES	<input type="radio"/> NO	
Has a summons and complaint or summons w/notice been filed?	<input type="radio"/>	<input checked="" type="radio"/>	If yes, date filed: _____
Has a summons and complaint or summons w/notice been served?	<input type="radio"/>	<input checked="" type="radio"/>	If yes, date served: _____
Is this action/proceeding being filed post-judgment?	<input type="radio"/>	<input checked="" type="radio"/>	If yes, judgment date: _____



At a Term of the Supreme Court of the State of New York, in and for the County of Erie, held in the City of Buffalo on the 4<sup>th</sup> day of November, 2019.

PRESENT: HON. MARK J. GRISANTI, J.S.C., J.S.C.

STATE OF NEW YORK  
SUPREME COURT : COUNTY OF ERIE

In the Matter of the Application of  
W [REDACTED] L [REDACTED] for the Appointment of Guardian  
for the Person and Property of Management of

D [REDACTED] L [REDACTED]

**ORDER TO SHOW  
CAUSE**

Index No. SF 2019- 902343

Under Article 81 of the Mental Hygiene Law.

**IMPORTANT**

AN APPLICATION HAS BEEN FILED IN COURT BY W [REDACTED] L [REDACTED], WHO BELIEVES YOU MAY BE UNABLE TO TAKE CARE OF YOUR PERSONAL NEEDS OR FINANCIAL AFFAIRS. W [REDACTED] L [REDACTED] IS ASKING THAT SOMEONE BE APPOINTED TO MAKE DECISIONS FOR YOU. WITH THIS PAPER IS A COPY OF THE APPLICATION TO THE COURT SHOWING WHY W [REDACTED] L [REDACTED] BELIEVES YOU MAY BE UNABLE TO TAKE CARE OF YOUR PERSONAL NEEDS OR FINANCIAL AFFAIRS. BEFORE THIS COURT MAKES THE APPOINTMENT OF SOMEONE TO MAKE DECISIONS FOR YOU, THE COURT HOLDS A HEARING AT WHICH YOU ARE

11/01/2019 12:01:56  
ERIE COUNTY CLERK  
RCOT 4 1015482  
SF2019010343

ENTITLED TO BE PRESENT AND TO TELL THE JUDGE IF YOU DO NOT WANT ANYONE APPOINTED. THIS PAPER TELLS YOU WHEN THE COURT HEARING WILL TAKE PLACE. IF YOU DO NOT APPEAR IN COURT, YOUR RIGHTS WILL BE SERIOUSLY AFFECTED.

YOU HAVE THE RIGHT TO DEMAND A TRIAL BY JURY. YOU MUST TELL THE COURT IF YOU WISH TO HAVE A TRIAL BY JURY. IF YOU DO NOT TELL THE COURT, THE HEARING WILL BE CONDUCTED WITHOUT A JURY. THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE CLERK OF THE COURT ARE:

Ellis W. Bozzolo  
25 Delaware Avenue  
Buffalo, New York 14202  
[REDACTED]

THE COURT HAS APPOINTED A COURT EVALUATOR TO EXPLAIN THIS PROCEEDING TO YOU AND TO INVESTIGATE THE CLAIMS MADE IN THE APPLICATION. THE COURT MAY GIVE THE COURT EVALUATOR PERMISSION TO INSPECT YOUR MEDICAL, PSYCHOLOGICAL OR PSYCHIATRIC RECORDS. YOU HAVE THE RIGHT TO TELL THE JUDGE IF YOU DO NOT WANT THE COURT EVALUATOR TO BE GIVEN THAT PERMISSION.

**THE COURT EVALUATOR'S NAME, ADDRESS AND TELEPHONE**

**NUMBER ARE:**

Matthew Lazroe  
43 Court Street, Suite 1111  
Buffalo, NY 14202  
(716) 989-0090

**YOU ARE ENTITLED TO HAVE A LAWYER OF YOUR CHOICE REPRESENT YOU. IF YOU WANT THE COURT TO APPOINT A LAWYER TO HELP YOU AND REPRESENT YOU, THE COURT WILL APPOINT A LAWYER FOR YOU. YOU WILL BE REQUIRED TO PAY THAT LAWYER UNLESS YOU DO NOT HAVE THE MONEY TO DO SO.**

At the hearing and in this proceeding, you have the following rights:

- (a) You have the right to present evidence;
- (b) You have the right to call witnesses, including expert witnesses;
- (c) You have the right to cross-examine witnesses, including any witnesses called by the Court;
- (d) You have the right to be represented by a lawyer of your own choice. If you want the Court to appoint a lawyer to represent you, the Court will appoint a lawyer for you. You will be required to pay that lawyer unless you do not have the money to do so.

On reading and filing the annexed Petition of W [REDACTED] . L [REDACTED], verified on the 30<sup>th</sup> day of October, 2019, from which it appears that D [REDACTED] . L [REDACTED], a person in need of a Guardian, may be unable to manage his personal needs and property management and, further;



Let D [REDACTED] [REDACTED]. L [REDACTED], the person alleged to be in need of a Guardian, show cause before the Justice of this Court, to be held at the New York State Supreme Court, Part 15, at 25 Delaware Avenue, in the City of Buffalo New York on the 5<sup>th</sup> day of December, 2019, at 11:30 am/pm of that day or as soon thereafter as counsel can be heard;

WHY a Guardian should not be appointed for the personal needs and property management of D [REDACTED] [REDACTED]. L [REDACTED], a person in need of a Guardian, upon the Guardian qualifying in accordance with the statutes of the State of New York in such cases; and

WHY a personal needs Guardian and property management Guardian should not be authorized to exercise the powers enumerated under Mental Hygiene Law §§ 81.21 and 81.22 on behalf of D [REDACTED] [REDACTED]. L [REDACTED], if the relief in the Petition is granted, including the following:

1. The power to take possession of and/or recover all of the assets of the alleged incapacitated person, including, but not limited to, bank accounts, trust assets, investment accounts, and real estate, to liquidate same if necessary and open an appropriate guardianship account to invest and reinvest assets of the alleged incapacitated person as provided under the law;
2. To apply for Medicaid or other government assistance for hospitalization, rehabilitative care or potential future residential placement, *if any*;
3. To engage in estate and Medicaid planning, as deemed reasonable and necessary to protect assets for Medicaid planning purposes, in order to qualify D [REDACTED] [REDACTED]. L [REDACTED] for future Medicaid benefits, including, but not limited to, exempt transfers to a spouse as may be appropriate, *if any*;
4. To sign any listing agreement and/or convey and/or sell any and all real property owned by D [REDACTED] [REDACTED]. L [REDACTED], if any, upon appropriate application and authority by this Court;

5. To provide support for persons dependent upon the alleged incapacitated person for support, if any;
6. To convey or release contingent and expectant interests in property, including any right of survivorship incidental to joint tenancy or tenancy by the entirety;
8. To enter into contracts;
9. To create revocable or irrevocable trusts of property of the estate which may extend beyond the incapacity or life of the incapacitated person;
10. To exercise options of the alleged incapacitated person to purchase securities or other investment property;
11. To exercise rights to elect options and change beneficiaries under insurance and annuity policies and to surrender the policies for their cash value;
12. To renounce or disclaim any interest by testate or intestate succession or by inter vivos transfer consistent with paragraph (c) of section 2-1.11 of the Estates, Powers and Trusts Law;
13. To authorize access to or release of confidential records, including information governed by the Health Insurance Portability and Accountability Act of 1996 (a/k/a HIPAA), 42 USC 1320d and 45 CFR 160-164;
14. To apply for any and all Federal and State government and/or private benefits;
15. To marshal assets;
16. To pre-pay the funeral and burial expenses of the alleged incapacitated person;
17. To receive income from the assets of the alleged incapacitated person and to pay such bills as may be reasonably necessary to maintain the alleged incapacitated person;
18. To invest funds of the alleged incapacitated person as permitted by section 11-2.3 of the Estates, Powers and Trusts Law;
19. To lease the primary residence, if any, for up to three years;
20. To retain an accountant;
21. To pursue any and all claims which the alleged incapacitated person may have against any individual;
22. To pay bills after the death of the alleged incapacitated person provided the authority existed to pay such bills prior to death until a temporary administrator or executor is

appointed;

23. To defend or maintain any judicial action or proceeding to a conclusion until an executor or administrator is appointed;
24. To open and maintain bank accounts, including checking and/or savings accounts in the name of the guardianship;
25. To have a copy of the Last Will and Testament and to take possession of the original Last Will and Testament of the alleged incapacitated person;
26. To determine who shall provide routine dental, medical, psychiatric and psychological care as well as emergency personal care or assistance for D [REDACTED] L [REDACTED];
27. To make decisions regarding social environment and other social aspects of the life of the alleged incapacitated person;
28. To determine whether the alleged incapacitated person should travel;
29. To determine whether the alleged incapacitated person should possess a license to drive;
30. To authorize access to or release of confidential records of the alleged incapacitated person;
31. To make decisions regarding education;
32. To consent to or refuse generally accepted routine or major medical or dental treatment, including the authority to give consent for the withholding or withdrawal of life sustaining treatment, including artificial nutrition and hydration, as well as authority to execute a Do Not Resuscitate (DNR) or Do Not Intubate (DNI) on behalf of D [REDACTED] L [REDACTED], consistent in accordance with the patient's wishes, including the patient's religious and moral beliefs, or if the patient's wishes are not known and cannot be ascertained with reasonable diligence, in accordance with the person's best interests, including a consideration of the dignity and uniqueness of every person, the possibility and extent of preserving the person's life, the preservation, improvement or restoration of the person's health or functioning, the relief of the person's suffering, the adverse side effects associated with the treatment, any less intrusive alternative treatments, and such other concerns and values as a reasonable person in the alleged incapacitated person's circumstances would wish to consider;
33. To choose the place of abode of the alleged incapacitated person; and further
34. To exercise such other authority as the Court deems necessary.



SUFFICIENT reason appearing therefore, it is

**ORDERED**, that W [REDACTED] L [REDACTED] is hereby appointed as Temporary Guardian of the personal needs and property management of D [REDACTED] L [REDACTED] to address immediate medical and financial needs, including but not limited to long-term care residential placement, Medicaid planning and Medicaid application issues, without delay, pending a final determination of this Court, and it is further

**ORDERED**, that the Court Evaluator named hereinabove shall have access to the financial, medical and/or neurological records of D [REDACTED] L [REDACTED] to complete the investigation, and it is further

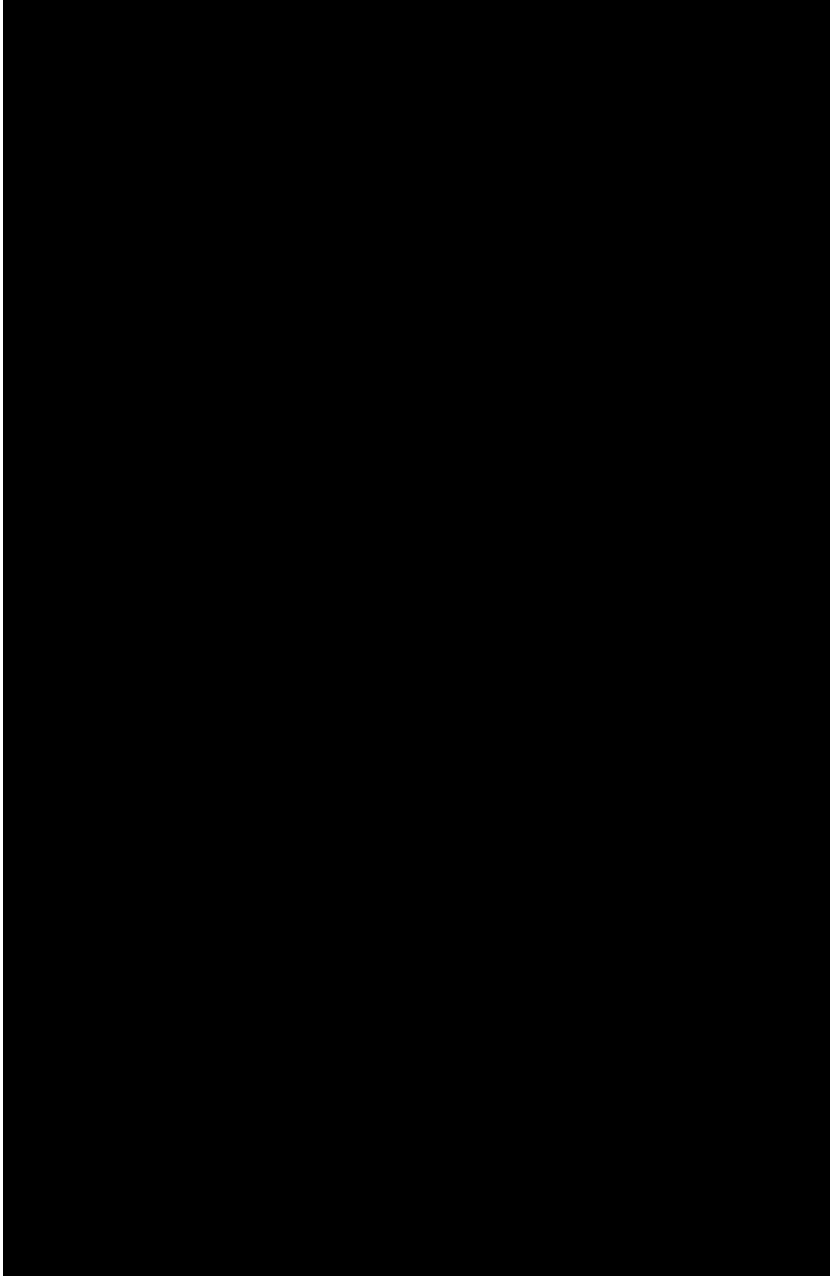
**ORDERED**, that personal service of a copy of this Order and the papers upon which it is granted upon D [REDACTED] L [REDACTED] on or before the 11<sup>th</sup> day of November, 2019 be deemed good and sufficient service, and it is further

**ORDERED**, that Matthew Larcoe, Esq. is hereby appointed Court Evaluator herein to explain this proceeding to D [REDACTED] L [REDACTED] to investigate the claims made in the Petition, ascertain D [REDACTED] L [REDACTED] consent to the proceedings, and report to the Court the functional abilities and limitations of D [REDACTED] L [REDACTED], in this proceeding, and that service by U.S. first class, postage paid mail of a copy of this Order and the papers upon which it is granted upon the Court Evaluator on or before the 11<sup>th</sup> day of November, 2019, be deemed good and sufficient service, and it is further

**ORDERED**, that service by U.S. first class mail of a copy of this Order and the papers upon which it is granted upon the following persons be deemed good and sufficient service, and that proof of service be filed with the Clerk of Court:

Name and Address

Relationship to AIP



on or before the 11<sup>th</sup> day of November, 2019, be deemed good and sufficient service.

Dated at Buffalo, New York, this 4<sup>th</sup> day of November, 2018.  
2019

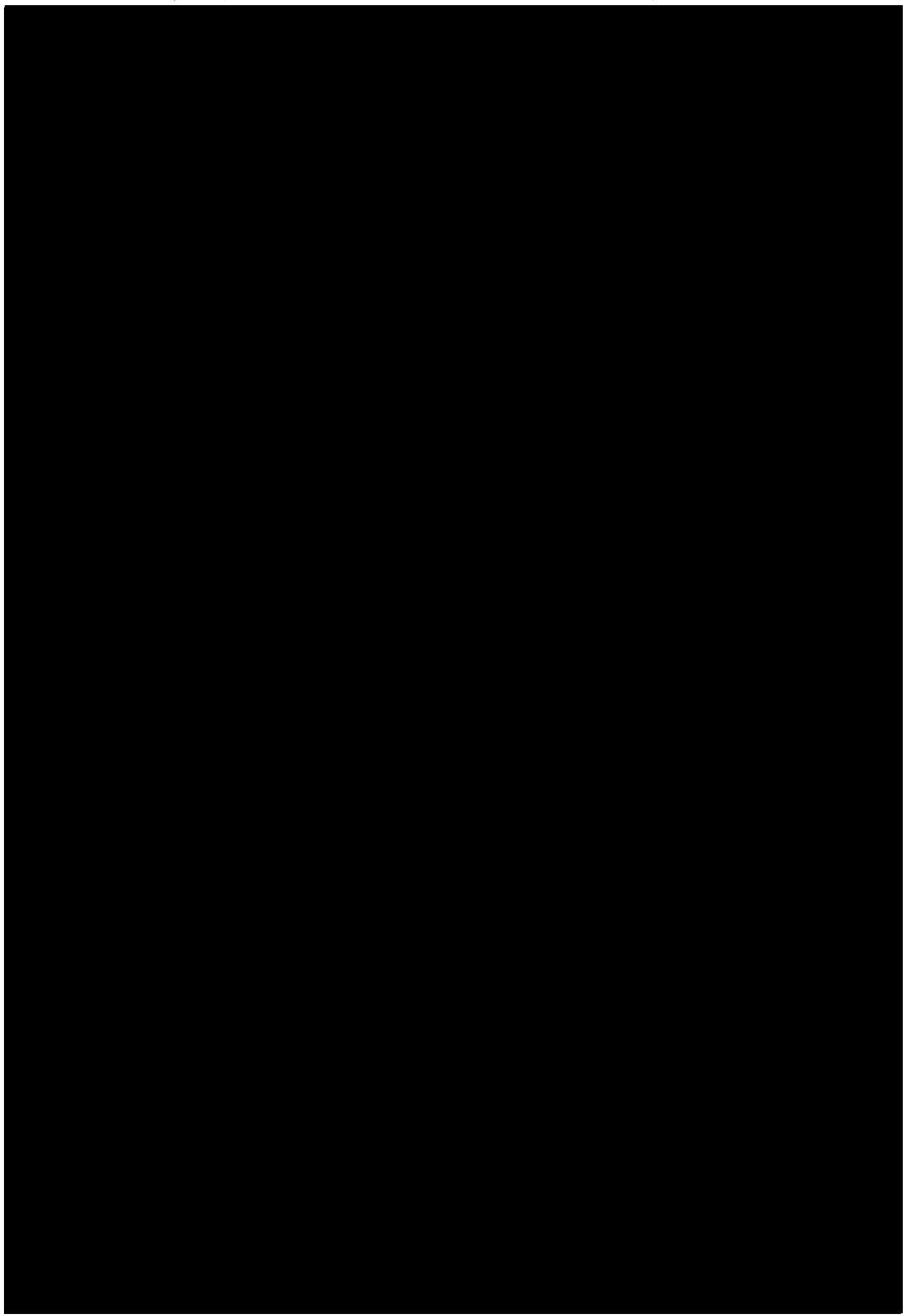
MARK J. GRISANTI, J.S.C.

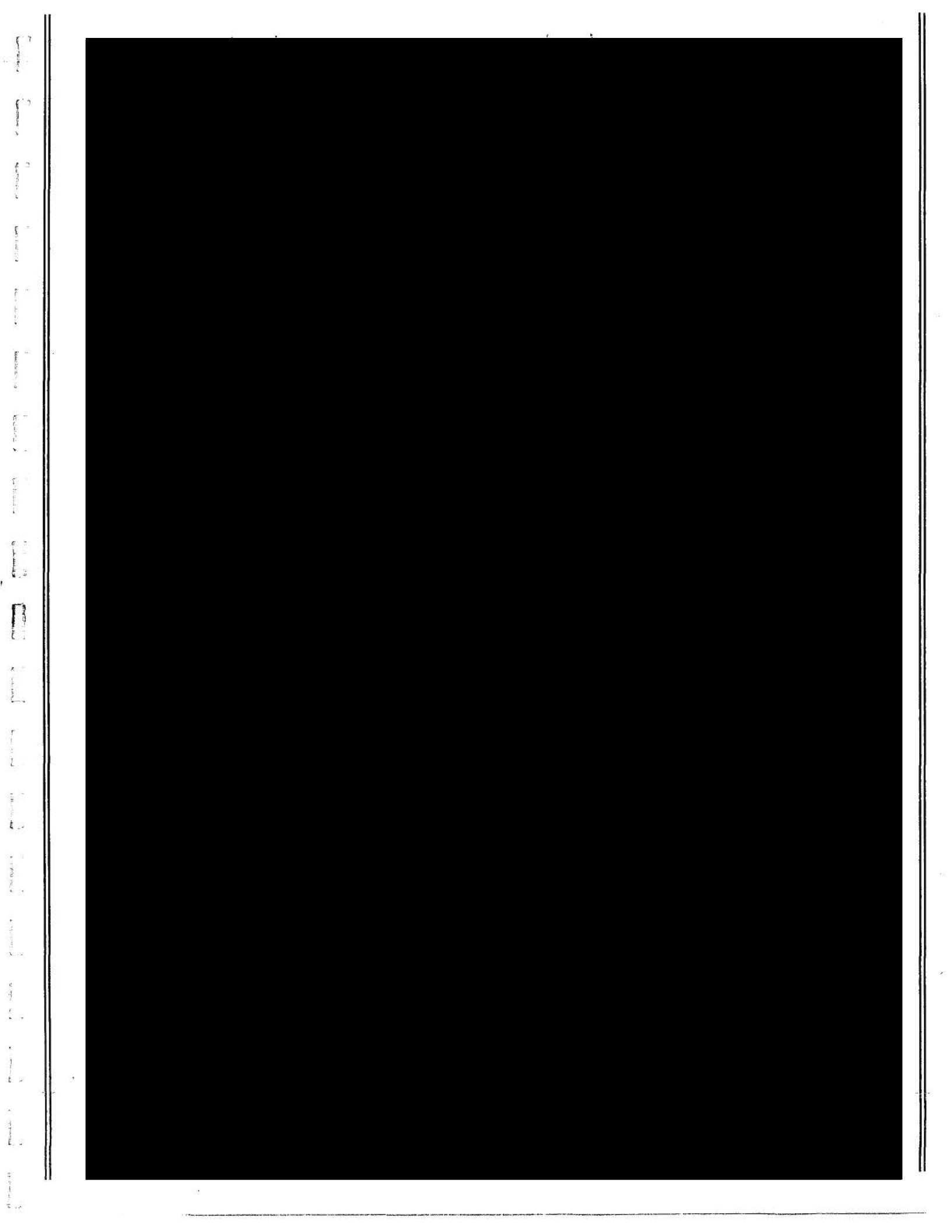
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Hon. \_\_\_\_\_, JSC

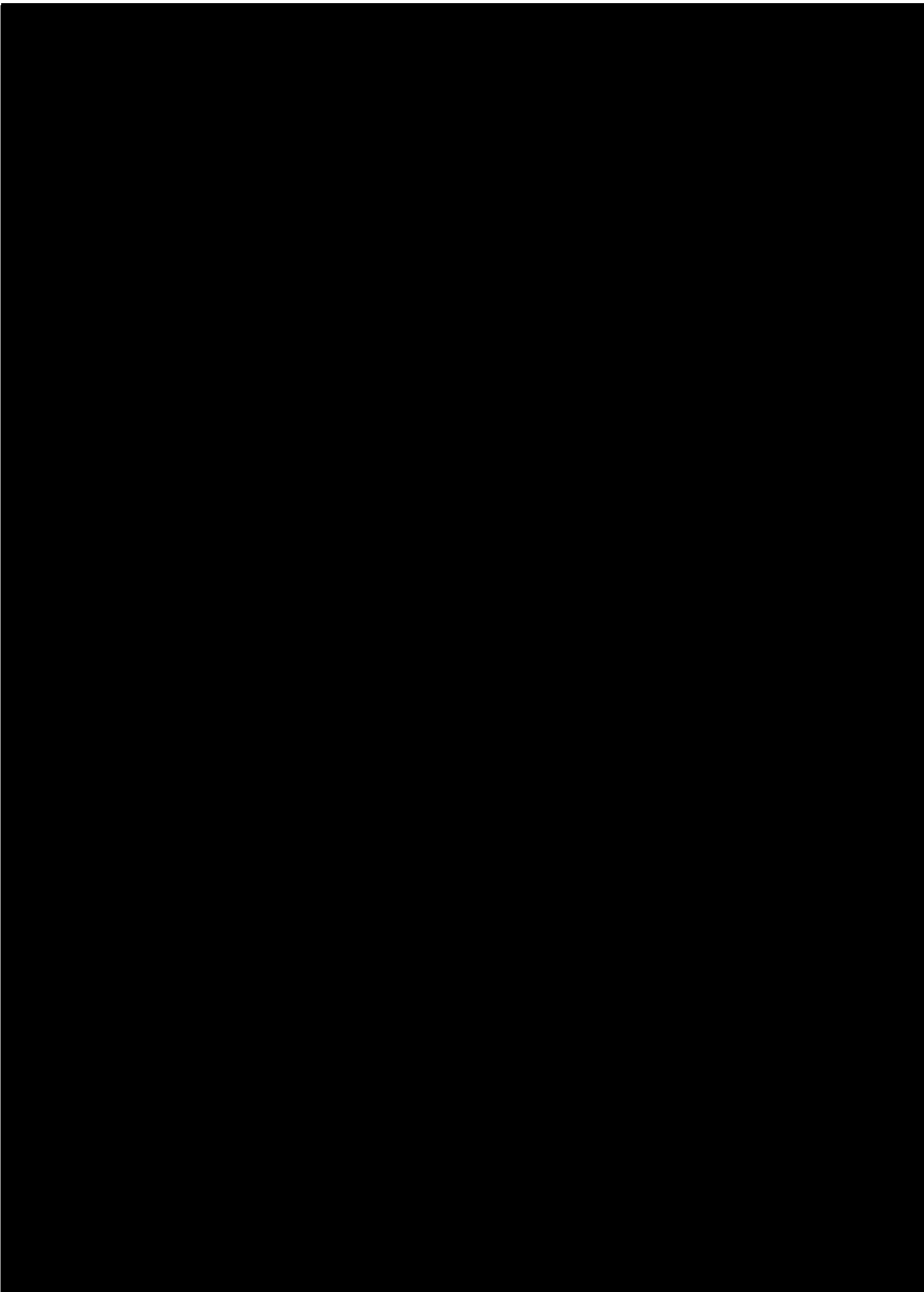
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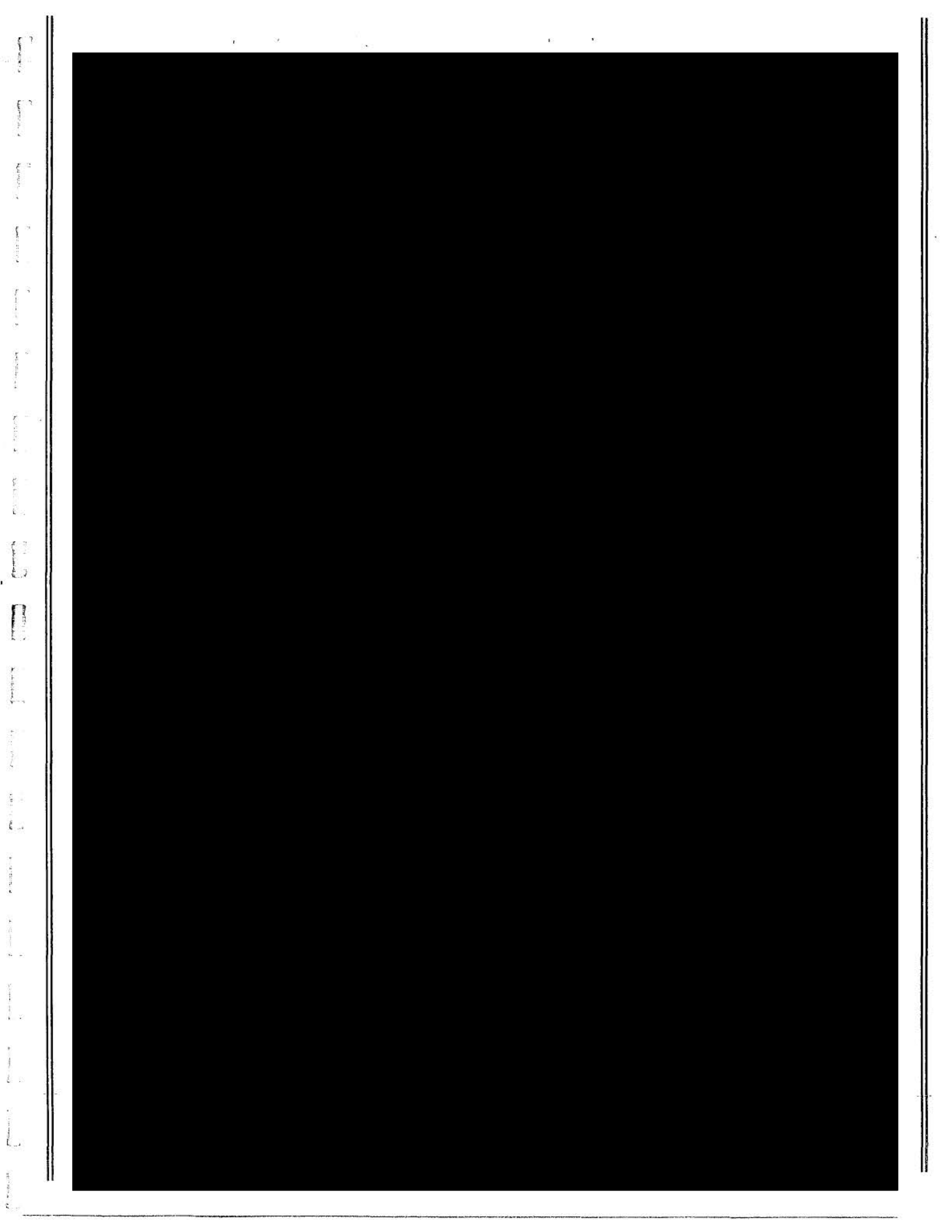




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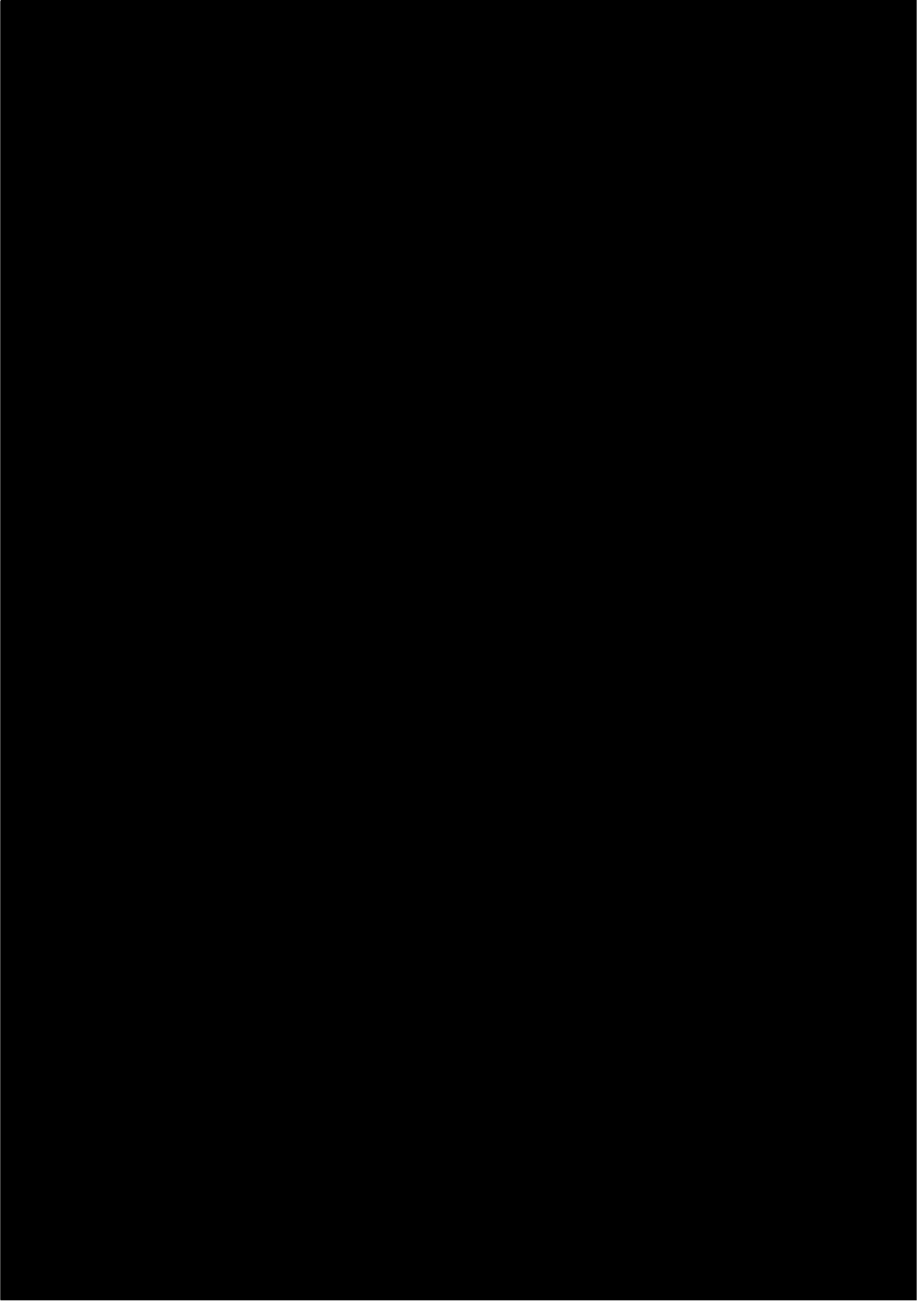


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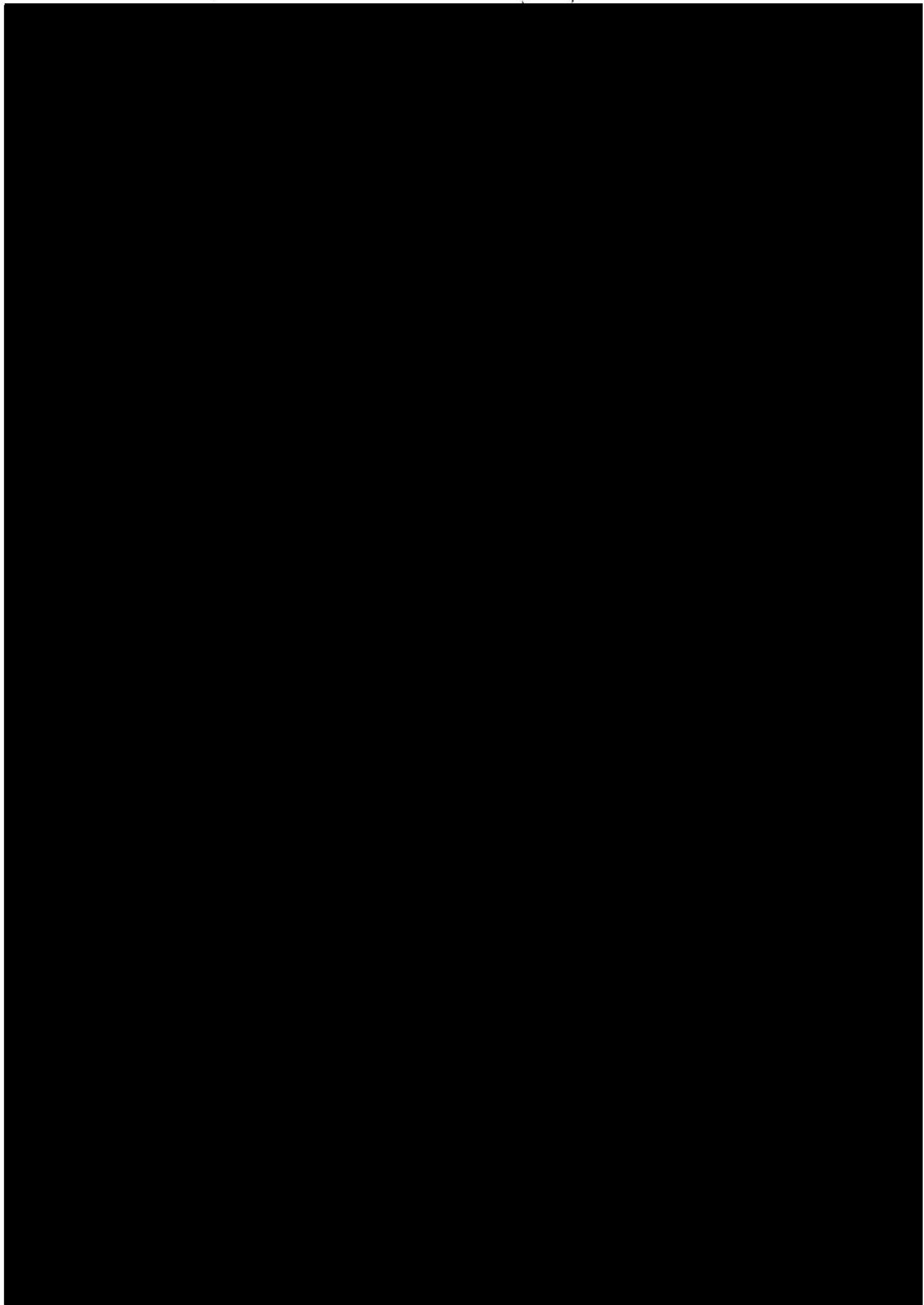
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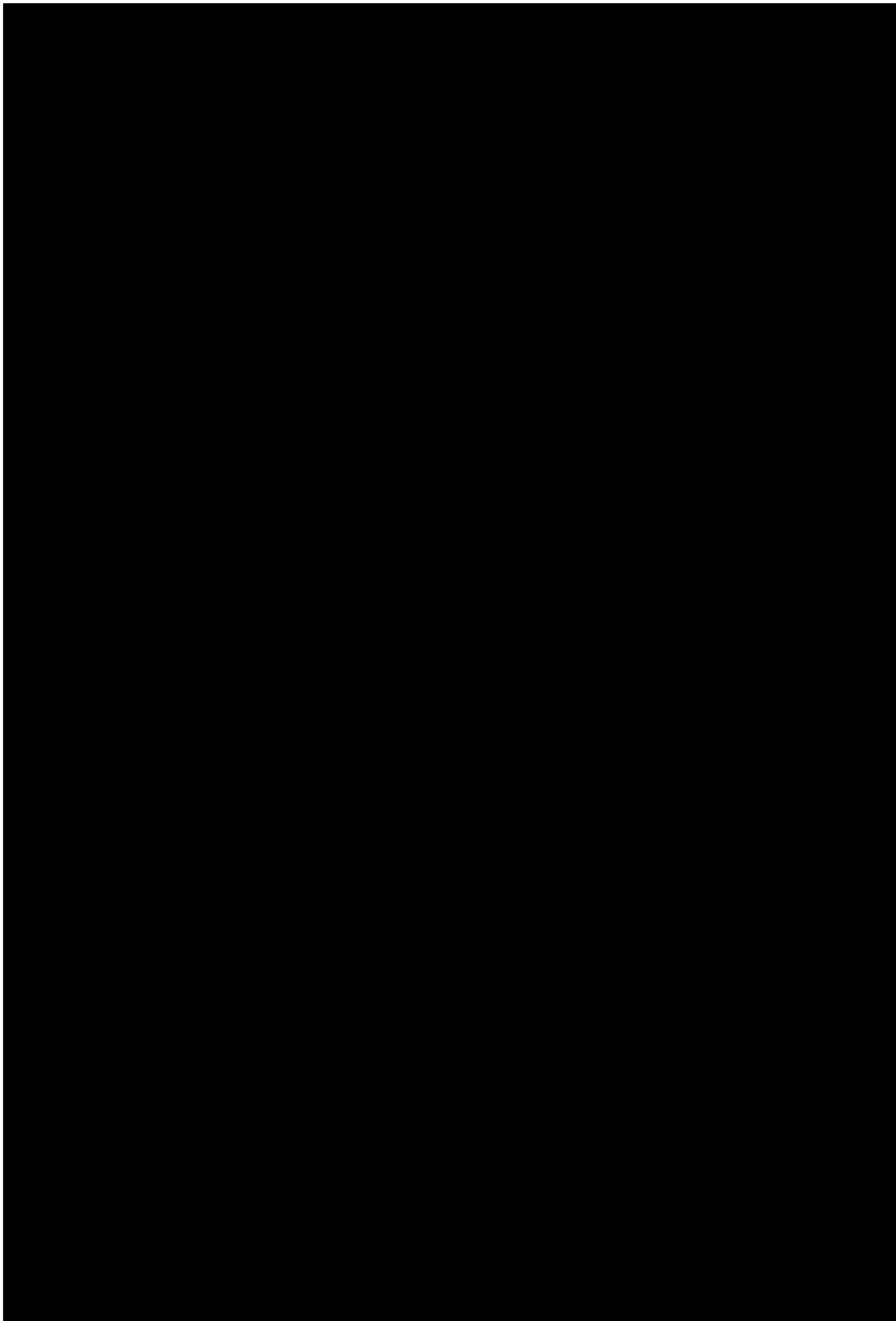
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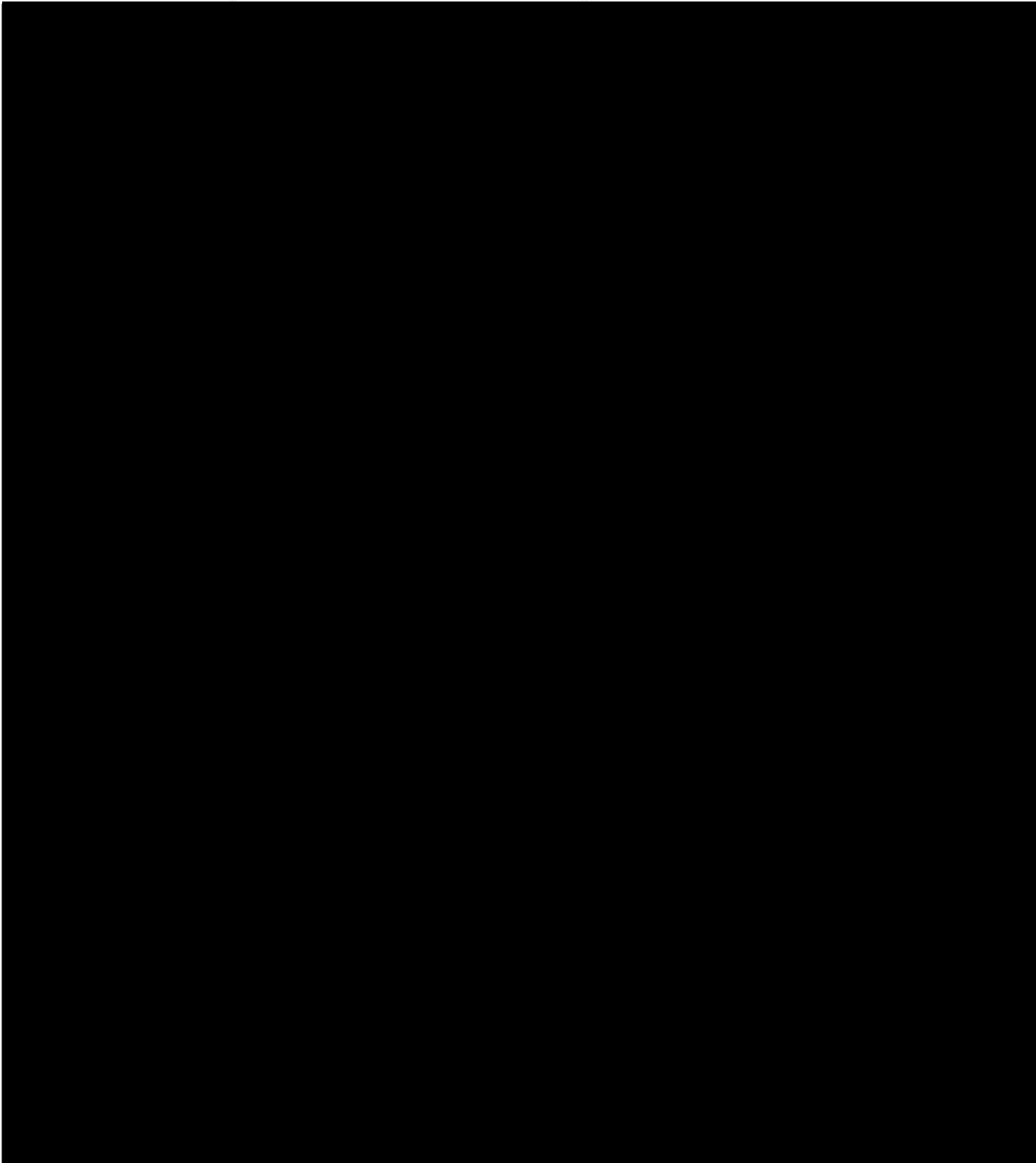


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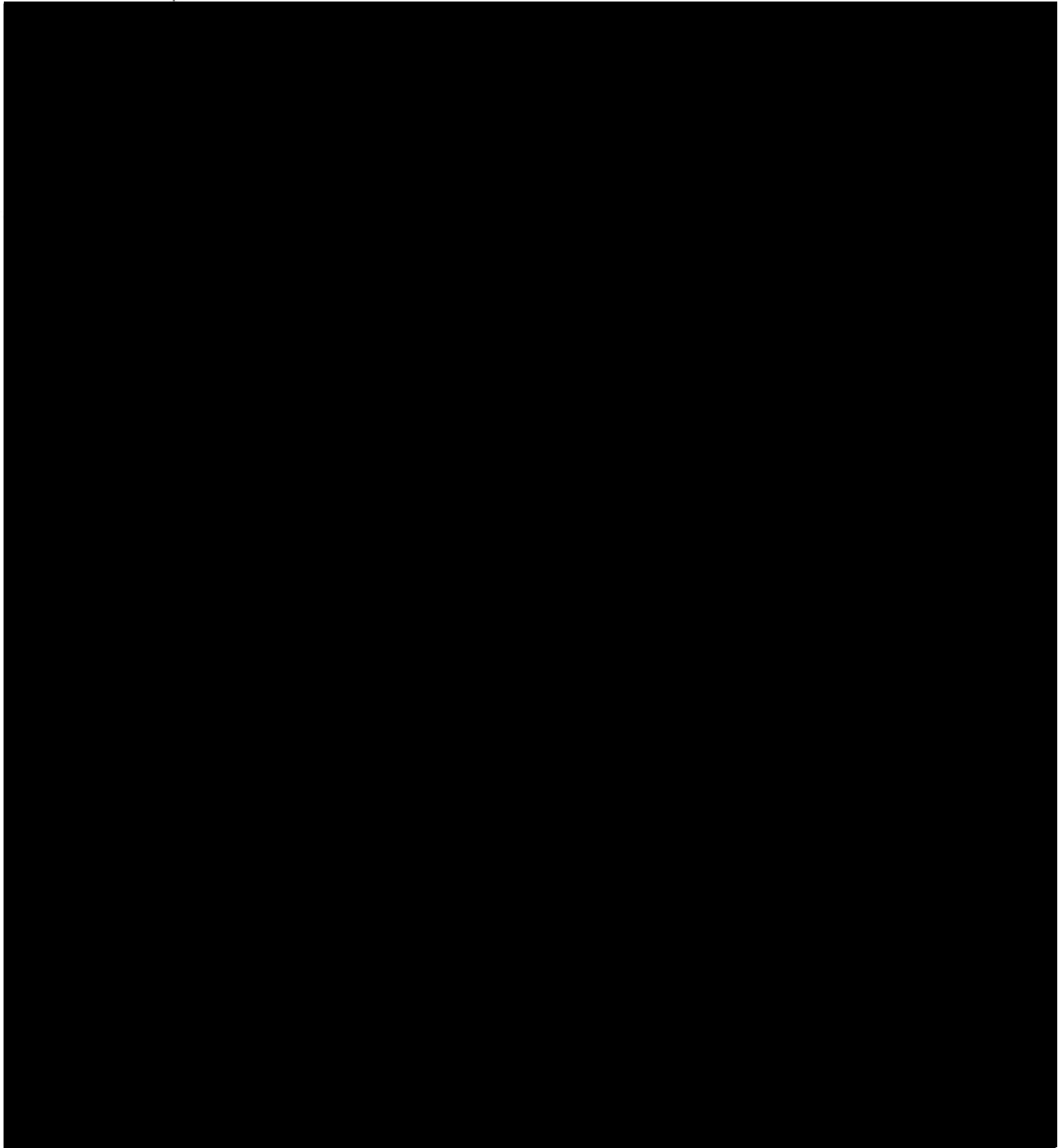


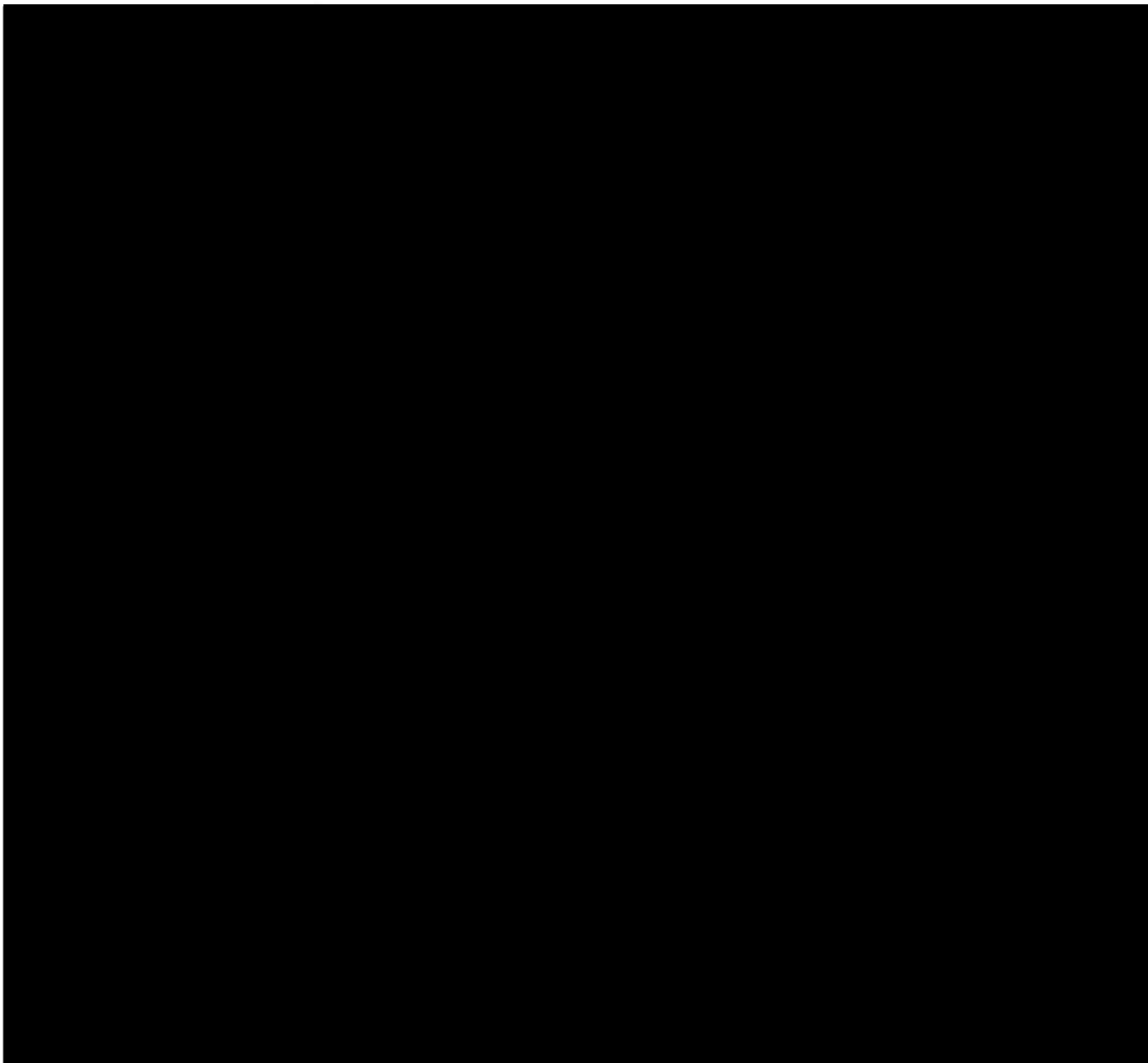


Page 1 of 1



(H2434150.1)





{H2434150.1}

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**HOGANWILLIG**  
Attorneys at Law  
2410 NORTH FOREST ROAD | SUITE 301 | AMHERST, NEW YORK 14068  
Phone: 716.636.7600 | Toll Free: 800.636.5255 | Fax: 716.636.7606 | [www.hoganwillig.com](http://www.hoganwillig.com)

At a Term of the Supreme Court of the State of New York, in and for the County of Erie, held in the City of Buffalo, on the 14<sup>th</sup> day of April, 2020.

PRESENT: HON. MARK J. GRISANTI, J.S.C.

STATE OF NEW YORK  
SUPREME COURT : COUNTY OF ERIE

In the Matter of the Application of  
W [REDACTED] . L [REDACTED] for the  
Appointment of a Guardian  
for the Personal Needs and Property Management of

**ORDER  
APPOINTING  
GUARDIAN**

Index No. SF 2019-902343

D [REDACTED] . L [REDACTED]

An Alleged Incapacitated Person

Under Article 81 of the Mental Hygiene Law.

The Petition of W [REDACTED] . L [REDACTED], verified October 30, 2019, having been presented to this Court, wherein it was alleged that D [REDACTED] . L [REDACTED] is incapacitated and requires a Guardian pursuant to Mental Hygiene Law Article 81;

AND the Court, by the Order to Show Cause filed on November 7, 2019, having appointed MATTHEW LAZROE, ESQ., as the Court Evaluator for the within proceeding pursuant to Mental Hygiene Law §81.09;

AND the Court, by the Order to Show Cause filed on November 7, 2019, having required notice of the presentation of the said Petition to be given to D [REDACTED] . L [REDACTED], the Incapacitated Person; and to MATTHEW LAZROE, ESQ., the Court Evaluator; and to [REDACTED], the Adult Son of D [REDACTED] . L [REDACTED]; [REDACTED], the Adult Daughter of D [REDACTED] . L [REDACTED]; [REDACTED], the Mother of D [REDACTED] . L [REDACTED]; [REDACTED], an Adult Sibling of

{H2509837.1}

**HOGANWILLIG**

Attorneys at Law

2410 North Forest Road, Amherst, New York 14068

Phone (716)636-7600 (800)636-5255 Fax (716)636-7606 www.hoganwillig.com

D [REDACTED] L [REDACTED]; [REDACTED], an Adult Sibling of D [REDACTED] L [REDACTED]; [REDACTED] [REDACTED] an Adult Sibling of D [REDACTED] L [REDACTED]; [REDACTED], an Adult Sibling of D [REDACTED] L [REDACTED]; and to [REDACTED], for and on the behalf of **ERIE COUNTY MEDICAL CENTER**; and proof of due service upon each of the aforesaid interested persons having been duly filed; and this Court having jurisdiction in accordance with Mental Hygiene Law §81.04;

AND the Court, having appointed W [REDACTED] L [REDACTED] as the Temporary Guardian for the Personal Needs and Property Management of D [REDACTED] L [REDACTED], by the Order to Show Cause filed on November 7, 2019; in accordance with Mental Hygiene Law §81.23;

AND upon proceedings at the Court held on December 5, 2019; January 14, 2020; and February 21, 2020;

AND the Court having thereupon considered the said Petition presented, and the Order to Show Cause, filed on November 7, 2019;

AND **HOGANWILLIG, ATTORNEYS AT LAW (STEPHEN R. SILVERSTEIN, ESQ.,** of counsel) having appeared as counsel for the Petitioner, W [REDACTED] L [REDACTED], and the said W [REDACTED] L [REDACTED] having also personally appeared;

AND **MATTHEW LAZROE, ESQ.,** the Court Evaluator, having also appeared, and having asked that the appearance of D [REDACTED] L [REDACTED] be waived, in view of D [REDACTED] L [REDACTED] condition rendering him unable to meaningfully participate in the within proceeding;

AND **MARK S. CARNEY, ESQ.,** having appeared as counsel for [REDACTED], the ex-wife of D [REDACTED] L [REDACTED];

AND upon all pleadings and proceedings heretofore had herein;

AND the Court having expanded the powers of the said Temporary Guardian for the Personal Needs and Property Management by the Order file January 22, 2020, to include authority to address

issues arising from and related to the Final Judgment of Dissolution of Marriage, by and between [REDACTED] and D [REDACTED] . I [REDACTED], filed June 18, 2015, granted by the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida;

AND the said Temporary Guardian for the Personal Needs and Property Management having settled and compromised a claim by [REDACTED] [REDACTED] for unpaid alimony owed to her by the said D [REDACTED] . I [REDACTED], and the said Temporary Guardian for the Personal Needs and Property Management and the said [REDACTED] [REDACTED] having each signed a Mutual Release for the said settlement and compromise, and the said Temporary Guardian for the Personal Needs and Property Management having paid the said [REDACTED] [REDACTED] the sum and amount of Twenty-Five Thousand Dollars (\$25,000.00) in full and complete settlement of the said claim of [REDACTED] [REDACTED] against D [REDACTED] . I [REDACTED];

AND MATTHEW A. LAZROE, ESQ., as Court Evaluator, having filed his Report and Recommendation dated February 20, 2020, and having recommended that the Court find and determine that D [REDACTED] . I [REDACTED] is an Incapacitated Person and that the Court appoint the Petitioner, W [REDACTED] . I [REDACTED], as Guardian of the Personal Needs and Property Management of the said D [REDACTED] . I [REDACTED];

AND it appearing to the satisfaction of the Court, based upon clear and convincing evidence, that it is necessary to appoint a permanent Guardian for the Personal Needs and Property Management for D [REDACTED] . I [REDACTED], in that D [REDACTED] . I [REDACTED] is an incapacitated person and suffers from functional limitations that render him unable to provide for her personal needs and property management; in accordance with Mental Hygiene Law §81.02 and §81.05;

AND there being no further opposition to the relief requested herein;

AND due deliberation having been had thereon;

NOW, THEREFORE, it is hereby



ORDERED, that, W [REDACTED] L [REDACTED], shall serve as Guardian for the Property Management for D [REDACTED] L [REDACTED], an Incapacitated Person, with full powers allowed under Mental Hygiene Law §81.21, including, but not limited to, the following:

- A. The power to take possession of and/or recover all of the assets of D [REDACTED] L [REDACTED], including, but not limited to, bank accounts, trust assets, investment accounts, and real estate, to liquidate same if necessary and open an appropriate guardianship account to invest and reinvest assets of D [REDACTED] L [REDACTED] as provided under the law;
- B. To apply for Medicaid or other government assistance for hospitalization, rehabilitative care or potential future residential placement;
- C. To engage in estate and Medicaid planning, as deemed reasonable and necessary to protect assets for Medicaid planning purposes, subject to the review and approval of the Court;
- D. To sign any listing agreement and/or convey and/or sell any and all real property owned by D [REDACTED] L [REDACTED], if any, subject to appropriate application and authority by this Court;
- E. To convey or release contingent and expectant interests in property, including any right of survivorship incidental to joint tenancy or tenancy by the entirety;
- F. To enter into contracts;
- G. To create revocable or irrevocable trusts of property of the estate which may extend beyond the incapacity or life of D [REDACTED] L [REDACTED], subject to appropriate application and authority by this Court;
- H. To exercise options of D [REDACTED] L [REDACTED] to purchase or sell securities or other investment property;
- I. To exercise rights to elect options and change beneficiaries under insurance and annuity policies and to surrender the policies for their cash value;
- J. To renounce or disclaim any interest by testate or intestate succession or by inter vivos transfer consistent with paragraph (c) of section 2-1.11 of the Estates, Powers and Trusts Law;
- K. To apply for any and all Federal and State government and/or private benefits;
- L. To authorize access to or release of confidential records;
- M. To marshal assets and to receive all income from the assets of D [REDACTED] L [REDACTED];

- N. To pre-pay the funeral and burial expenses of D [REDACTED] . L [REDACTED];
- O. To pay such bills as may be reasonably necessary to maintain D [REDACTED] . L [REDACTED];
- P. To invest funds of D [REDACTED] . L [REDACTED] as permitted by section 11-2.3 of the Estates, Powers and Trusts Law;
- Q. To lease the primary residence, or other real property in which D [REDACTED] . L [REDACTED] has an ownership interest, if any, for up to three years;
- R. To retain an accountant, attorney, investment advisor and other professionals, if necessary;
- S. To pursue any and all claims which D [REDACTED] . L [REDACTED] may have against any individual;
- T. To pay bills after the death of D [REDACTED] . L [REDACTED] provided the authority existed to pay such bills prior to death until a temporary administrator or executor is appointed;
- U. To defend or maintain any judicial action or proceeding to a conclusion until an executor or administrator is appointed;
- V. To open and maintain bank accounts, including checking and/or savings accounts in the name of the guardianship;
- W. To have a copy of the Last Will and Testament and Codicil, if any, and to take possession of the original Last Will and Testament and Codicil of I [REDACTED] . L [REDACTED];
- X. To file any original Last Will and Testament of D [REDACTED] . L [REDACTED] and any Codicil of D [REDACTED] . L [REDACTED] in the Erie County Surrogate's Court for safekeeping, and to receive and hold any receipt or receipts issued by the Erie County Surrogate's Court.
- Y. To establish a pre-paid funeral expenses account for D [REDACTED] . L [REDACTED];
- Z. To engage in financial planning in anticipation of applying for any government benefits to which D [REDACTED] . L [REDACTED] may be entitled, including, but not limited to, Medicare or Social Security benefit.
- AA. To retain an attorney in the State of Florida for litigation arising from injuries alleged to have been suffered by D [REDACTED] . L [REDACTED] that resulted in or contributed to the incapacity of the said D [REDACTED] . L [REDACTED];

And it is further

**ORDERED**, that, W [REDACTED] [REDACTED]. L [REDACTED] shall serve as Guardian for the Personal Needs for D [REDACTED] [REDACTED]. L [REDACTED], an Incapacitated Person, with full powers allowed under Mental Hygiene Law §81.22, including, but not limited to, the following:

- A. To authorize access to or release of medical or psychological confidential records, including information governed by the Health Insurance Portability and Accountability Act of 1996 (a/k/a HIPAA), 42 USC 1320d and 45 CFR 160-164;
- B. To determine who shall provide routine dental, medical, psychiatric and psychological care as well as emergency personal care or assistance for D [REDACTED] [REDACTED]. L [REDACTED];
- C. To make decisions regarding social environment and other social aspects of the life of D [REDACTED] [REDACTED]. L [REDACTED];
- D. To determine whether D [REDACTED] [REDACTED]. L [REDACTED] should travel;
- E. To determine whether D [REDACTED] [REDACTED]. L [REDACTED] should possess a license to drive;
- F. To make decisions regarding education of D [REDACTED] [REDACTED]. L [REDACTED];
- G. To consent to or refuse generally accepted routine or major medical or dental treatment, including the authority to give consent for the withholding or withdrawal of life sustaining treatment, including artificial nutrition and hydration, as well as authority to execute a Do Not Resuscitate (DNR) or Do Not Intubate (DNI) on behalf of D [REDACTED] [REDACTED]. L [REDACTED], consistent in accordance with the patient's wishes, including the patient's religious and moral beliefs, or if the patient's wishes are not known and cannot be ascertained with reasonable diligence, in accordance with the person's best interests, including a consideration of the dignity and uniqueness of every person, the possibility and extent of preserving the person's life, the preservation, improvement or restoration of the person's health or functioning, the relief of the person's suffering, the adverse side effects associated with the treatment, any less intrusive alternative treatments, and such other concerns and values as a reasonable person in D [REDACTED] [REDACTED]. L [REDACTED] circumstances would wish to consider;
- H. To choose the place of abode of D [REDACTED] [REDACTED]. L [REDACTED];
- I. To obtain medical evaluations and personal care or assistance for D [REDACTED] [REDACTED]. L [REDACTED], and determine who shall provide such care or assistance;
- J. To retain any physical or medical assistance personnel needed to assist D [REDACTED] [REDACTED]. L [REDACTED];
- K. To enroll or continue enrollment of D [REDACTED] [REDACTED]. L [REDACTED] in a psychiatric or mental health facility, if a physician's evaluation determines such an enrollment to be necessary;

- L. To apply for, oversee, and manage any government benefits and/or financial assistance available in light of his circumstances, including, but not limited to, Medicaid;
- M. To assist D [REDACTED] [REDACTED]. L [REDACTED] in obtaining medical, dental, or psychiatric care and treatment, and to consent to or refuse major medical, dental or psychiatric treatment;
- N. To assist D [REDACTED] [REDACTED]. [REDACTED] in planning and implementing decisions concerning his personal needs, living arrangements, social environment, and other personal aspects of his life, including visitation or access by relatives or friends;
- O. To hire professionals, as necessary;
- P. To authorize access to or the release of confidential records;
- Q. To exercise such other authority as the Court deems necessary;

AND, it is further

**ORDERED** that the Guardian for the Personal Needs and Property Management shall afford D [REDACTED] [REDACTED]. L [REDACTED] the greatest amount of independence and self-determination with respect to such needs and property in light of said D [REDACTED] [REDACTED]. L [REDACTED]'s functional level, understanding and appreciation of her financial limitations, and personal wishes, preferences and desires with regard to managing the activities of daily living, and it is further

**ORDERED** that the Guardian for Property Management shall marshal the assets of D [REDACTED] [REDACTED]. L [REDACTED] for the purpose of investing such assets as would a prudent person of discretion and intelligence in such matters seeking reasonable income, and to apply so much of the income and principal as is necessary for the comfort, support, maintenance and well-being of said D [REDACTED] [REDACTED]. L [REDACTED], said assets to be held in account(s) titled:

“W [REDACTED] . L [REDACTED], as Property Management Guardian for D [REDACTED] . L [REDACTED],” and it is further

**ORDERED** that W [REDACTED] . L [REDACTED], as Guardian for the Property Management, is herein authorized to pay any bills, expenses and invoices of D [REDACTED] . L [REDACTED], which may have accrued prior to her appointment, and it is further

**ORDERED** that W [REDACTED] . L [REDACTED], as Guardian for the Property Management of D [REDACTED] . L [REDACTED], is hereby authorized to create a supplemental needs trust, authorized under EPTL §7-1.12, with the property of D [REDACTED] . L [REDACTED], *if needed*, provided, however, that any such supplemental needs trust shall be subject to the approval of the court and shall be on notice to interested parties including but not limited to the Erie County Department of Social Services; and it is further

**ORDERED** that the Guardian for the Personal Needs and Property Management shall visit D [REDACTED] . L [REDACTED] not less than four (4) times a year, and it is further

**ORDERED** that the Guardian for the Personal Needs and Property Management of D [REDACTED] . L [REDACTED] shall serve without bond, and it is further

**ORDERED** that the duration of this Guardianship shall continue until further Order of this Court, and it is further

**ORDERED** that any Power of Attorney signed by D [REDACTED] . L [REDACTED], of which D [REDACTED] . L [REDACTED] is the Principal or Grantor, is hereby revoked and superceded by the within Order Appointing Guardian and is hereby declared to be null and void; and it is further

**ORDERED**, that any Health Care Proxy signed by D [REDACTED] . L [REDACTED], of which D [REDACTED] . L [REDACTED] is the Principal, shall remain in force and effect, but only to the extent that the Health Care Proxy conforms to the within Order Appointing Guardian; and it is further

**ORDERED**, that the appointment of W [REDACTED] . L [REDACTED], as the Temporary Guardian for the Personal Needs and Property Management of D [REDACTED] . L [REDACTED], is hereby revoked and superceded by the within Order Appointing Guardian; and it is further

**ORDERED**, that pursuant to Mental Hygiene Law §81.30, no later than ninety (90) days after the issuance of a Commission to the Guardian, the Guardian shall file with the Court an initial report in a form prescribed by the Court, and, thereafter, the Guardian shall file an annual report in the form required by Mental Hygiene Law §81.31, in the office of the Clerk of the Court, and it is further

**ORDERED**, that the Guardian shall not be required to complete the court authorized training required by law, in view of the Guardian having already completed that training, and a copy of the certificate confirming completion of the said guardianship training being attached to the within Order Appointing Guardian and made a part hereof; and it is further



**ORDERED**, that **MATTHEW LAZROE, ESQ.**, shall receive compensation in the amount of Five thousand Three Hundred Dollars and  $\frac{51}{100}$  (\$ 5,032.50), for legal services rendered herein by the Court Evaluator, payable by the Guardian for Property Management from **D [REDACTED] L [REDACTED]**'s assets provided, however, that **MATTHEW LAZROE, ESQ.** shall remain as the Court Evaluator in view of possible further proceedings, until the said Court Evaluator is discharged by further Order of the Court; and it is further

**ORDERED**, that **HOGANWILLIG, ATTORNEYS AT LAW (STEPHEN R. SILVERSTEIN, ESQ., of counsel)**, as counsel for the Petitioner, shall receive compensation in the total amount of Twelve Thousand and  $\frac{5}{100}$  (\$ 12,000), for legal services and expenses rendered herein for the Petitioner, payable by the Guardian for Property Management, provided, however, that of this total amount, five thousand dollars (\$5,000.00) was already paid by **W [REDACTED] L [REDACTED]**, from funds belonging to **D [REDACTED] L [REDACTED]**, as and for an initial retainer and amount credited towards disbursements, leaving a balance due and owing in the amount of Seven Thousand and  $\frac{5}{100}$  (\$ 7,000); and it is further

**ORDERED**, that **D [REDACTED] L [REDACTED]** shall receive a mental health evaluation no later than two (2) years following the date that the within Order Appointing Guardian is filed, and every two (2) years thereafter, to determine if **[REDACTED] L [REDACTED]**' mental health has improved to the point of no longer requiring a Guardian; and the Guardian for Personal Needs shall file copies of any such mental health evaluation with both the Court and the Court Evaluator; and it is further

{H2509837.1}

**ORDERED** that notice of all future proceedings shall be provided to the following:

**MATTHEW LAZROE, ESQ.**  
43 Court Street, Suite 1111  
Buffalo, New York 14202

**HOGANWILLIG**  
**(STEPHEN R. SILVERSTEIN, ESQ.)**  
2410 North Forest Road  
Suite 301  
Amherst, New York 14068

And it is further;

**ORDERED** that pursuant to §81.16(e) of the Mental Hygiene Law, a copy of this Order shall be personally served upon and explained to D [REDACTED] . L [REDACTED] by the Guardian for Personal Needs and Property Management, and the said Guardian for Personal Needs and Property Management shall duly file proof of such service; and it is further

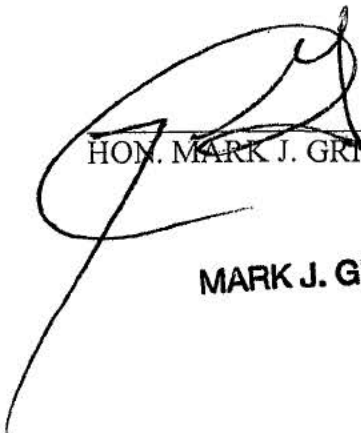
**ORDERED** that pursuant to §81.27 of the Mental Hygiene Law, and upon the filing of such designation as required by statute, commissions in the due form of law shall be issued by the Clerk of the Court; and it is further

**ORDERED**, that the Erie County Clerk's Office shall seal and keep sealed all papers filed in this proceeding and may not exhibit the Court records to anyone other than a party, except by Order of the Court to someone properly interested; and it is further



**ORDERED**, that any publication of this matter or reference made thereto shall identify the subject of the Petition by the first and last initial of the Alleged Incapacitated Person.

**IT IS SO ORDERED.**



HON. MARK J. GRISANTI, J.S.C.

Entered:

**MARK J. GRISANTI, J.S.C.**

STEPHEN R. SILVERSTEIN  
ATTORNEY

DIRECT LINE: 716.932.6787  
DIRECT FAX: 716.932.6797  
SSILVERSTEIN@HOGANWILLIG.COM



**HOGANWILLIG**  
**ATTORNEYS AT LAW**

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2410 NORTH FOREST ROAD | SUITE 301 | AMHERST, NEW YORK 14068  
PHONE: 716.636.7600 | TOLL FREE: 800.636.5255 | FAX: 716.636.7606

WWW.HOGANWILLIG.COM  
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ADDITIONAL OFFICES:  
155 SUMMER STREET  
BUFFALO, NY 14222

6133 ROUTE 219 S  
SUITE 1005  
ELLCOTTVILLE, NY 14731

43 CENTRAL AVENUE  
LANCASTER, NY 14086

770 DAVISON ROAD  
LOCKPORT, NY 14094

December 8, 2020

Hon. Mark J. Grisanti  
NYS Supreme Court  
25 Delaware Avenue, Part 15  
Buffalo, NY 14202  
Attn: Douglas J. Curella, Esq.

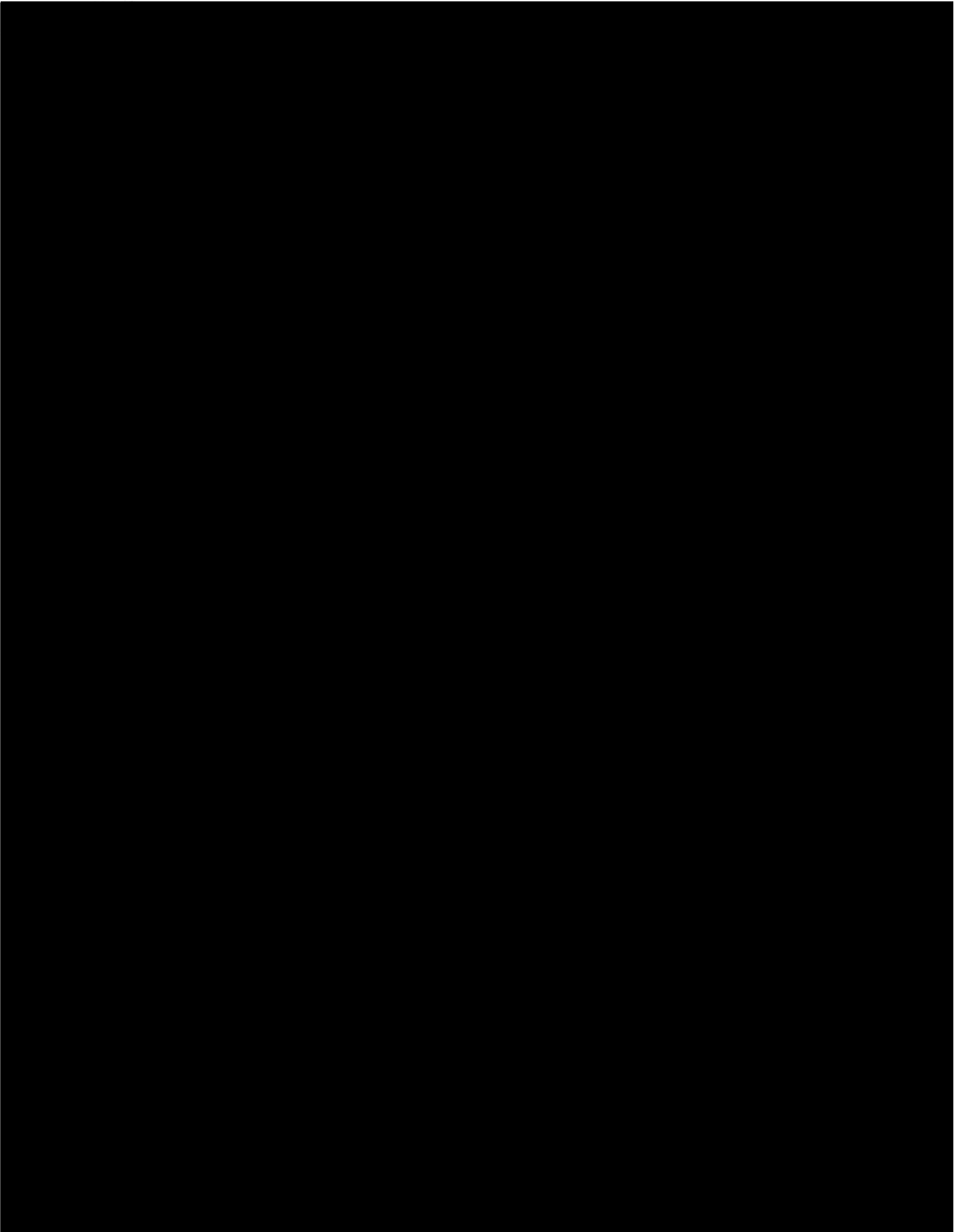
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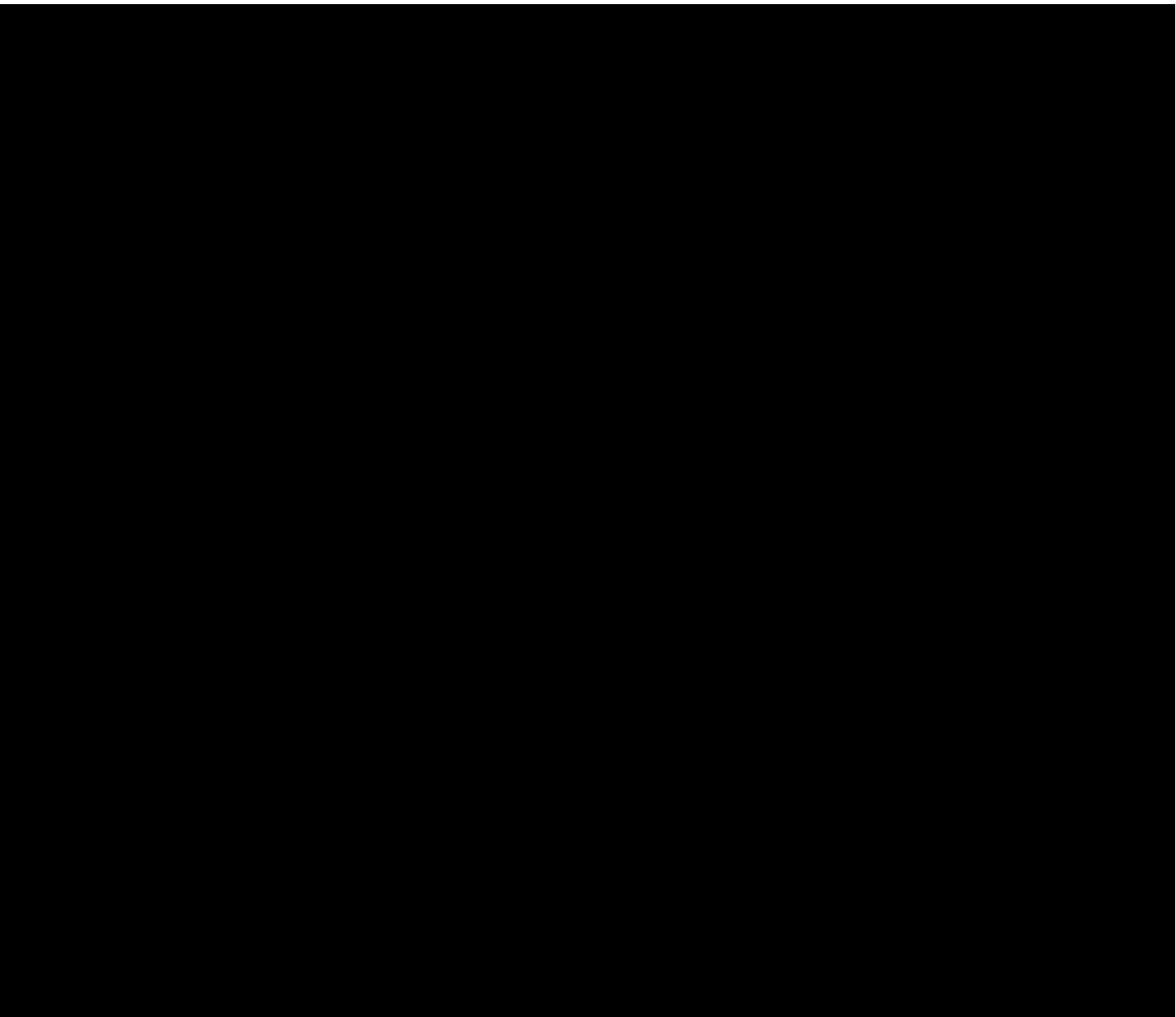


Please contact me if you have any questions.

Very truly yours,

Stephen R. Silverstein, Esq.





# **EXHIBIT “A”**

At a Term of the Supreme Court of the State of New York, in and for the County of Erie, held in the City of Buffalo, on the 14<sup>th</sup> day of April, 2020.

PRESENT: HON. MARK J. GRISANTI, J.S.C.

STATE OF NEW YORK  
SUPREME COURT : COUNTY OF ERIE

**FILED**  
ACTIONS & PROCEEDINGS

MAY 22 2020

ERIE COUNTY  
CLERK'S OFFICE

**ORDER  
APPOINTING  
GUARDIAN**

Index No. SF 2019-902343

In the Matter of the Application of  
W [REDACTED] L [REDACTED] for the  
Appointment of a Guardian  
for the Personal Needs and Property Management of

D [REDACTED] L [REDACTED]

An Alleged Incapacitated Person

Under Article 81 of the Mental Hygiene Law.

The Petition of W [REDACTED] L [REDACTED], verified October 30, 2019, having been presented to this Court, wherein it was alleged that D [REDACTED] L [REDACTED] is incapacitated and requires a Guardian pursuant to Mental Hygiene Law Article 81;

AND the Court, by the Order to Show Cause filed on November 7, 2019, having appointed MATTHEW LAZROE, ESQ., as the Court Evaluator for the within proceeding pursuant to Mental Hygiene Law §81.09;

AND the Court, by the Order to Show Cause filed on November 7, 2019, having required notice of the presentation of the said Petition to be given to D [REDACTED] L [REDACTED], the Incapacitated Person; and to MATTHEW LAZROE, ESQ., the Court Evaluator; and to [REDACTED], the Adult Son of D [REDACTED] L [REDACTED]; [REDACTED], the Adult Daughter of D [REDACTED] L [REDACTED]; [REDACTED] the Mother of D [REDACTED] L [REDACTED]; [REDACTED], an Adult Sibling of

issues arising from and related to the Final Judgment of Dissolution of Marriage, by and between [REDACTED] and D [REDACTED] L [REDACTED], filed June 18, 2015, granted by the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida;

AND the said Temporary Guardian for the Personal Needs and Property Management having settled and compromised a claim by [REDACTED] [REDACTED] for unpaid alimony owed to her by the said D [REDACTED] L [REDACTED], and the said Temporary Guardian for the Personal Needs and Property Management and the said [REDACTED] [REDACTED] having each signed a Mutual Release for the said settlement and compromise, and the said Temporary Guardian for the Personal Needs and Property Management having paid the said [REDACTED] [REDACTED] the sum and amount of Twenty-Five Thousand Dollars (\$25,000.00) in full and complete settlement of the said claim of [REDACTED] [REDACTED] against D [REDACTED] L [REDACTED];

AND MATTHEW A. LAZROE, ESQ., as Court Evaluator, having filed his Report and Recommendation dated February 20, 2020, and having recommended that the Court find and determine that D [REDACTED] L [REDACTED] is an Incapacitated Person and that the Court appoint the Petitioner, W [REDACTED] L [REDACTED], as Guardian of the Personal Needs and Property Management of the said D [REDACTED] L [REDACTED];

AND it appearing to the satisfaction of the Court, based upon clear and convincing evidence, that it is necessary to appoint a permanent Guardian for the Personal Needs and Property Management for D [REDACTED] L [REDACTED], in that D [REDACTED] L [REDACTED] is an incapacitated person and suffers from functional limitations that render him unable to provide for her personal needs and property management; in accordance with Mental Hygiene Law §81.02 and §81.05;

AND there being no further opposition to the relief requested herein;

AND due deliberation having been had thereon;

NOW, THEREFORE, it is hereby

ORDERED, that, W [REDACTED] L [REDACTED], shall serve as Guardian for the Property Management for D [REDACTED] L [REDACTED], an Incapacitated Person, with full powers allowed under Mental Hygiene Law §81.21, including, but not limited to, the following:

- A. The power to take possession of and/or recover all of the assets of D [REDACTED] L [REDACTED], including, but not limited to, bank accounts, trust assets, investment accounts, and real estate, to liquidate same if necessary and open an appropriate guardianship account to invest and reinvest assets of D [REDACTED] L [REDACTED] as provided under the law;
- B. To apply for Medicaid or other government assistance for hospitalization, rehabilitative care or potential future residential placement;
- C. To engage in estate and Medicaid planning, as deemed reasonable and necessary to protect assets for Medicaid planning purposes, subject to the review and approval of the Court;
- D. To sign any listing agreement and/or convey and/or sell any and all real property owned by D [REDACTED] L [REDACTED], if any, subject to appropriate application and authority by this Court;
- E. To convey or release contingent and expectant interests in property, including any right of survivorship incidental to joint tenancy or tenancy by the entirety;
- F. To enter into contracts;
- G. To create revocable or irrevocable trusts of property of the estate which may extend beyond the incapacity or life of D [REDACTED] L [REDACTED], subject to appropriate application and authority by this Court;
- H. To exercise options of D [REDACTED] L [REDACTED] to purchase or sell securities or other investment property;
- I. To exercise rights to elect options and change beneficiaries under insurance and annuity policies and to surrender the policies for their cash value;
- J. To renounce or disclaim any interest by testate or intestate succession or by inter vivos transfer consistent with paragraph (c) of section 2-1.11 of the Estates, Powers and Trusts Law;
- K. To apply for any and all Federal and State government and/or private benefits;
- L. To authorize access to or release of confidential records;
- M. To marshal assets and to receive all income from the assets of D [REDACTED] L [REDACTED];



- L. To apply for, oversee, and manage any government benefits and/or financial assistance available in light of his circumstances, including, but not limited to, Medicaid;
- M. To assist D [REDACTED] [REDACTED]. L [REDACTED] in obtaining medical, dental, or psychiatric care and treatment, and to consent to or refuse major medical, dental or psychiatric treatment;
- N. To assist D [REDACTED] [REDACTED]. L [REDACTED] in planning and implementing decisions concerning his personal needs, living arrangements, social environment, and other personal aspects of his life, including visitation or access by relatives or friends;
- O. To hire professionals, as necessary;
- P. To authorize access to or the release of confidential records;
- Q. To exercise such other authority as the Court deems necessary;

AND, it is further

**ORDERED** that the Guardian for the Personal Needs and Property Management shall afford D [REDACTED] [REDACTED]. L [REDACTED] the greatest amount of independence and self-determination with respect to such needs and property in light of said D [REDACTED] [REDACTED]. L [REDACTED]'s functional level, understanding and appreciation of her financial limitations, and personal wishes, preferences and desires with regard to managing the activities of daily living, and it is further

**ORDERED** that the Guardian for Property Management shall marshal the assets of D [REDACTED] [REDACTED]. L [REDACTED] for the purpose of investing such assets as would a prudent person of discretion and intelligence in such matters seeking reasonable income, and to apply so much of the income and principal as is necessary for the comfort, support, maintenance and well-being of said D [REDACTED] [REDACTED]. L [REDACTED], said assets to be held in account(s) titled:

"W [REDACTED] L [REDACTED], as Property Management Guardian for D [REDACTED] L [REDACTED]" and it is further

**ORDERED** that W [REDACTED] L [REDACTED], as Guardian for the Property Management, is herein authorized to pay any bills, expenses and invoices of D [REDACTED] L [REDACTED], which may have accrued prior to her appointment, and it is further

**ORDERED** that W [REDACTED] L [REDACTED], as Guardian for the Property Management of D [REDACTED] L [REDACTED], is hereby authorized to create a supplemental needs trust, authorized under EPTL §7-1.12, with the property of D [REDACTED] L [REDACTED], *if needed*, provided, however, that any such supplemental needs trust shall be subject to the approval of the court and shall be on notice to interested parties including but not limited to the Erie County Department of Social Services; and it is further

**ORDERED** that the Guardian for the Personal Needs and Property Management shall visit D [REDACTED] L [REDACTED] not less than four (4) times a year, and it is further

**ORDERED** that the Guardian for the Personal Needs and Property Management of D [REDACTED] L [REDACTED] shall serve without bond, and it is further

**ORDERED** that the duration of this Guardianship shall continue until further Order of this Court, and it is further

**ORDERED** that any Power of Attorney signed by D [REDACTED] L [REDACTED], of which D [REDACTED] L [REDACTED] is the Principal or Grantor, is hereby revoked and superceded by the within Order Appointing Guardian and is hereby declared to be null and void; and it is further

**ORDERED**, that any Health Care Proxy signed by D [REDACTED] L [REDACTED] of which D [REDACTED] L [REDACTED] is the Principal, shall remain in force and effect, but only to the extent that the Health Care Proxy conforms to the within Order Appointing Guardian; and it is further

**ORDERED**, that the appointment of W [REDACTED] L [REDACTED], as the Temporary Guardian for the Personal Needs and Property Management of D [REDACTED] L [REDACTED], is hereby revoked and superceded by the within Order Appointing Guardian; and it is further

**ORDERED**, that pursuant to Mental Hygiene Law §81.30, no later than ninety (90) days after the issuance of a Commission to the Guardian, the Guardian shall file with the Court an initial report in a form prescribed by the Court, and, thereafter, the Guardian shall file an annual report in the form required by Mental Hygiene Law §81.31, in the office of the Clerk of the Court, and it is further

**ORDERED**, that the Guardian shall not be required to complete the court authorized training required by law, in view of the Guardian having already completed that training, and a copy of the certificate confirming completion of the said guardianship training being attached to the within Order Appointing Guardian and made a part hereof; and it is further

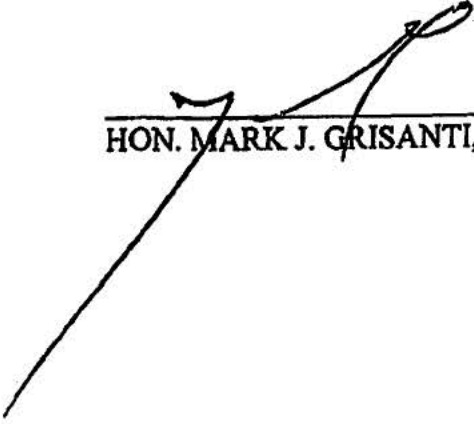
ORDERED, that MATTHEW LAZROE, ESQ., shall receive compensation in the amount of Five thousand Three Hundred Dollars and 50/100 (\$ 5032.50), for legal services rendered herein by the Court Evaluator, payable by the Guardian for Property Management from D [REDACTED] L [REDACTED] assets provided, however, that MATTHEW LAZROE, ESQ. shall remain as the Court Evaluator in view of possible further proceedings, until the said Court Evaluator is discharged by further Order of the Court; and it is further

ORDERED, that HOGANWILLIG, ATTORNEYS AT LAW (STEPHEN R. SILVERSTEIN, ESQ., of counsel), as counsel for the Petitioner, shall receive compensation in the total amount of Twelve thousand (\$ 12,000), for legal services and expenses rendered herein for the Petitioner, payable by the Guardian for Property Management, provided, however, that of this total amount, five thousand dollars (\$5,000.00) was already paid by W [REDACTED] L [REDACTED], from funds belonging to D [REDACTED] L [REDACTED], as and for an initial retainer and amount credited towards disbursements, leaving a balance due and owing in the amount of Seven thousand (\$ 7,000); and it is further

ORDERED, that D [REDACTED] L [REDACTED] shall receive a mental health evaluation no later than two (2) years following the date that the within Order Appointing Guardian is filed, and every two (2) years thereafter, to determine if D [REDACTED] L [REDACTED] mental health has improved to the point of no longer requiring a Guardian; and the Guardian for Personal Needs shall file copies of any such mental health evaluation with both the Court and the Court Evaluator; and it is further

**ORDERED**, that any publication of this matter or reference made thereto shall identify the subject of the Petition by the first and last initial of the Alleged Incapacitated Person.

**IT IS SO ORDERED.**

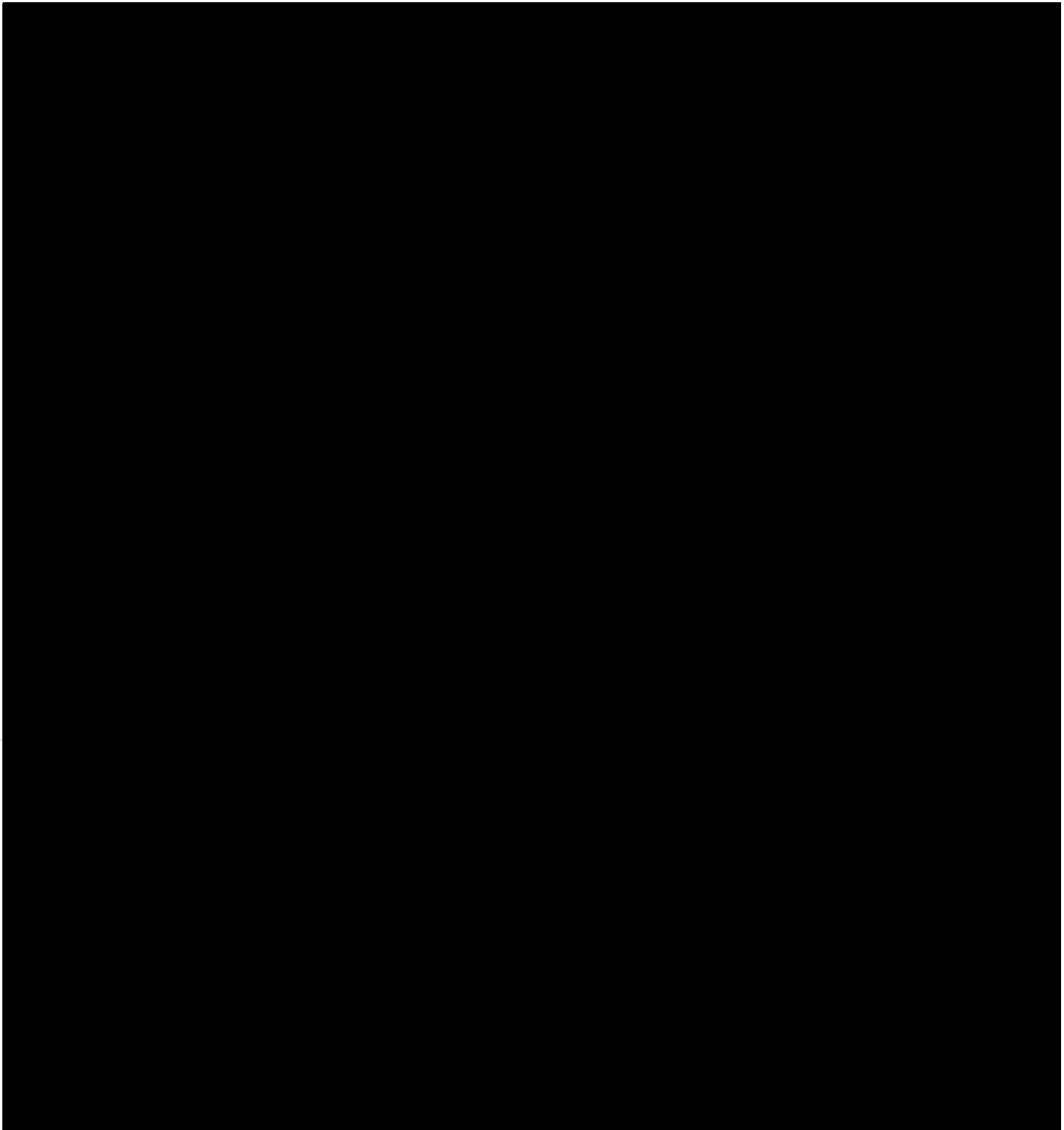
  
\_\_\_\_\_  
HON. MARK J. GRISANTI, J.S.C.

Entered: APR 14 2020

# EXHIBIT “B”

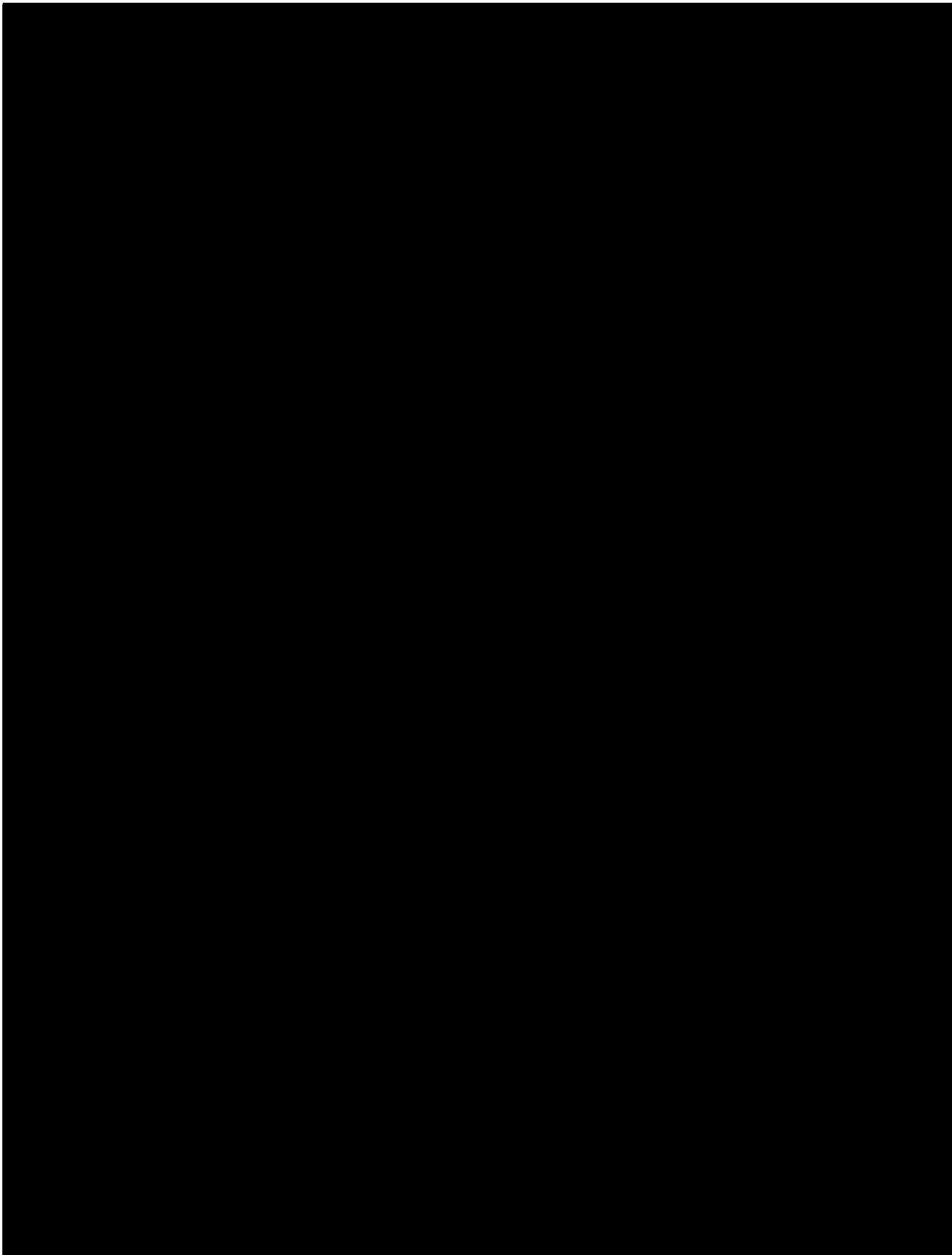
D [REDACTED] . L [REDACTED]

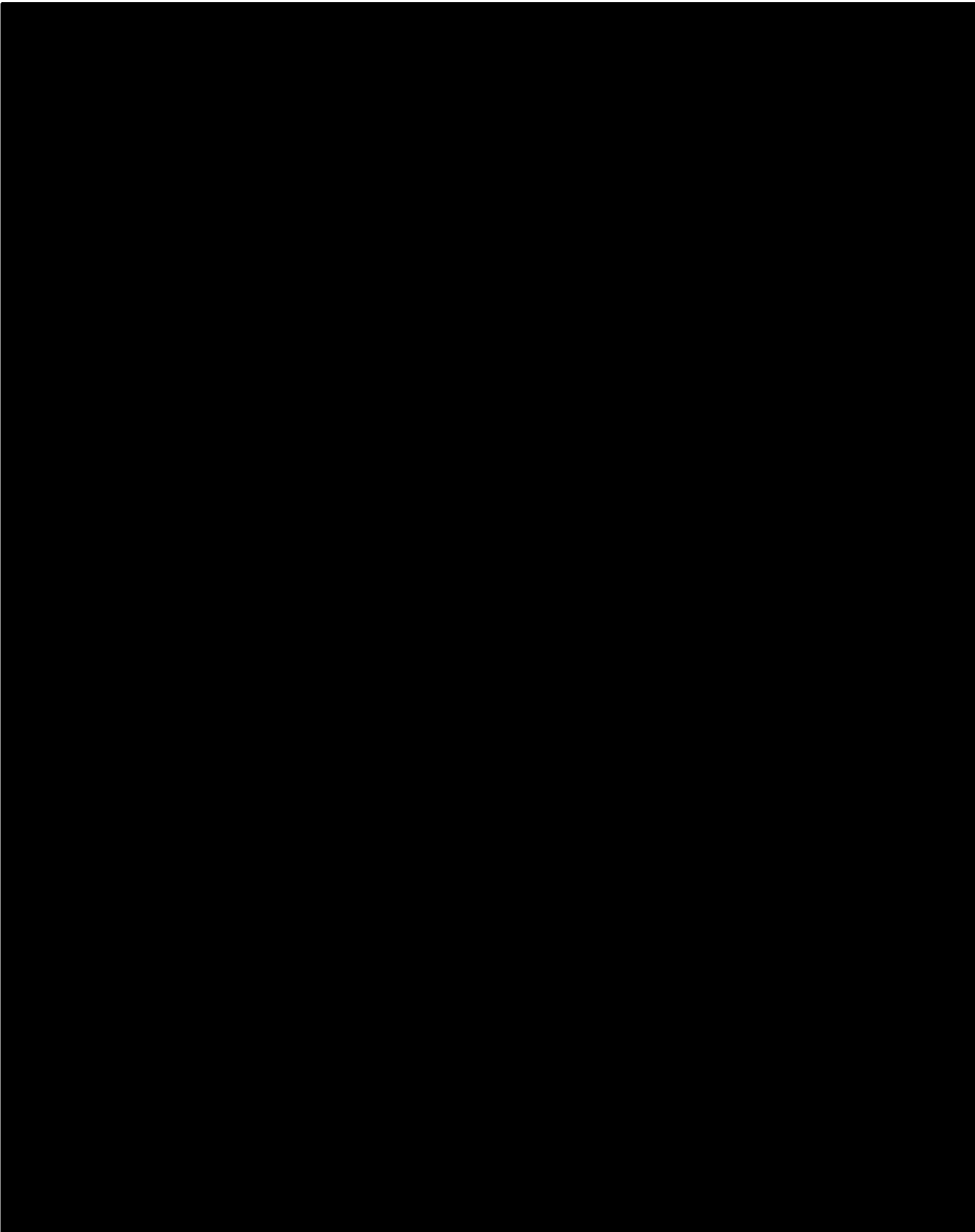
**SUPPLEMENTAL NEEDS TRUST AGREEMENT**

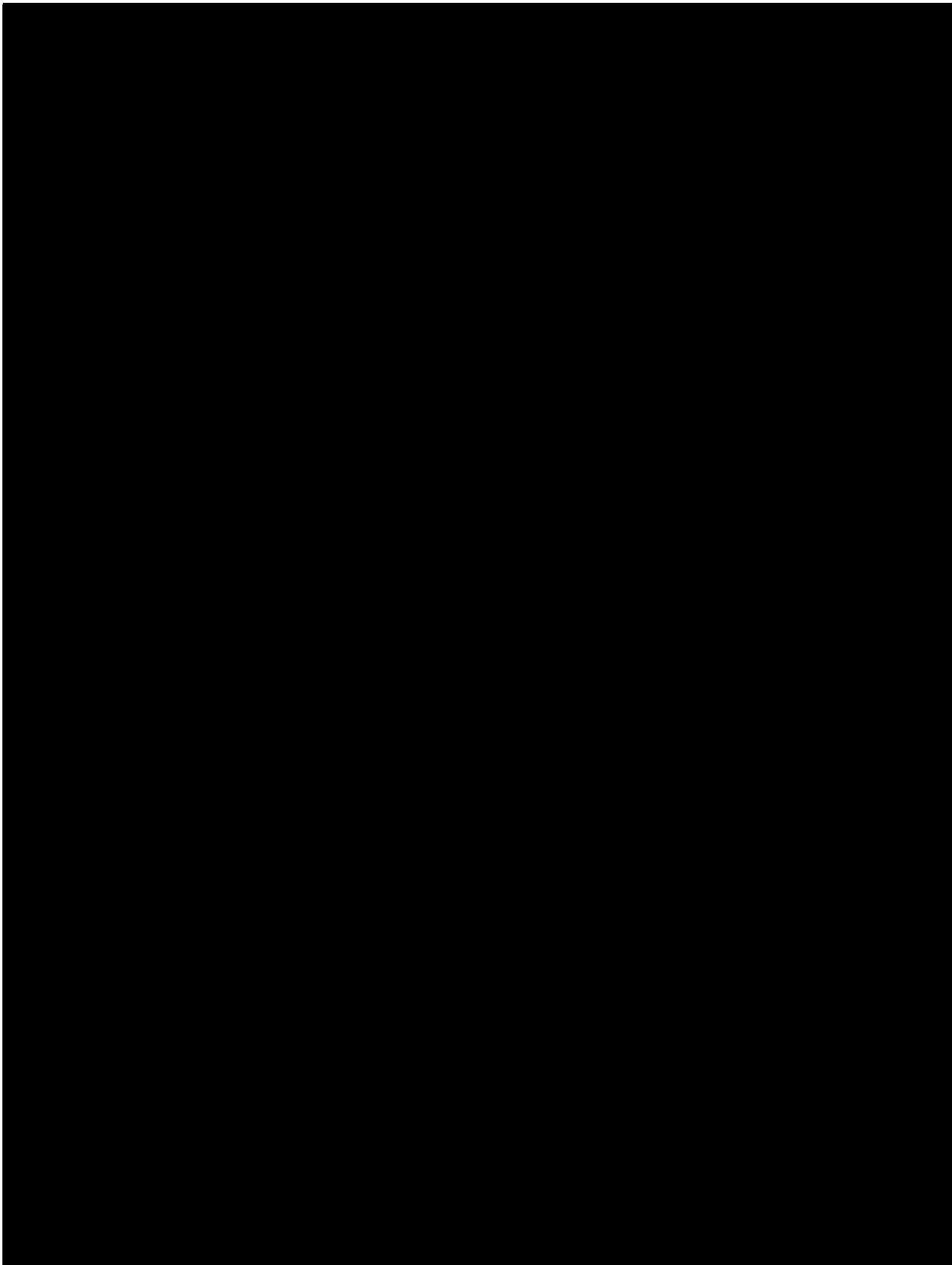


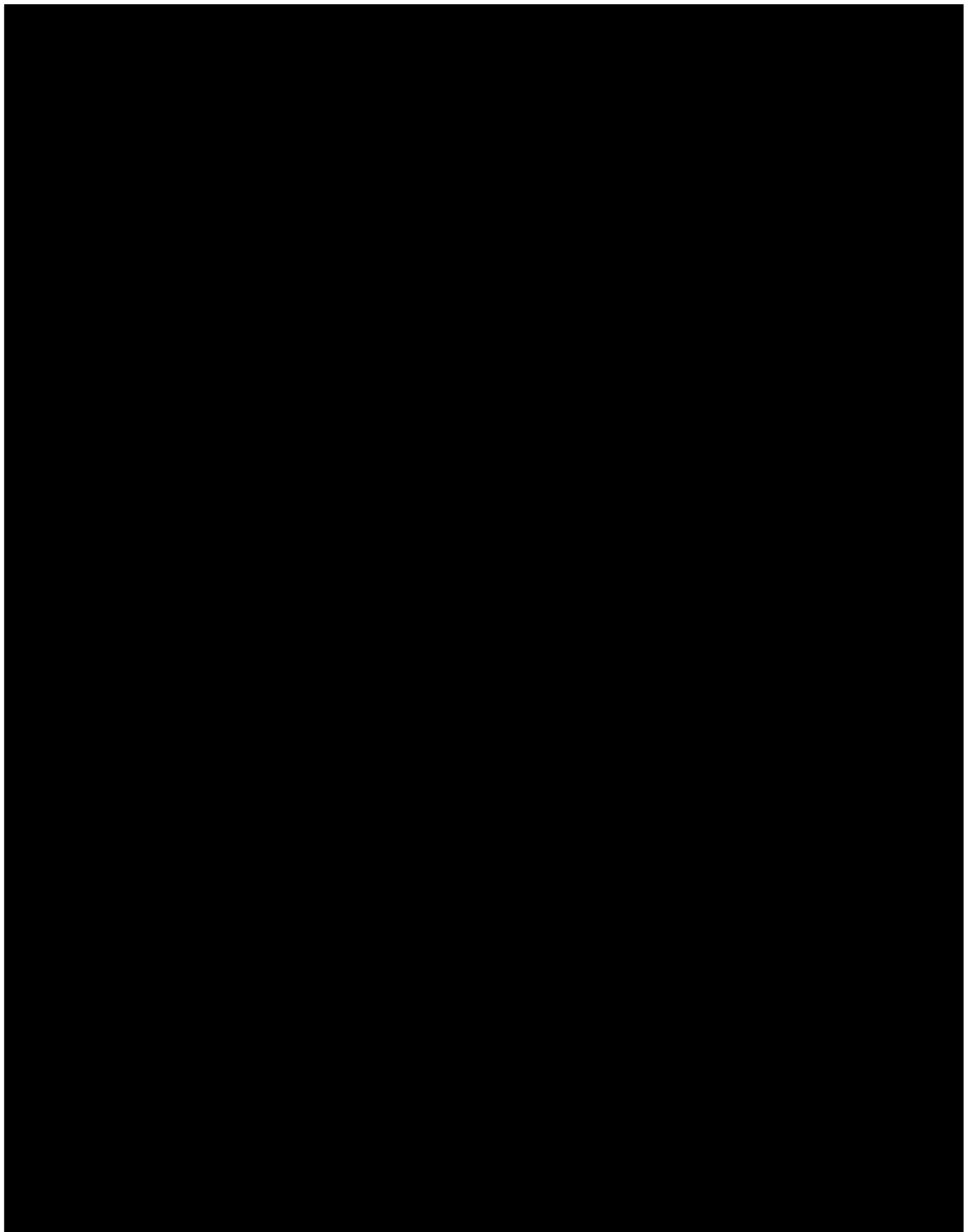


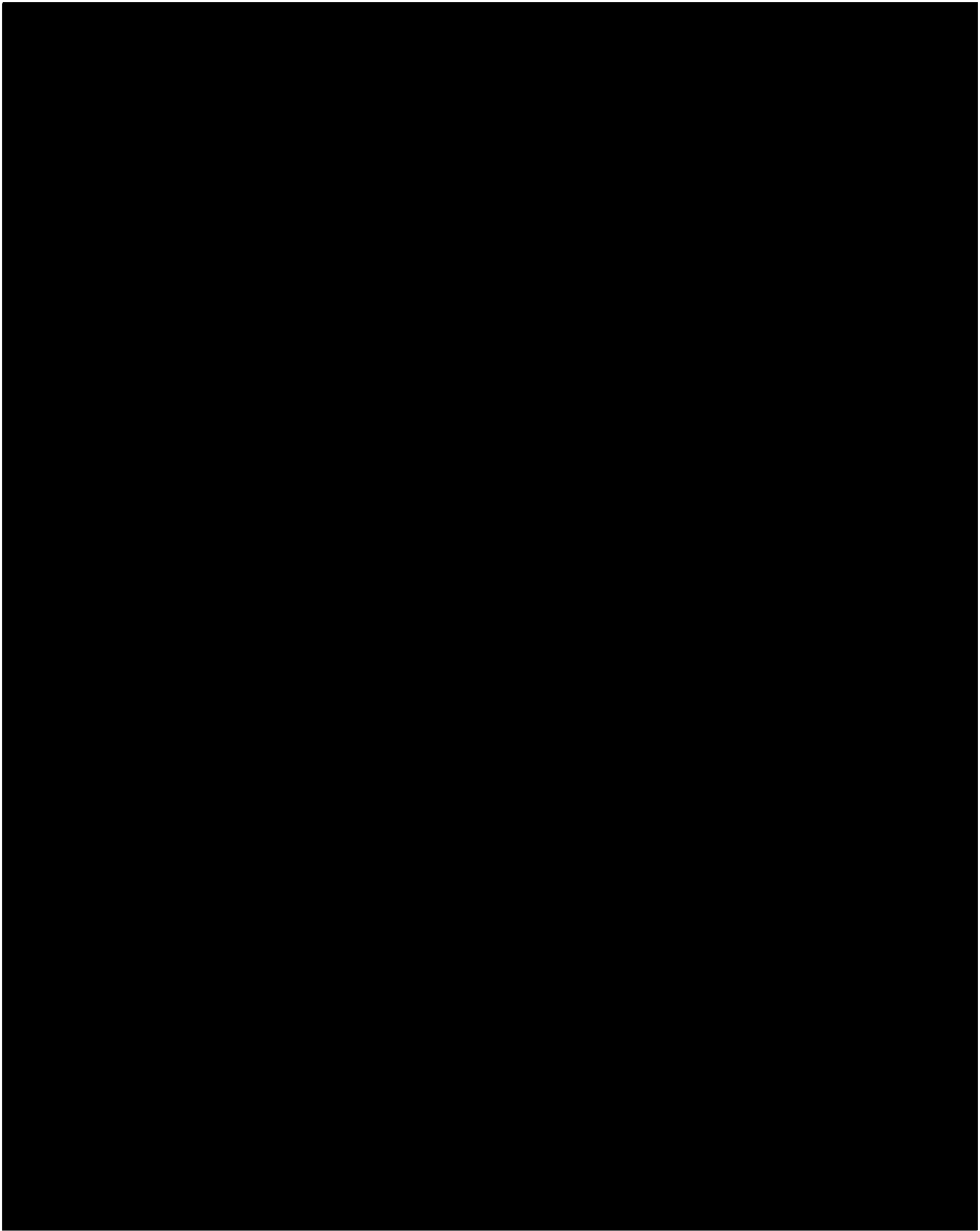


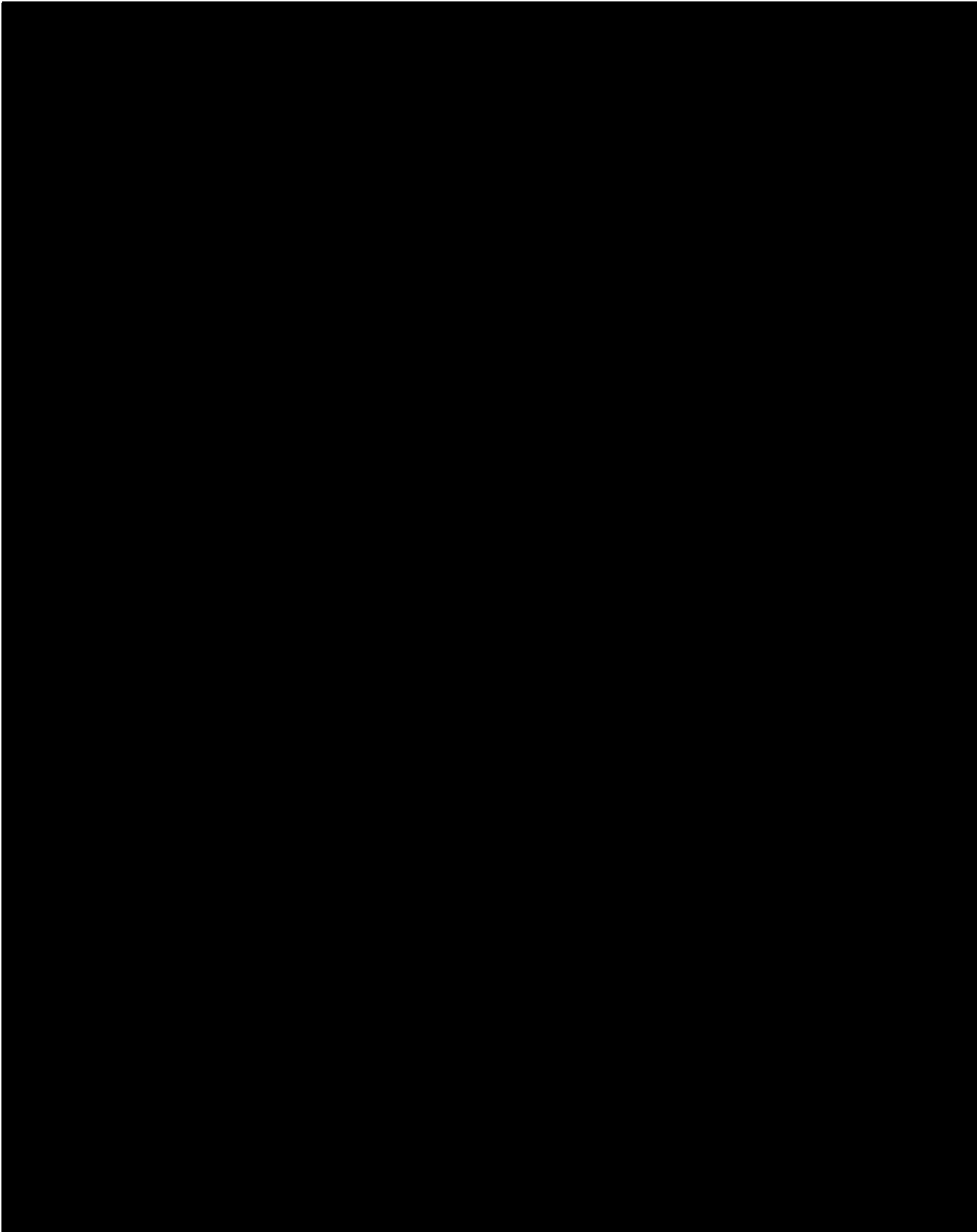


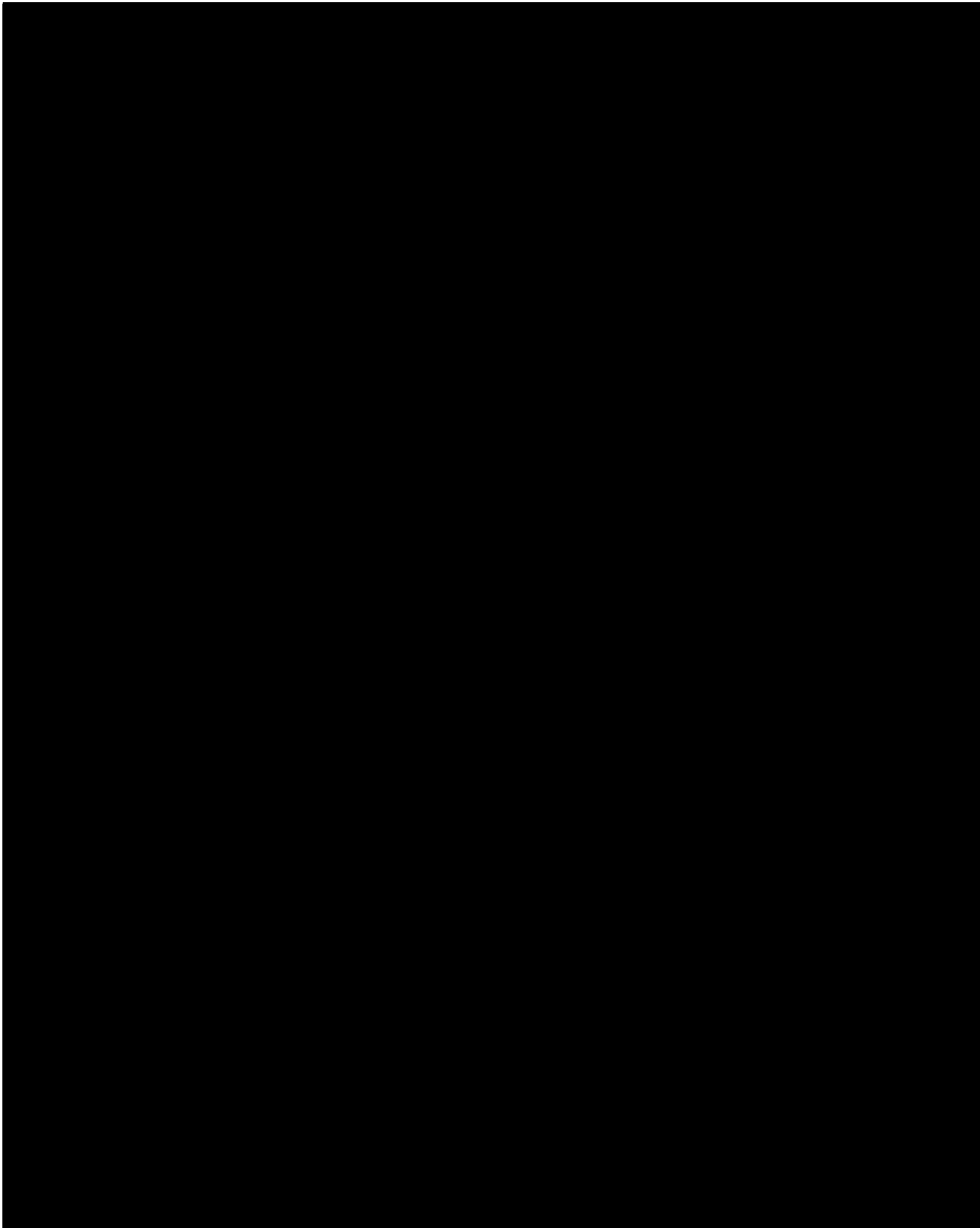


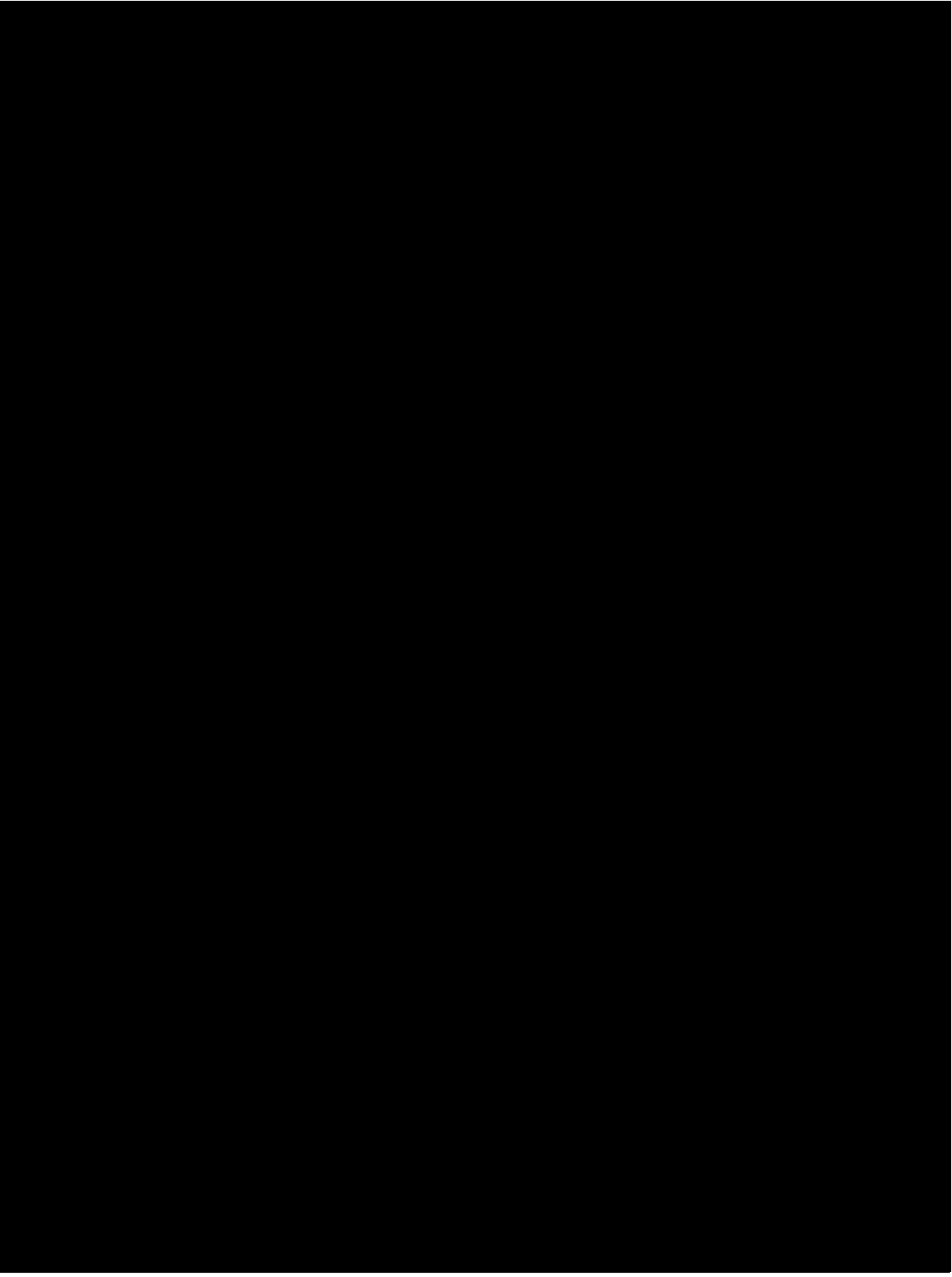




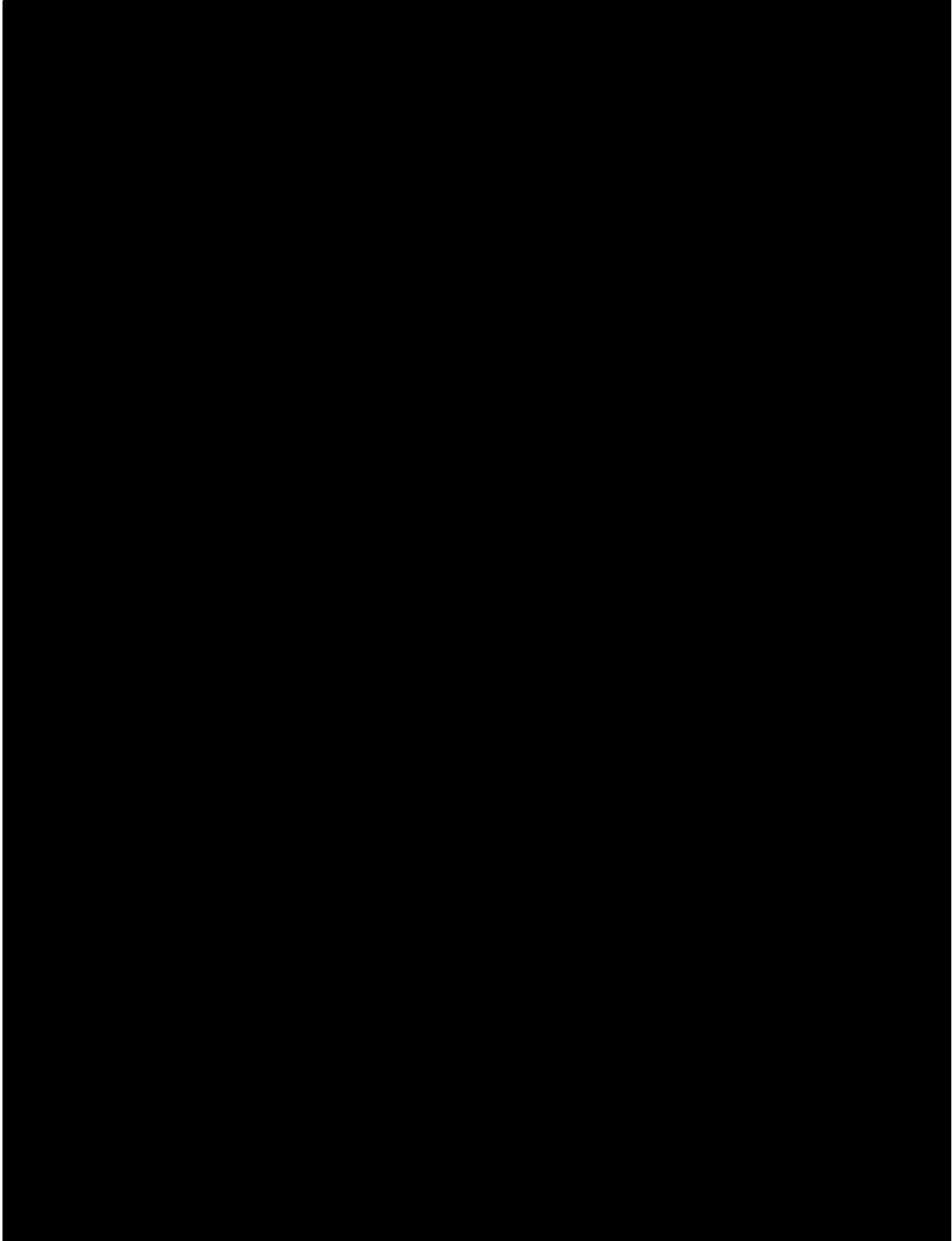


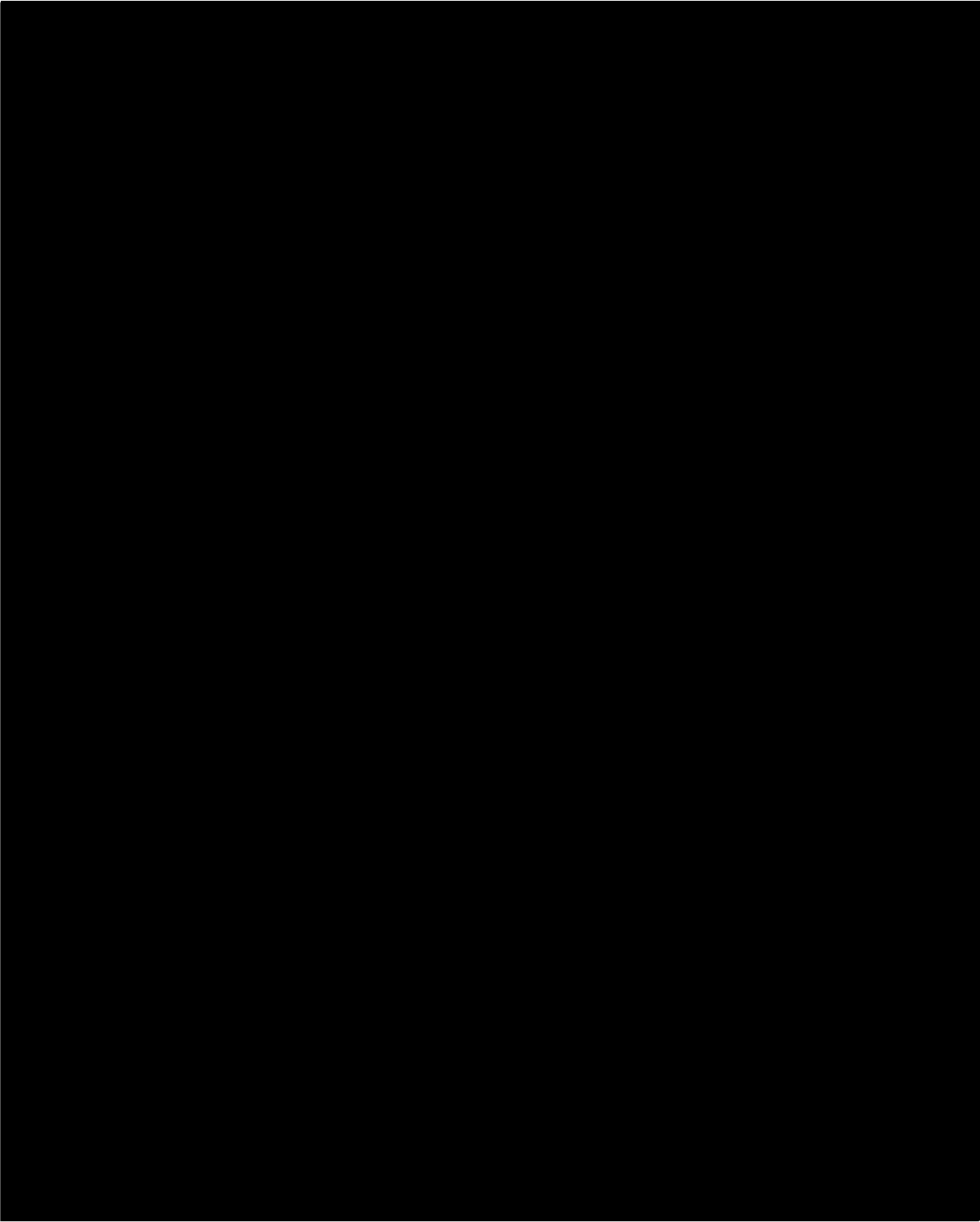


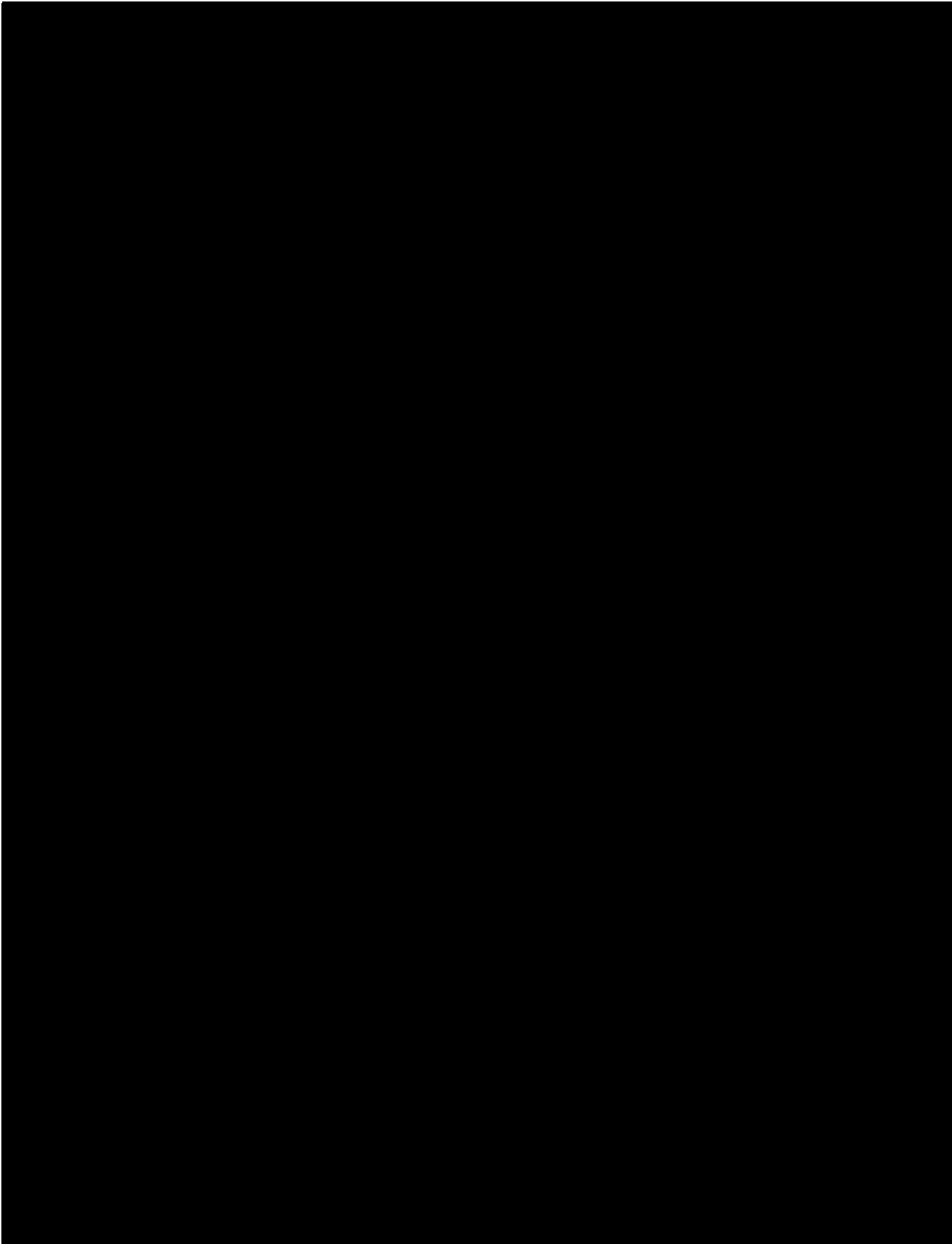


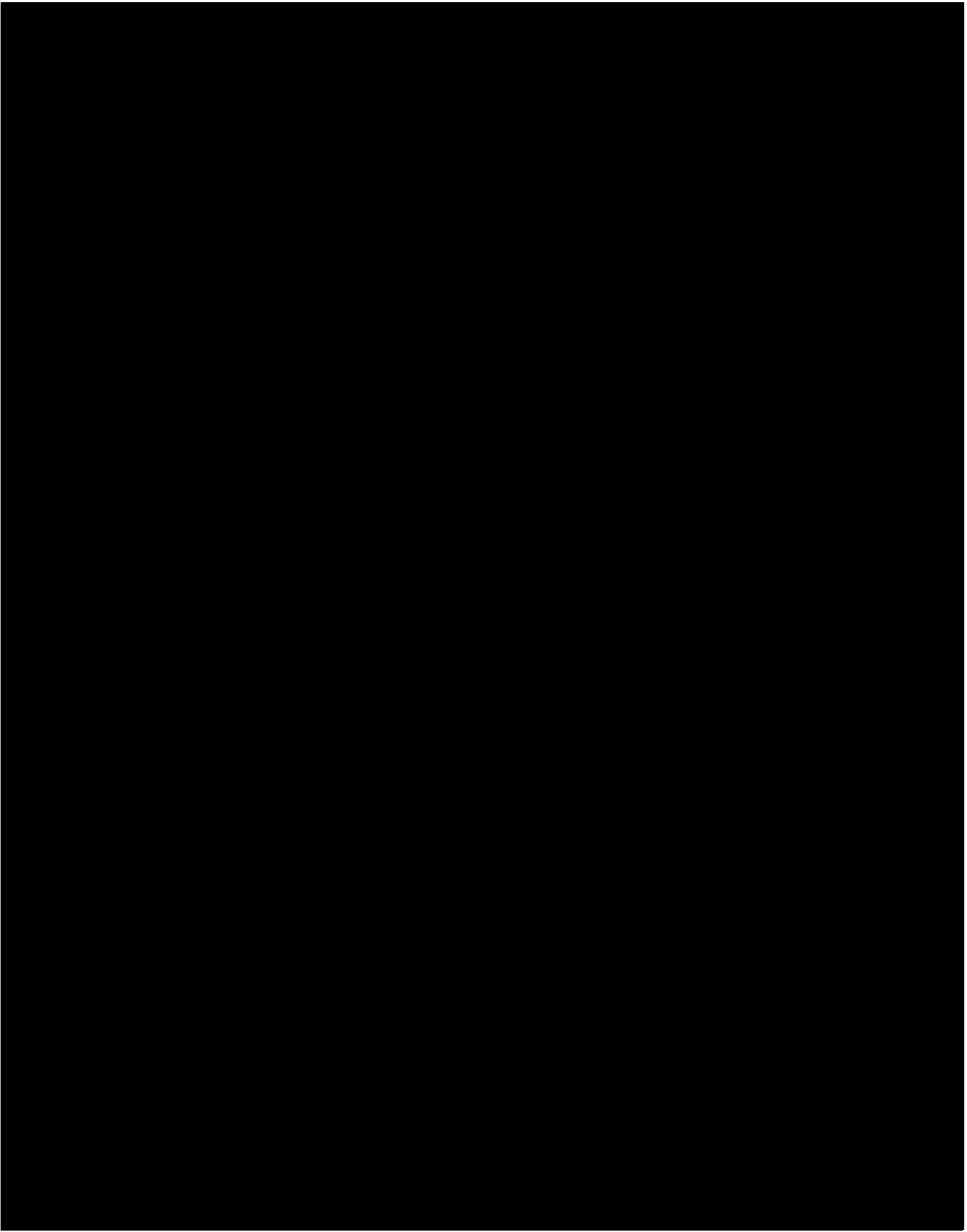


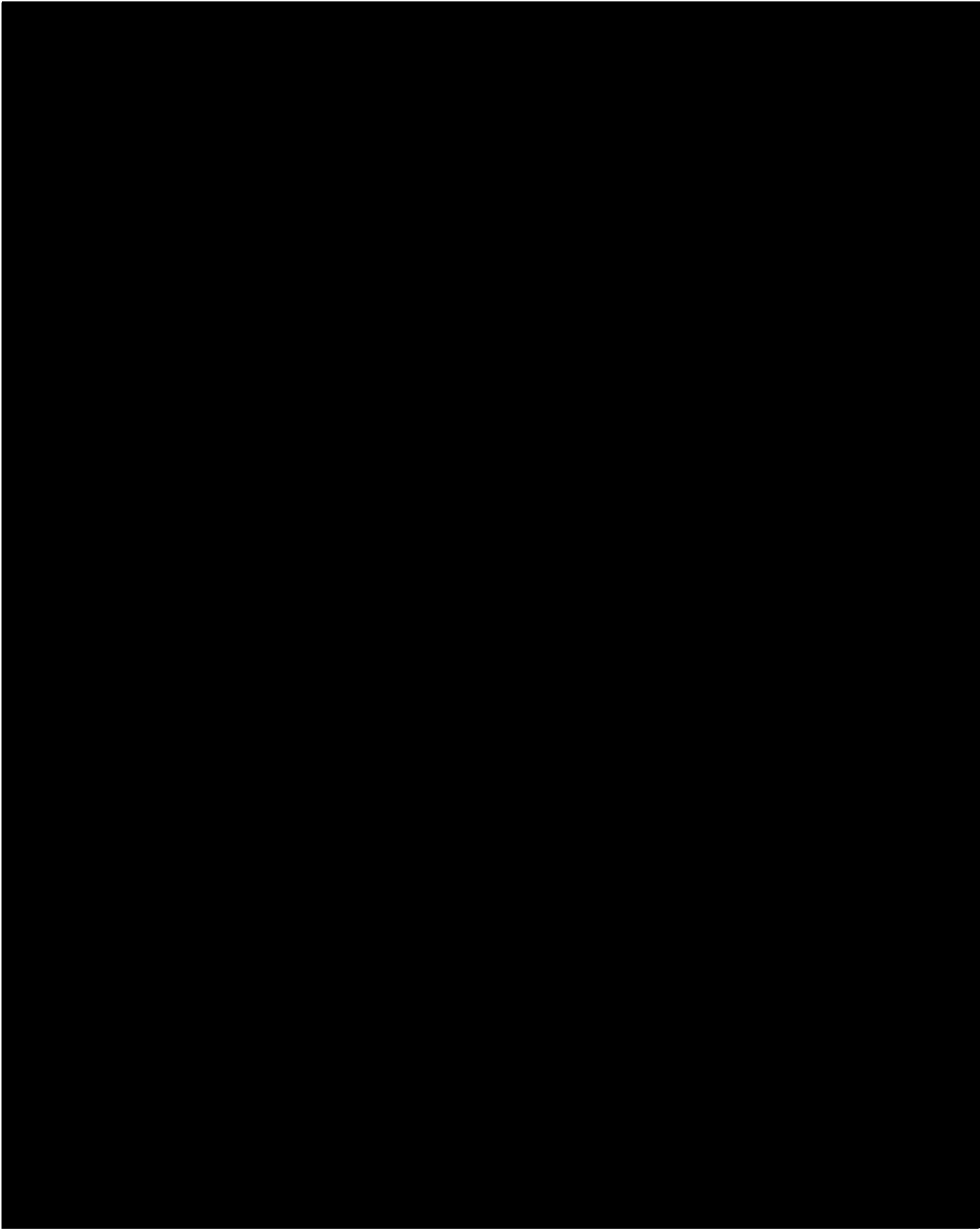




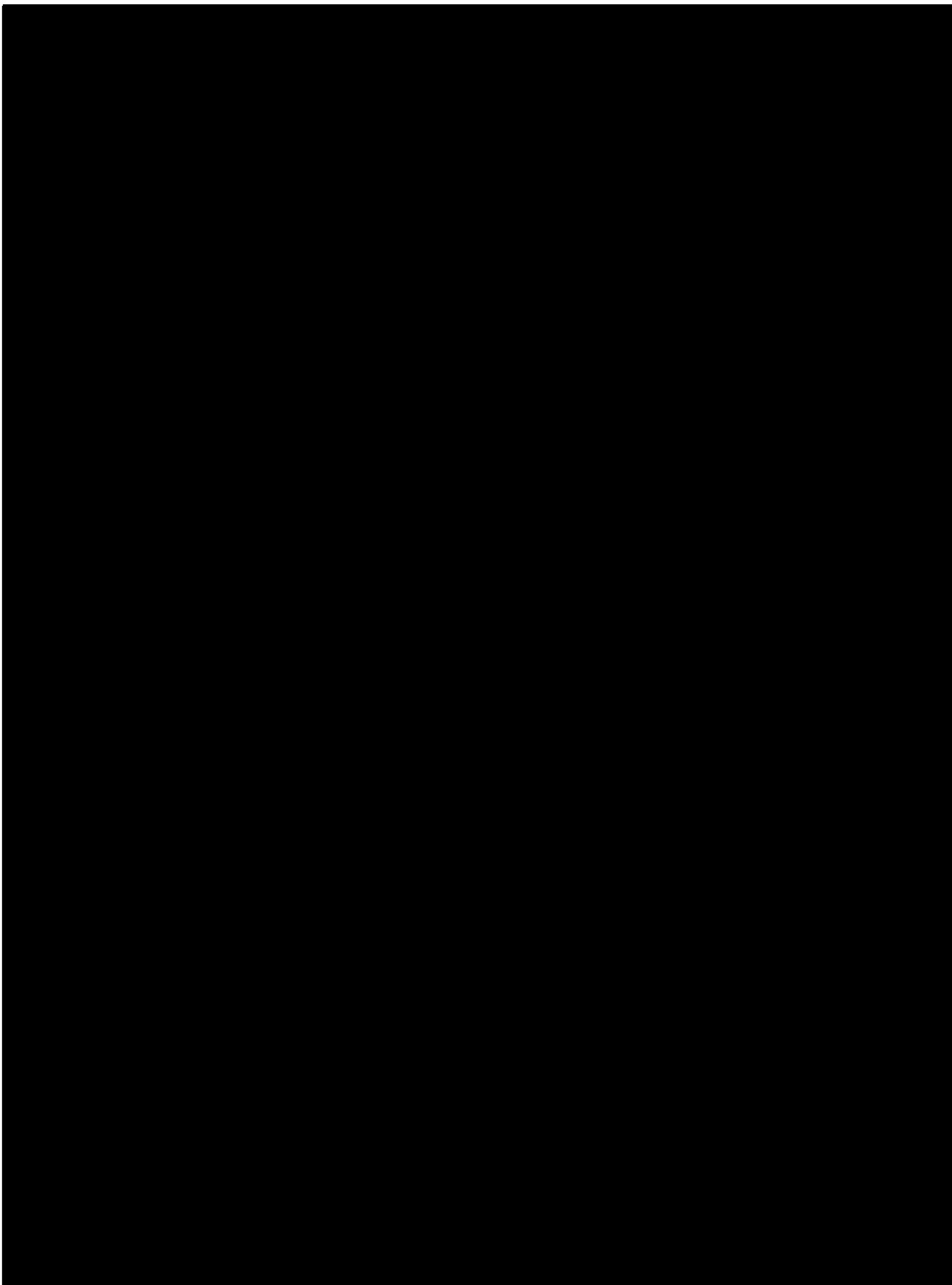


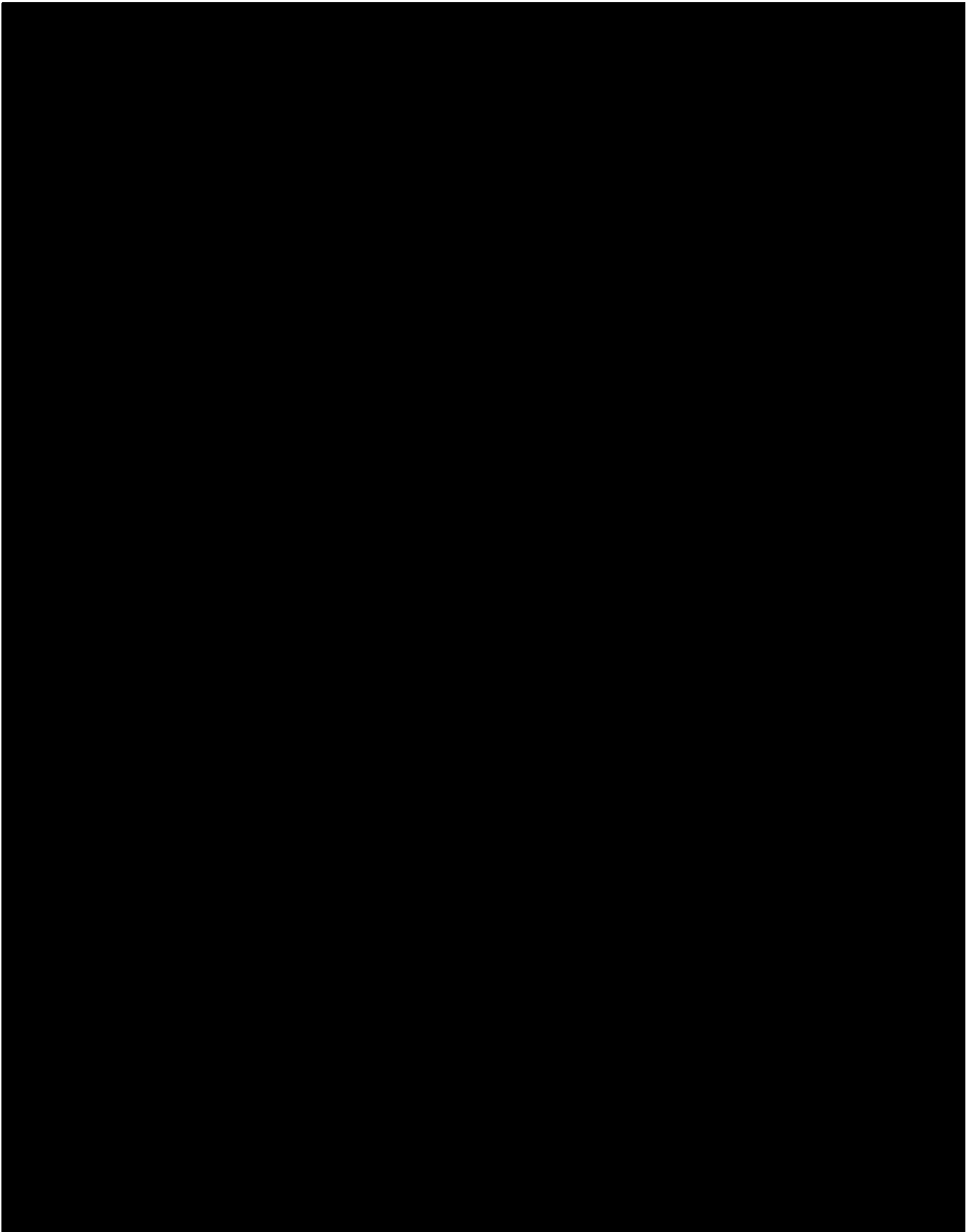






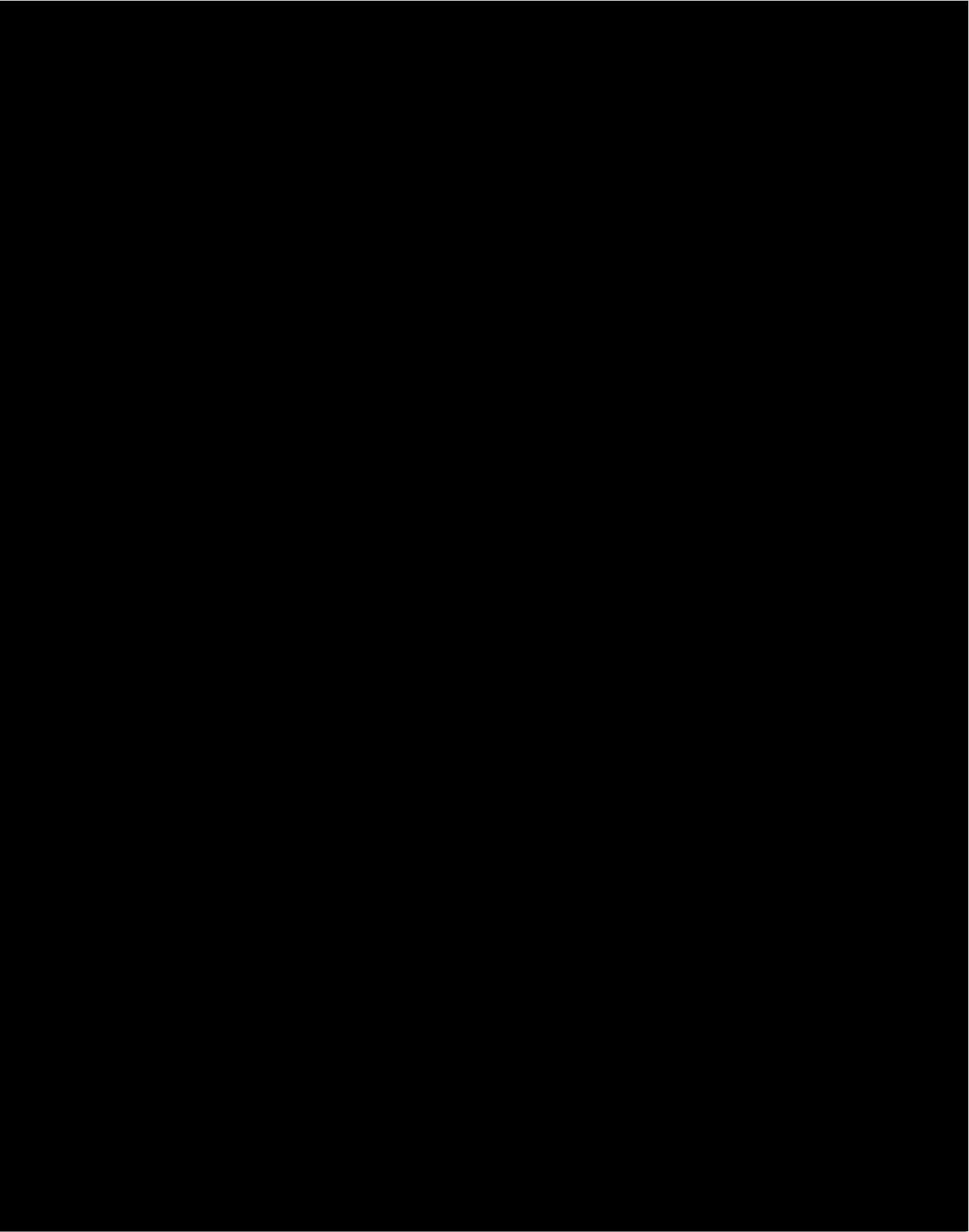












**SCHEDULE "A"**



At a Term of the Supreme Court  
Court of the State of New York,  
In and for the County of Erie, on the  
29<sup>th</sup> day of September, 2020.

STATE OF NEW YORK  
SUPREME COURT : COUNTY OF ERIE

HON. MARK J. GRISANTI, J.S.C.

---

In the Matter of the Application of  
W [REDACTED] L [REDACTED], as Guardian  
For the Personal Needs and Property Management of

D [REDACTED] L [REDACTED]

*An Incapacitated Person.*

**ORDER  
APPROVING  
TRUST**

Index No. SF 2019-902343

Under Article 81 of the Mental Hygiene Law.

---

The Petition for Approval of Trust of W [REDACTED] L [REDACTED], as Guardian of the Personal Needs and Property Management of D [REDACTED] L [REDACTED], an Incapacitated Person, verified on June 4, 2020, having been presented to this Court;

AND Notice of the said Petition for Approval of Trust having been duly given to the following interested parties, and proof of service having been filed with the Court: **MATTHEW A. LAZROE, ESQ.**, as Court Evaluator, and the **ERIE COUNTY DEPARTMENT OF SOCIAL SERVICES (BONNIE A. McLAUGHLIN, ESQ.)**;

AND the said **MATTHEW A. LAZROE, ESQ.**, as Court Evaluator, having signified that he has no objection to the relief requested in the said Petition for Approval of Trust, as set forth in the letter of the said **MATTHEW A. LAZROE, ESQ.**, to the Court dated September 21, 2020,

and a copy of the said letter of **MATTHEW A. LAZROE, ESQ.**, being attached to the within Order Approving Trust and made a part thereof;

AND the said **ERIE COUNTY DEPARTMENT OF SOCIAL SERVICES (BONNIE A. McLAUGHLIN, ESQ.)** having signified that they have no objection to the relief requested in the said Petition for Approval of Trust, as set forth in the letter of **BONNIE A. McLAUGHLIN, ESQ.** to the Court dated September 17, 2020, and a copy of the said letter of **BONNIE A. McLAUGHLIN, ESQ.**, being attached to the within Order Approving Trust and made a part thereof;

AND the Court having considered the said Petition for Approval of Trust;

AND **HOGAN WILLIG, ATTORNEYS AT LAW (STEPHEN R. SILVERSTEIN, ESQ.,** of counsel) having appeared as counsel for the Petitioner, **W [REDACTED] J. L [REDACTED]**, as Guardian of the Personal Needs and Property Management of **D [REDACTED] J. L [REDACTED]**, an Incapacitated Person;

AND there being no further opposition to the relief requested herein;

AND due deliberation having been had thereon;

NOW, THEREFORE, it is hereby

ORDERED, that **W [REDACTED] J. L [REDACTED]**, as Guardian of the Personal Needs and Property Management of **D [REDACTED] J. L [REDACTED]**, an Incapacitated Person, is authorized to create a Supplemental Needs Trust for the benefit of the said **D [REDACTED] J. L [REDACTED]**, and the document for the said Supplemental Needs Trust shall be the document included as Exhibit "B" of the Petition for Approval of Trust of **W [REDACTED] J. L [REDACTED]**, verified on June 4, 2020; and it is further

ORDERED, that W [REDACTED] . L [REDACTED] shall act and serve as the Trustee of the said Supplemental Needs Trust for the benefit of D [REDACTED] . L [REDACTED], unless and until the said W [REDACTED] . L [REDACTED] is replaced or discharged as the Trustee by further Order of the Court; and it is further

ORDERED, that W [REDACTED] . L [REDACTED] shall serve without bond as the said Trustee of the Supplemental Needs Trust for the benefit of D [REDACTED] . L [REDACTED]; and it is further

ORDERED, that funding for the said Supplemental Needs Trust shall be for an amount not to exceed Sixty Thousand Dollars (\$60,000.00), or such lesser amount as the Guardian and Trustee shall determine to be appropriate, from the resources of the said D [REDACTED] . L [REDACTED]; and it is further

ORDERED, that **MATTHEW A. LAZROE, ESQ.** shall receive compensation in the amount of One Hundred Ninety-Two Dollars and Fifty Cents (\$192.50) for legal services rendered herein by the Court Evaluator, payable by the Guardian for Property Management from D [REDACTED] . L [REDACTED] assets provided, however, that **MATTHEW A. LAZROE, ESQ.** shall remain as the Court Evaluator in view of possible further proceedings, until the said Court Evaluator is discharged by further Order of the Court; and it is further


ORDERED, that **HOGAN WILLIG, ATTORNEYS AT LAW (STEPHEN R. SILVERSTEIN, ESQ.,** of counsel), as counsel for the Petitioner, shall receive compensation in the total amount of Four Thousand Eight Hundred Seventy Dollars and Forty-Six Cents (\$4,870.46) for legal services and expenses rendered herein for the Petitioner, payable by the Guardian for Property Management, provided, however, that of this total amount, three thousand three hundred sixty-four dollars and thirty-one cents (\$3,364.31) was already paid by W [REDACTED]

■. L ■■■, from funds belonging to D ■■■ ■■■ L ■■■, as and for an initial retainer and amount credited towards disbursements, leaving a balance due and owing in the amount of One Thousand Five Hundred Six Dollars and Fifteen Cents (\$1,506.15); and it is further

ORDERED, that any publication of this matter or reference made thereto shall identify the subject of the within Petition for Approval of Trust by the first and last initials of the Incapacitated Person.

**IT IS SO ORDERED.**

DEC 17

  
\_\_\_\_\_  
HON. MARK J. GRISANTI, J.S.C.

## New York State Unified Court System

*WebCivil Supreme - Case Detail*[Add to eTrack](#)

Court: **Niagara Supreme Court**  
Index Number: **E161320/2017**  
Case Name: **Jones, Rasheena vs. Jerry Gradl Motors, Inc**  
Case Type: **Comm-Contract**  
Track: **Standard**  
RJI Filed: **02/06/2019**  
Date NOI Due: **08/02/2021**  
NOI Filed:  
Disposition Date:  
Calendar Number:  
Jury Status:  
Justice Name: **Sedita III, Hon. Frank A.**

## Attorney/Firm For Plaintiff:

**Law Office of Matthew Lazroe**  
**43 Court St Ste 1111**  
**Buffalo, NY 14202-3111**

Attorney Type: **RETAINED** Atty. Status: **Active**

**Lazroe, Matthew Allen**  
**43 Court St Ste 1111**  
**Buffalo, NY 14202-3111**  
**(716) 989-0090**

Attorney Type: **RETAINED** Atty. Status: **Active**

## Attorney/Firm For Defendant:

**JOHN J. FROMEN, ATTORNEYS AT LAW, P.C.**  
**4367 Harlem Rd**  
**Snyder, NY 14226-4400**

Attorney Type: **RETAINED** Atty. Status: **Active**

**Iacono, Michael Anthony**  
**4367 Harlem Rd**  
**Snyder, NY 14226-4400**  
**(716) 855-1222**

Attorney Type: **RETAINED** Atty. Status: **Active**[Close](#)[Show Appearances](#)[Show eFiled Documents](#)



# New York State Unified Court System



## WebCivil Supreme - Appearance Detail

Court: **Niagara Supreme Court**  
 Index Number: **E161320/2017**  
 Case Name: **Jones, Rasheena vs. Jerry Gradl Motors, Inc**  
 Case Type: **Comm-Contract**  
 Track: **Standard**

### Appearance Information:

Date	Time	Status	Outcome	Judge	Notes
08/05/2021	10:00 AM	Conference-Status		Sedita III, Hon. Frank A. LC- Kristin St. Mary, Esq., Law Clerk to Hon. Frank Sedita, III	
08/02/2021	09:30 AM	Conference-To File NOI		Sedita III, Hon. Frank A.	Control Date - No Appearances
07/04/2021	09:30 AM	Conference-Status		Sedita III, Hon. Frank A.	Control Date - No Appearances
05/24/2021	11:00 AM	Conference-Status	Held	Sedita III, Hon. Frank A.	
12/16/2020	09:15 AM	Conference-Status	Not Held	Grisanti, Hon. Mark J.	
10/05/2020	09:15 AM	Conference-Status	Held	Grisanti, Hon. Mark J.	
09/04/2020	09:00 AM	Conference-Status	Held	Grisanti, Hon. Mark J.	
08/04/2020	09:00 AM	Conference-Status	Held	Grisanti, Hon. Mark J.	
08/04/2020	09:30 AM	Jury Selection-Trial	Adjourned	Furlong, Hon. Daniel	
06/19/2020	09:30 AM	Conference-Status	Held	Grisanti, Hon. Mark J.	
05/26/2020	09:15 AM	Conference-Status	Held	Grisanti, Hon. Mark J.	
04/07/2020	09:30 AM	Jury Selection-Trial	Adjourned	Furlong, Hon. Daniel	
03/30/2020	09:30 AM	Conference-Status	Held	Grisanti, Hon. Mark J.	
01/16/2020	09:30 AM	Trial-Non-Jury	Adjourned	Furlong, Hon. Daniel	
12/12/2019	02:30 PM	Conference-Status	Held	Furlong, Hon. Daniel LC- Garrett Grieser, Esq., Law Clerk to Hon. Daniel Furlong	
11/06/2019	10:00 AM	Conference-Status	Held	Furlong, Hon. Daniel LC- Garrett Grieser, Esq., Law Clerk to Hon. Daniel Furlong	
08/22/2019	03:00 PM	Conference-Status	Held	Furlong, Hon. Daniel LC- Garrett Grieser, Esq., Law Clerk to Hon. Daniel Furlong	
08/05/2019	10:00 AM	Conference-Status	Held	Furlong, Hon. Daniel LC- Garrett Grieser, Esq., Law Clerk to Hon. Daniel Furlong	
05/23/2019	03:00 PM	Conference-Status	Held	Furlong, Hon. Daniel LC- Garrett Grieser, Esq., Law Clerk to Hon. Daniel Furlong	
04/26/2019	11:30 AM	Conference-Status	Held	Furlong, Hon. Daniel LC- Garrett Grieser, Esq., Law Clerk to Hon. Daniel Furlong	
04/12/2019	11:00 AM	Conference-Status	Held	Furlong, Hon. Daniel LC- Garrett Grieser, Esq., Law Clerk to Hon. Daniel Furlong	
03/25/2019	02:30 PM	Conference-Status	Held	Furlong, Hon. Daniel LC- Garrett Grieser, Esq., Law Clerk to Hon. Daniel Furlong	
03/18/2019	10:30 AM	Conference-Status	Adjourned	Furlong, Hon. Daniel LC- Garrett Grieser, Esq., Law Clerk to Hon. Daniel Furlong	

Close

SUPREME COURT  
COUNTY OF NIAGARA  
STATE OF NEW YORK

RASHEENA JONES

Plaintiff

vs.

SUMMONS AND NOTICE  
INDEX NO. \_\_\_\_\_  
DATE FILED \_\_\_\_\_

JERRY GRADL MOTORS, INC.

Defendant

To the above named Defendant(s):

YOU ARE HEREBY SUMMONED AND REQUIRED, to respond to the claim for the relief sought by the Plaintiff by either serving a written Demand for a Complaint or a written Notice of Appearance on the Plaintiff's Attorney, at the address stated below.

If this Summons and Notice is served upon you within the State of New York by personal service you must respond within ten (10) days after service, not including the day of the service. If this Summons and Notice not personally delivered to you within the State of New York you must respond within Thirty, (30) days after service is completed, as provided by law.

If you do not respond to the attached complaint within the applicable time limitation stated above a Judgment will be entered against you, by default, for the relief demanded in the Complaint, without further notice to you.

This action is brought in the County of Niagara because of:

- (1) Plaintiff's residence or place of business
- (2) Defendant's residence or place of business.
- (3) Designation made by Plaintiff

Dated: April 14, 2017  
Buffalo, New York



Matthew A. Lazroe, Esq.  
Attorney for Plaintiff  
43 Court Street, Suite 1111  
Buffalo, New York 14202  
(716) 989-0090

SUPREME COURT  
COUNTY OF NIAGARA  
STATE OF NEW YORK

---

RASHEENA JONES

Plaintiff

COMPLAINT

VS.

JERRY GRADL MOTORS, INC.

Defendant

---

The Plaintiff, by her attorney, Matthew A. Lazroe, for his complaint against the Defendant alleges as follows:

1. That at all times hereinafter mentioned, the Plaintiff was a resident in the City of Niagara Falls, County of Niagara and State of New York.
2. That at all times hereinafter, the Defendant's principal place of business is and does business in the City of Niagara Falls, County of Niagara and State of New York.
3. That this action is brought because of the actions of the Defendant resulting in fraud, unjust enrichment and breach of contract.

**HISTORY OF THE PARTIES**

4. Plaintiff and Defendant entered into a contract on 8/18/2015 where Plaintiff was to purchase a 2005 BMW 645CI automobile from the Defendant. See Exhibit A.
5. The purchase price of the Automobile was \$20,555.00.
6. Plaintiff tendered the purchase price to the Defendant.
7. Defendant took possession of the automobile.

8. Within 30 days of taking possession the automobile experience severe mechanical problems.
9. Plaintiff made the Defendant aware of the problems. However Defendant took no stops to try and fix the mechanical problems and refused to communicate with Plaintiff.
10. Plaintiff took the automobile to Towne Auto to be repaired. Attached as Exhibit B are invoices showing the work that needed to be completed on the automobile.
11. The automobile experienced a severe engine failure and is no not operable.
12. Defendant never legally transferred the title to the car to Plaintiff although several attempts were made and full payment had been received.

**FIRST CAUSE OF ACTION FOR FRAUD**

13. Plaintiff repeats and re-alleges the previous paragraphs as fully stated herein.
14. That Defendant made false statements regarding the condition of the automobile.
15. That Defendant had no intention of honoring the contract or the warranty.
16. That Defendant knew the automobile was defective and refused to communicate with the Plaintiff.
17. That Plaintiff suffered financial injury as a result of the Defendant's actions.
18. That Defendant since has fraudulently withheld title to the automobile without the legal authority to do so and with the intent of not honoring the contract or the warranty.

**SECOND CAUSE OF ACTION FOR UNJUST ENRICHMENT**

19. Plaintiff repeats and re-alleges the above mentioned paragraphs as fully stated herein.
20. Defendant received full payment and delivered a inoperable automobile.

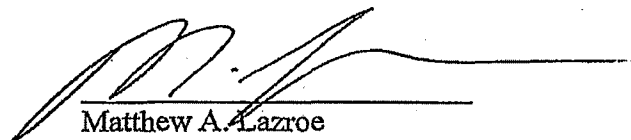
- 21. That Defendant benefited from the contract by receiving the funds but not delivering the title or honoring the Warranty.
- 22. That it would be inequitable and unconscionable for the Defendant to enjoy the benefits of receiving the funds while the Plaintiff received no value and suffered financial losses.

**THIRD CAUSE OF ACTION FOR BREACH OF CONTRACT**

- 23. Plaintiff repeats and re-alleges the above mentioned paragraphs as fully stated herein.
- 24. Plaintiff and Defendant entered into a contract.
- 25. Defendant breached the contract by not paying transferring title, by delivering a inoperable automobile and not honoring the warranty.
- 26. Plaintiff is damaged in the amount of \$20,555.00 for the value of the contract and additional \$3,046.70 for repairs to the automobile paid by the Plaintiff.

Wherefore, Plaintiff demands judgment against the Defendant in the sum of \$25,799.73, plus treble damages for fraud, with interest, attorney's fees and disbursements, and for such other and further relief as this court deems just and proper.

Dated: Buffalo, New York  
April 14, 2017

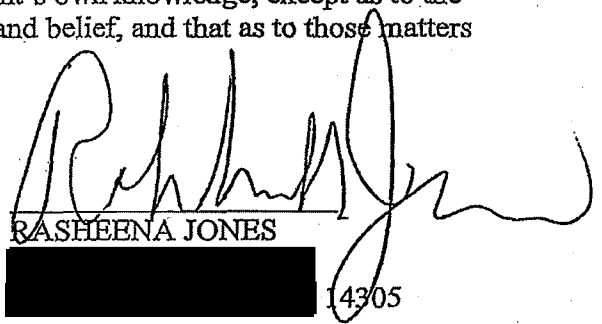



Matthew A. Lazroe  
Attorney at Law  
43 Court Street, Suite 1111  
Buffalo, NY 14202  
716-989-0090

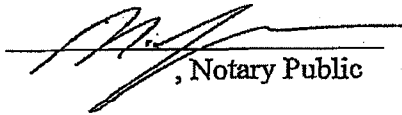
**INDIVIDUAL VERIFICATION**

STATE OF NEW YORK  
COUNTY OF ERIE  
CITY OF BUFFALO

RASHEENA JONES being duly sworn, deposes and says: that deponent is Plaintiff in the within action; that deponent has read the foregoing Complaint and knows the contents thereof; that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters deponent believes it to be true.

  
RASHEENA JONES  
 14305

Sworn to before me this  
14 Day of APRIL, 2017

  
, Notary Public

Matthew A. Lazroe  
Notary Public, State of New York  
No. 02LA6143766  
Qualified in Erie County  
Commission Expires 04/17/ 2018

**FILED: NIAGARA COUNTY CLERK 04/14/2017 05:19 PM**

NYSCEF DOC. NO. 3

INDEX NO. E161320/2017

RECEIVED NYSCEF: 04/14/2017

## EXHIBIT A



**JERRY GRADL MOTORS**

711 Niagara Falls Blvd.  
N. Tonawanda, NY 14120  
(716) 743-4001

Facility # 7111838

THIS AGREEMENT IS NOT BINDING UNLESS SIGNED BY THE SELLER AND THE BUYER

BUYER RAHSHEENA N JONES SALESMAN Jerry  
 STREET [REDACTED] PHONE NO. [REDACTED]  
 CITY NIAGARA FALLS STATE NY ZIP 14305

I ORDER AND AGREE TO PURCHASE FROM YOU, ON THE TERMS CONTAINED ON BOTH SIDES OF THIS AGREEMENT, THE FOLLOWING VEHICLE (READ OTHER SIDE)

YEAR 2005  NEW  USED  DEMONSTRATOR  SALVAGE MAKE BMW MODEL 645 CI SERIES [REDACTED]  
 TYPE [REDACTED] COLOR Silver TRIM [REDACTED]  
 ESTIMATED DELIVERY DATE AND LOCATION [REDACTED] MILEAGE 88790 STOCK NO. [REDACTED]

"If the new motor vehicle has not been delivered in accordance with this contract within 30 days following the estimated delivery date, the consumer has the right to cancel the contract and to receive a full refund; unless the delay in delivery is attributable to the consumer."  
 "If this motor vehicle is classified as a used motor vehicle, 'Above Named Dealer' certifies that the entire vehicle is in condition and, repair to render, under normal use, a satisfactory and adequate service upon the public highway at the time of delivery." The information you see on the window form for this vehicle is part of this contract information on the window form overrides any contrary provisions in the contract of sale."

PRIOR USE CERTIFICATION (required by Vehicle and Traffic Law 417-A if principal prior use of the vehicle were as a police vehicle, taxicab, driver education vehicle or rental vehicle). The principal prior use of this vehicle was as: a police vehicle , a taxicab , a driver education vehicle , or a rental vehicle .

VEHICLE PRICE		(+)	\$ 20500.00	(47) 2307
TRANSPORTATION IF NOT INCLUDED IN VEHICLE PRICE		(+)		
FACTORY INSTALLED EQUIPMENT		(+)		
DEALER INSTALLED EQUIPMENT AND SERVICES		(+)		
DEALER PREP				\$55.00
Oil Change / Wash & Wax				
<b>TOTAL</b>				<b>\$20,555.00</b>

LESS TRADE-IN CREDIT (-)		(BUYER SEE 1 AND 6 (d) ON BACK)	0
CASH PRICE			\$ 20555.00

SALES TAX		8% (+)	1644.40
DEALER'S OPTIONAL FEE FOR PROCESSING APPLICATION FOR REGISTRATION AND/OR CERTIFICATE OF TITLE			\$75.00
REGISTRATION FEE (ESTIMATE)		(+)	0.00
INSPECTION FEE		(+)	\$21.00
NYS TIRE SALVAGE FEE		(+)	
TOTAL CASH PRICE DELIVERED			\$ 22795.40
LESS CASH DEPOSIT SUBMITTED WITH ORDER			14730.00
PLUS BALANCE OWING ON TRADE-IN			
<b>CASH DUE ON DELIVERY</b>			<b>\$7565.40</b>

I have read the terms on the back of this agreement and have received a completed copy of this agreement.  
 BUYER'S SIGNATURE [Signature] DATE Aug 18/15  
 CO-BUYER'S SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_  
 SELLER APPROVED BY [Signature] DATE 08-18-2015

# LIMITED WARRANTY

## NEW YORK STATE USED VEHICLE DEALER

THIS LIMITED WARRANTY APPLIES ONLY TO VEHICLES WITH A SELLING PRICE OF \$1500.00 OR MORE.  
THIS LIMITED WARRANTY DOES NOT APPLY TO VEHICLES WITH 100,000 MILES OR MORE ON THE ODOMETER.

Name of Purchaser <b>KAH SHEENA N JONES</b>		Dealer's Name <b>Jerry's Grand Motors Inc.</b>	
Street Address [REDACTED]		Street Address [REDACTED]	
City and State [REDACTED]		City and State <b>Buffalo, NY</b>	
Zip Code <b>14205</b>	Phone No. <b>940-6694</b>	Zip & Ph. No. <b>14205-1400</b>	

This limited warranty is entered into solely between the undersigned Selling Dealer and the Purchaser named herein with respect to the following described vehicle:

Year <b>2005</b>	Vehicle Identification No. [REDACTED]	Model <b>C45 ET</b>	Delivery Date <b>02-18-2015</b>
Odometer Reading <b>88796</b>			

**1. DURATION OF LIMITED WARRANTY:** This Limited Warranty will commence at the time the vehicle is delivered to the Purchaser and will have the following duration: If the odometer reading shown above is 18,000 miles or less, you may be protected by the New Car Lemon Law if the odometer reading shown above is more than 18,000 and up to and including 36,000 miles; coverage will apply for ninety (90) days after delivery or four thousand (4,000) miles, whichever comes first (subject to any remaining portion of the manufacturer's warranty); or if the odometer reading shown above is more than 36,000 miles, but less than 80,000 miles, coverage will apply for sixty (60) days after delivery or three thousand (3,000) miles, whichever comes first; or if the odometer reading shown above is more than 80,000 miles, up to 100,000 miles, coverage will apply for thirty (30) days after delivery or one thousand (1,000) miles, whichever comes first. The terms of this Limited Warranty will be extended at any time period during which the vehicle is in the possession of the Selling Dealer or its duly authorized agent for the purpose of making repairs required hereunder and by any time period during which repair services are not available to the Purchaser because of a war, invasion, strike, fire, flood or other natural disaster.

**2. PURCHASER'S OBLIGATIONS:** In the event of the failure of any part listed in the section entitled "COVERAGES", on the reverse side, the Purchaser must notify the Selling Dealer within the applicable warranty period described in Section 1 above and deliver the vehicle to Selling Dealer's address shown above, or to such other location as Selling Dealer may reasonably designate and, upon request, provide Selling Dealer with written authorization to complete the necessary repairs.

**3. SELLING DEALER'S OBLIGATIONS:** Subject to any remaining portion of the manufacturer's warranty, the Selling Dealer will repair, without charge to the Purchaser, or, if it elects to authorize an agent to perform the repairs, will pay or reimburse the Purchaser for the reasonable cost of repairing the failure of a covered part listed in the section entitled "COVERAGES", on the reverse side, which is not excluded by the section entitled "NOT COVERED", on the reverse side, provided that the Selling Dealer is notified by the Purchaser of such failure in accordance with Section 2 above within the applicable warranty period described in Section 1 above.

**4. PURCHASER'S LEGAL RIGHTS:** This Limited Warranty gives you specific legal rights and you may also have other rights which vary from state to state. If you have any questions regarding this Limited Warranty, please contact the Service Department at Selling Dealer's address shown above.

**5. NON-TRANSFERABILITY:** This Limited Warranty is extended only to the Purchaser named above and may not be transferred to any person other than the spouse or a child of the Purchaser.

This is the only warranty on this vehicle. The Selling Dealer shall not be responsible for incidental or consequential loss or damages arising from a loss of use, a loss of time or a loss of profits or income to the purchaser. Some states do not allow the exclusion or limitation of incidental or consequential damages, so the above limitation or exclusion may not apply to you. All implied warranties, including the implied warranty of merchantability and fitness for a particular purpose, are hereby limited to that duration of time stated above. In the section entitled "Duration of Limited Warranty", some states do not allow limitations on how long an implied warranty lasts, so the above limitation may not apply to you.

**NOTICE TO USED VEHICLE BUYER:** If you are entitled to a refund under section 198-b of the General Business Law, the dealer may, instead of returning your trade-in, pay you its wholesale value determined by reference to the National Auto Dealers Association Used Car Guide or another guide approved by the Commissioner of Motor Vehicles, adjusted for mileage, improvements and major physical/mechanical defects, and not the value listed in the contract. In witness whereof we have attached our signatures on this 18 day of April, 2015.

Jerry's Grand Motors Inc. 711 Niagara St. #14120 Tonawanda, NY 14120 (716) 743-4999		by	[Signature]	Authorized Representative
City	State	Zip		Purchaser

SEE REVERSE SIDE FOR PARTS COVERED AND PARTS NOT COVERED

JERRY GRADL MOTORS, INC.  
711 NIAGARA FALLS BLVD.  
NORTH TONAWANDA, NEW YORK 14120  
716-743-4001 FAX 716-260-2628  
FACILITY # 7111838  
Promissory Note

~~BRASHIENANTONES~~ ~~711 NIAGARA FALLS BLVD NIAGARA FALLS NY~~ and  
JERRY GRADL MOTORS, INC. at 711 NIAGARA FALLS BLVD. hereby enter into this  
agreement as of ~~8/18/15~~.

I, Promise to Pay the sum of \$7565.40 for the balance on the 2005 BMW  
VIN# [REDACTED] that I have purchased from JERRY GRADL MOTORS, INC.

Two payments in the amount of \$3782.70 each, shall be made commence 9/18/15, the second  
payment of \$3782.40 will be paid on 10/18/15.

Recourse. THIS PROMISSORY NOTE ALLOWS JERRY GRADL MOTORS, INC. TO SEEK RECOURSE  
AGAINST ANY PERSONAL ASSETS OF THE MAKER if debt should fall into default.

Attorney Fees and Court Costs. In the event of such default or breach, Maker promises to pay JERRY GRADL  
MOTORS, INC. all collection and/or litigation costs incurred, including reasonable attorney fees and court costs,  
whether or not a judgment and whether or not a lawsuit is filed.

IN WITNESS WHEREOF, the parties have executed this Promissory Note:

Signature of Maker: [Handwritten Signature] Printed Name: Shahsheena N Jones  
Date: 8/18/15

Notary Public State of New York County of Erie:

On this the 18 day of Aug, 2015, before me, the undersigned, a notary public in and for said County and  
State, personally appeared Simone Tyson personally known to me (or proved to me on the basis of satisfactory  
evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that  
he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the  
instrument the person(s), or entity upon behalf of which the person(s) acted, executed the instrument. I further swear  
that I am unrelated to the named individual and not entitled to any portion of his or her estate. WITNESS my hand  
and official seal.

SWORN TO AND SUBSCRIBED before me this the 18 day of Aug, 2015.

BARBARA A. Wopperer

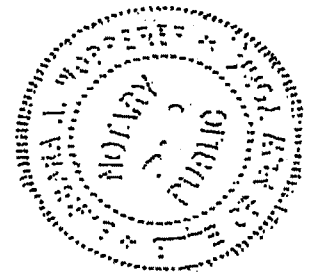
(Print name)

[Handwritten Signature]

(Signature)

NOTARY PUBLIC

My Commission Expires: Dec-02, 2017



## EXHIBIT B

CUSTOMER #: B4711691

297329

RISAUN BLACKMON  
RAHSHEENA JONES

\*INVOICE\*

**Towne**  
AUTO  
POSITIVELY DIFFERENT  
Towne BMW (716) 505-2100  
Towne MINI (716) 504-MINI

PAGE 1

8215 MAIN ST. • WILLIAMSVILLE, NY 14221  
BMW Direct Service: (716) 505-2123  
MINI Phone: (716) 504-MINI  
FED. I.D. # 16-1250848 • NY Reg. # 7013691  
www.towneauto.com

NIAGARA FALLS, NY 14305  
HOME: [REDACTED]  
BUS: [REDACTED]

CONT: [REDACTED]  
CELL: [REDACTED]

SERVICE ADVISOR: 7938 CARL ARGENTIERI

COLOR	YEAR	MAKE/MODEL	VIN	LICENSE	MILEAGE IN/OUT	TAG	
	05	BMW 645CI	[REDACTED]		89849/89849	T679	
DATE	PROD. DATE	WARR. EXP.	FROM/TO	FE. NO.	RATE	PAYMENT	INV. DATE
01JAN05 DD		01JAN2005	17:00 16SEP15			CASH	16SEP15
REG. OPENED	HEAD	OPTIONS: ENG:4.4 Liter					

LINE	OPCODE	TECH	TYPE	HOURS	LIST	NET	TOTAL
------	--------	------	------	-------	------	-----	-------

A OIL AND FILTER CHANGE  
LOF OIL AND FILTER CHANGE  
5596 CPB 0.50  
1 11-42-7-511-161 SET OIL-FILTER  
ELEMENT:114010 26.51 26.51 26.51  
8 83-21-2-365-946 BMW TWINPOWER TURBO LL-01  
5W:832511 9.46 9.46 75.68  
89849 LOF PERFORMED LOF. FOUND VALVE COVERS TO BE LEAKING AND  
DRIPPING ON TO EXHAUST MANIFOLD. ALSO FOUND TIRES TO BE DRY ROTTED.  
QUOTED OUT ALL 4 TIRES AND VALVE COVER GASKETS.

B C.S. GET A PRICE ON FRONT PLATE FRAME AND INSTALL TOWNE PLATE FRAME  
ON REAR  
M NEED TO ORDER FRONT PLATE FRAME BRACKET  
\$64.40-CAN BE ORDERED IN PARTS DEPT.  
5596 CPB 0.00 0.00 0.00  
89849 QUOTED OUT FRT PLATE FRAME

I, CONSENT TO RECEIVE TEXT MESSAGES FROM TOWNE OR ITS AGENT SENT VIA AUTO DIAL. MESSAGES CONTAIN CUSTOMER INFORMATION, OFFERS, OR REMINDERS FROM TOWNE. STANDARD MESSAGE AND DATA RATES APPLY. I UNDERSTAND I AM NOT REQUIRED TO CONSENT TO THIS OFFER.  
SIGNED \_\_\_\_\_

**PAID**  
SEP 16 2015  
\$150 - Cash  
\$1107 - Check

I hereby authorize the repair work herein set forth to be done along with the necessary material and agree that you are not responsible for loss or damage to vehicle or articles left in vehicle in case of fire, theft or any other cause beyond your control or for any delays caused by unavailability of parts or delays in parts shipments by the supplier or transporter. I hereby grant you and/or your employees permission to operate the vehicle herein described on streets, highways or elsewhere for the purpose of testing and or inspection. An express mechanics lien is hereby acknowledged on below vehicle to secure the amount of repairs thereto.

REPLACED PARTS REQUESTED YES  NO

X CUSTOMER SIGNATURE \_\_\_\_\_

Any warranties on the products sold hereby are those made by the manufacturer. The seller hereby expressly disclaims all warranties, either express or implied, including any implied warranty of merchantability or fitness for a particular purpose, and neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of said products.

DESCRIPTION	TOTALS
LABOR AMOUNT	50.00
PARTS AMOUNT	102.19
GAS, OIL, LUBE	0.00
SUBLET AMOUNT	0.00
MISC. CHARGES	0.00
TOTAL CHARGES	152.19
LESS INSURANCE	0.00
SALES TAX	13.32
PLEASE PAY THIS AMOUNT	165.51

NYSCEF DOC. NO. 4

DATE: 04/14/2017

CUSTOMER #: B4711691

299088

**towne**  
AUTO  
POSITIVELY DIFFERENT

RISAUN BLACKMON  
RAHSHEENA JONES

\*INVOICE\*

Towne BMW (716) 505-2100  
Towne MINI (716) 504-MINI

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MINI Phone: (716) 504-MINI  
FED. I.D. # 16-1250648 - NY Reg.# 7013591  
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PAGE 1

SERVICE ADVISOR: 7938 CARL ARGENTIERI

HOME:	CONT:	[REDACTED]	
B/S:	CELL:	[REDACTED]	
COLOR:	YEAR:	MAKE/MODEL:	VIN:
	05	BMW 645CI	[REDACTED]
DEL DATE:	PROD DATE:	WARE EXP:	PROMISED:
1JAN05 DD	01JAN2005	17:00	09OCT15
R.O. OPENED:	READY:	OPTIONS:	ENG:4.4 Liter
07:56 09OCT15	07:55 14OCT15		
LINE OPCODE	TECH	TYPE	HOURS
		LIST	NET
			TOTAL

A C.S. THERE IS A MAJOR OIL LEAK-CHECK AND ADVISE  
M REPLACED VALVE COVER GASKET AND UPPER TIMING  
COVER GASKET-ALTERNATOR BRACKET GASKET AND  
TRANNY SEALING SLEEVE STILL LEAKING QUOTED  
\$3000.00 *STILL NEEDED*

8214 CPB 10.30		1000.00	1000.00
1 11-14-7-506-424 GASKET STEEL:118523	9.66	9.66	9.66
1 11-14-7-506-425 GASKET STEEL:118523	9.66	9.66	9.66
1 11-12-7-513-194 GASKET SET, CYLINDER HEAD CO:118522	130.68	130.68	130.68
1 11-12-7-513-195 GASKET SET, CYLINDER HEAD CO:118522	130.68	130.68	130.68
1 17-12-7-521-775 VENT PIPE:171021	48.38	48.38	48.38
1 11-72-7-508-270 PRESSURE HOSE ASSY:117060	80.15	80.15	80.15
1 07-12-9-952-102 HOSE CLAMP:079510	2.09	2.09	2.09
1 11-37-7-527-017 ECCENTRIC SHAFT SENSOR:136040	489.41	489.41	489.41
1 17-12-7-542-540 VENT PIPE:171021	95.96	95.96	95.96
2 07-12-9-952-102 HOSE CLAMP:079510	2.09	2.09	4.18
1 11-61-7-547-185 VENT PIPE:111066	80.44	80.44	80.44
1 11-61-7-547-186 VENT PIPE:111066	85.01	85.01	85.01
2 11-12-7-518-420 SEALING:118523	6.50	6.50	13.00
-1 DISCOUNT B/S PARTS	117.93	117.93	-117.93

*Discount \$1442*

90716  
CONFIRMED CUSTOMERS CONCERN. FOUND CAR HAD OIL LEAK. RECOMMENDED:  
VALVE COVER GASKETS, FRONT UPPER TIMING CHAIN COVERS, TRANSMISSION  
SEALING SLEEVE, "ALTERNATOR BRACKET GASKET" - CUSTOMER APPROVED,  
VALVE COVER GASKET AND TIMING COVER GASKETS. DEGREASED ENGINE AND SKIP  
PLATES. CONFIRMED VALVE COVER GASKETS NO LONGER LEAKED. THE RE OF THE  
RECOMMENDED PARTS STILL LEAK.

NOTE: ACTIVE STEERING LIGHT ON PRIOR TO SERVICE, STEERING WHEEL IS  
WAY OFF TO THE RIGHT, NEEDS ALIGNMENT FOR LIGHT TO GO OFF.

\*\*\*\*\*

*Handwritten notes and signatures*

I hereby authorize the repair work herein set forth to be done along with the necessary material and agree that you are not responsible for loss or damage to vehicle or articles left in vehicle in case of fire, theft or any other cause beyond your control or for any delays caused by unavailability of parts or delays in parts shipments by the supplier or transporter. I hereby grant you and/or your employees permission to operate the vehicle herein described on streets, highways or elsewhere for the purpose of testing and or inspection. An express mechanics lien is hereby acknowledged on below vehicle to secure the amount of repairs thereto.

REPLACED PARTS REQUESTED YES  NO

CUSTOMER SIGNATURE

Any warranties on the products sold hereby are those made by the manufacturer. The seller hereby expressly disclaims all warranties, either express or implied, including any implied warranty of merchantability or fitness for a particular purpose, and neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of sold products.

DESCRIPTION	TOTALS
LABOR AMOUNT	
PARTS AMOUNT	
GAS OIL FLUIDS	
SOLET AMOUNT	
MISC. CHARGES	
TOTAL CHARGES	
LESS INSURANCE	
SALES TAX	
PLEASE PAY THIS AMOUNT	

NYSCEF DOC. NO. 4

RECEIVED NYSCEF: 04/14/2017

CUSTOMER #: B4711691

299088



RISAUN BLACKMON  
RAHSHEENA JONES

\*INVOICE\*

Towne BMW (716) 505-2100  
Towne MINI (716) 504-MINI

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PAGE 2

HOME: [REDACTED] CONT: [REDACTED]  
BUS: [REDACTED] CELL: [REDACTED]

SERVICE ADVISOR: 7938 CARL ARGENTIERI

COLOR	YEAR	MAKE/MODEL	VIN	LICENSE	MILEAGE IN/OUT	TAG	
	05	BMW 645CI	[REDACTED]		90716/90720	T166	
DEL DATE	PROD DATE	WARRM EXPI	PROMISED	RO NO	RATE	PAYMENT	INV DATE
01JAN05 DE		01JAN2005	17:00 09OCT15			CASH	14OCT15
RO OPENED	READY	OPTIONS: ENG:4.4 Liter					
07:56 09OCT15	07:55 14OCT15						

LINE	OPCODE	TECH	TYPE	HOURS	LIST	NET	TOTAL
------	--------	------	------	-------	------	-----	-------

I CONSENT TO RECEIVE TEXT MESSAGES FROM TOWNE OR ITS AGENT SENT VIA AUTO DIAL. MESSAGES CONTAIN CUSTOMER INFORMATION, OFFERS, OR REMINDERS FROM TOWNE. STANDARD MESSAGE AND DATA RATES APPLY. I UNDERSTAND I AM NOT REQUIRED TO CONSENT TO THIS OFFER.  
SIGNED \_\_\_\_\_

hereby authorize the repair work herein set forth to be done along with the necessary material and agree that you are not responsible for loss or damage to vehicle or articles left in vehicle in case of fire, theft or any other cause beyond your control or for any delays caused by unavailability of parts or delays in parts shipments by the supplier or transporter. I hereby grant you and/or your employees permission to operate the vehicle herein described on streets, highways or elsewhere for the purpose of testing and or inspection. An express mechanics lien is hereby acknowledged on below vehicle to secure the amount of repairs thereto.

REPLACED PARTS REQUESTED YES  NO

CUSTOMER SIGNATURE

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DESCRIPTION	TOTALS
LABOR AMOUNT	1000.00
PARTS AMOUNT	1061.37
GAS, OIL, LUBE	0.00
SUBLET AMOUNT	0.00
MISC. CHARGES	0.00
TOTAL CHARGES	2061.37
LESS INSURANCE	0.00
SALES TAX	180.37
PLEASE PAY THIS AMOUNT	2241.74

NYSCEF DOC. NO. 4

RECEIVED NYSCEF: 04/14/2017

CUSTOMER #: B4711691

323174

RISAUN BLACKMON  
RAHSHEENA JONES

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Towne MINI (716) 504-MINI

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MINI Phone: (716) 504-MINI  
FED. I.D. # 15-1250648 • NY Reg. # 7013591  
www.towneauto.com

DUPLICATE 1  
PAGE 1

HOME: [REDACTED] CONT: [REDACTED]  
BUS: [REDACTED] CELL: [REDACTED]

SERVICE ADVISOR: 1603 ADAM ORZECZOWSKI

COLOR	YEAR	MAKE/MODEL	VIN	LICENSE	MILEAGE IN/OUT	PAGE
	05	BMW 645CI	[REDACTED]		94143/94143	T679
DEL DATE	REG DATE	WARR EXPI	PROMISED	RATE	PAYMENT	INV DATE
01JAN05 DD		01JAN2005	17:00 08SEP16		CASH	08SEP16
R.O. OPENED	READY	OPTIONS: ENG:4.4 Liter				
08:02 08SEP16	09:54 08SEP16					

LINE	OPCODE	TECH	TYPE	HOURS	LIST	NET	TOTAL
------	--------	------	------	-------	------	-----	-------

A C/S VEH WILL NOT START  
M MECHANICAL TIME  
4554 CPB 4.20 588.00 588.00

94143 INTERNAL ENGINE FAILURE CONFIRMED CONCERN, UNABLE TO JUMP START VEHICLE, DOES NOT CRANK WHEN TRYING TO START. CHECKED WIRING FOR STARTER, WIRING OK. REMOVED ACCESSORY BELTS, ATTEMPTED TO CRANK ENGINE OVER BY HAND, ENGINE MOVES SLIGHTLY AND THEN LOCKS UP COMPLETELY. ABLE TO TURN ENGINE BACK A LITTLE AND LOCKS UP AGAIN. NOTICED HEAVY AMOUNT OF OIL ON ENGINE AND VEHICLE UNDER SHIELDING... AFTER TALKING WITH CUSTOMER, REMOVED STARTER TO VERIFY STARTER WAS NOT CAUSE OF ENGINE LOCKING UP.. ENGINE STILL LOCKING UP WITH STARTER REMOVED, NO OTHER ACCESSORIES STILL ATTACHED TO ENGINE, MEANING THERE IS AN INTERNAL FAILURE AND FURTHER DIAGNOSIS WILL BE REQUIRED TO FIND FAILURE.

\*\*\*\*\*

A NEW ENGINE \$21000.00 IN GERMANY ONLY, LABOR \$ 4150.00  
TOTAL \$25150.00 INSTALLED ,  
TAX \$1881.00 \$27003.00.  
DECLINED AT THIS TIME.

I CONSENT TO RECEIVE TEXT MESSAGES FROM TOWNE OR ITS AGENT SENT VIA AUTO DIAL. MESSAGES CONTAIN CUSTOMER INFORMATION, OFFERS, OR REMINDERS FROM TOWNE. STANDARD MESSAGE AND DATA RATES APPLY. I UNDERSTAND I AM NOT REQUIRED TO CONSENT TO THIS OFFER.  
SIGNED \_\_\_\_\_

**PAID**  
PAID  
PAID  
PAID  
SEP 16 2016  
CHECK # 1075  
BY: DT

*Veh was here since 6/21/16 till 9/16/16 Had to Newright order*

*2916 hrs*  
*\$21,000 in Germany only*  
*MUST BE PAID*  
*25144*

hereby authorize the repair work herein set forth to be done along with the necessary material and responsible for loss or damage to vehicle or articles left in vehicle in case of fire, theft or any other cause or for any delays caused by unavailability of parts or delays in parts shipments by the supplier or transport and/or your employees permission to operate the vehicle herein described on streets, highways or upon of testing and or inspection. An express mechanics lien is hereby acknowledged on below amount of repairs thereto.

REPLACED PARTS REQUESTED YES  NO

CUSTOMER SIGNATURE

any warranties on the products sold hereby are those made by the manufacturer. The seller hereby expressly disclaims all warranties, either express or implied, including any implied warranty of merchantability or fitness for a particular purpose, and neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of said products.

LESS INSURANCE	0.00
SALES TAX	51.45
PLEASE PAY THIS AMOUNT	639.45



**REQUEST FOR JUDICIAL INTERVENTION**

UCS-840 (7/2012)

Niagara Supreme COURT, COUNTY OF Niagara

Index No: **E161320/2017** Date Index Issued: **04/17/2017**

<b>For Court Clerk Use Only:</b>	
IAS Entry Date	
Judge Assigned	
RJI Date	

**CAPTION:** Enter the complete case caption. Do not use et al or et ano. If more space is required, attach a caption rider sheet.

Rasheena Jones

Plaintiff(s)/Petitioner(s)

**-against-**

Jerry Gradl Motors, Inc

Defendant(s)/Respondent(s)

**NATURE OF ACTION OR PROCEEDING:** Check ONE box only and specify where indicated.

<p><b>MATRIMONIAL</b></p> <p><input type="checkbox"/> Contested</p> <p><b>NOTE:</b> For all Matrimonial actions where the parties have children under the age of 18, complete and attach the <b>MATRIMONIAL RJI Addendum</b>. For Uncontested Matrimonial actions, use RJI form UD-13.</p> <p><b>TORTS</b></p> <p><input type="checkbox"/> Asbestos</p> <p><input type="checkbox"/> Breast Implant</p> <p><input type="checkbox"/> Environmental:</p> <p><input type="checkbox"/> Medical, Dental, or Podiatric Malpractice</p> <p><input type="checkbox"/> Motor Vehicle</p> <p><input type="checkbox"/> Products Liability:</p> <p><input type="checkbox"/> Other Negligence:</p> <p><input type="checkbox"/> Other Professional Malpractice:</p> <p><input type="checkbox"/> Other Tort:</p> <p><b>OTHER MATTERS</b></p> <p><input type="checkbox"/> Certificate of Incorporation/Dissolution [see <b>NOTE</b> under Commercial]</p> <p><input type="checkbox"/> Emergency Medical Treatment</p> <p><input type="checkbox"/> Habeas Corpus</p> <p><input type="checkbox"/> Local Court Appeal</p> <p><input type="checkbox"/> Mechanic's Lien</p> <p><input type="checkbox"/> Name Change</p> <p><input type="checkbox"/> Pistol Permit Revocation Hearing</p> <p><input type="checkbox"/> Sale or Finance of Religious/Not-for-Profit Property</p> <p><input type="checkbox"/> Other:</p>	<p><b>COMMERCIAL</b></p> <p><input type="checkbox"/> Business Entity (including corporations, partnerships, LLCs, etc.)</p> <p><input checked="" type="checkbox"/> Contract</p> <p><input type="checkbox"/> Insurance (where insurer is a party, except arbitration)</p> <p><input type="checkbox"/> UCC (including sales, negotiable instruments)</p> <p><input type="checkbox"/> Other Commercial:</p> <p><b>NOTE:</b> For Commercial Division assignment requests [22 NYCRR § 202.70(D)], complete and attach the <b>COMMERCIAL DIV RJI Addendum</b>.</p> <p><b>REAL PROPERTY:</b> How many properties does the application include?</p> <p><input type="checkbox"/> Condemnation</p> <p><input type="checkbox"/> Mortgage Foreclosure:      <input type="checkbox"/> Residential      <input type="checkbox"/> Commercial</p> <p>Property Address:</p> <p><b>NOTE:</b> For Mortgage Foreclosure actions involving a one- to four-family, owner-occupied, residential property, or an owner-occupied condominium, complete and attach the <b>FORECLOSURE RJI Addendum</b>.</p> <p><input type="checkbox"/> Tax Certiorari - Section:      Block:      Lot:</p> <p><input type="checkbox"/> Tax Foreclosure</p> <p><input type="checkbox"/> Other Real Property:</p> <p><b>SPECIAL PROCEEDINGS</b></p> <p><input type="checkbox"/> CPLR Article 75 (Arbitration) [see <b>NOTE</b> under Commercial]</p> <p><input type="checkbox"/> CPLR Article 78 (Body or Officer)</p> <p><input type="checkbox"/> Election Law</p> <p><input type="checkbox"/> MHL Article 9.60 (Kendra's Law)</p> <p><input type="checkbox"/> MHL Article 10 (Sex Offender Confinement-Initial)</p> <p><input type="checkbox"/> MHL Article 10 (Sex Offender Confinement-Review)</p> <p><input type="checkbox"/> MHL Article 81 (Guardianship)</p> <p><input type="checkbox"/> Other Mental Hygiene:</p> <p><input type="checkbox"/> Other Special Proceeding:</p>
---	---

**STATUS OF ACTION OR PROCEEDING:** Answer YES or NO for EVERY question AND enter additional information where indicated.

Has a summons and complaint or summons w/notice been filed?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	If yes, date filed: 04/14/2017
Has a summons and complaint or summons w/notice been served?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	If yes, date served:
Is this action/proceeding being filed post-judgment?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	If yes, judgment date:

**NATURE OF JUDICIAL INTERVENTION:**

Check ONE box only AND enter additional information where indicated. RECEIVED NYSCEF: 02/06/2019

- Infant's Compromise
- Note of Issue and/or Certificate of Readiness
- Notice of Medical, Dental, or Podiatric Malpractice
- Notice of Motion
- Notice of Petition
- Order to Show Cause
- Other Ex Parte Application
- Poor Person Application
- Request for Preliminary Conference
- Residential Mortgage Foreclosure Settlement Conference
- Writ of Habeas Corpus
- Other:

Date Issue Joined:

Relief Sought:

Return Date:

Relief Sought:

Return Date:

Relief Sought:

Return Date:

Relief Sought:

**RELATED CASES:**

List any related actions. For Matrimonial actions, include any related criminal and/or Family Court cases. If additional space is required, complete and attach the **RJI Addendum**. If none, leave blank.

Case Title	Index/Case No.	Court	Judge (if assigned)	Relationship to Instant Case

**PARTIES:** For parties without an attorney, check "Un-Rep" box AND enter party address, phone number and e-mail address in space provided. If additional space is required, complete and attach the **RJI Addendum**.

Un-Rep	Parties:	Attorneys and/or Unrepresented Litigants:	Issue Joined (Y/N):	Insurance Carrier(s):
	List parties in caption order and indicate party role(s) (e.g., defendant; 3rd-party plaintiff).	Provide attorney name, firm name, business address, phone number and e-mail address of all attorneys that have appeared in the case. For unrepresented litigants, provide address, phone number and e-mail address.		
<input type="checkbox"/>	Name: Jones, Rasheena Role(s): Plaintiff/Petitioner	MATTHEW LAZROE, Matthew A Lazroe, Esq., 43 COURT STREET SUITE 1111, BUFFALO, NY 14202, [redacted]@lazroelaw.com	NO	
<input type="checkbox"/>	Name: Jerry Gradl Motors, Inc Role(s): Defendant/Respondent	MICHAEL IACONO, John J. Fromen, Attorneys at Law, PC, 4367 Harlem Road, Snyder, NY 14226, [redacted]@fromenlaw.com	NO	
<input type="checkbox"/>	Name: Role(s):			
<input type="checkbox"/>	Name: Role(s):			
<input type="checkbox"/>	Name: Role(s):			

**I AFFIRM UNDER THE PENALTY OF PERJURY THAT, TO MY KNOWLEDGE, OTHER THAN AS NOTED ABOVE, THERE ARE AND HAVE BEEN NO RELATED ACTIONS OR PROCEEDINGS, NOR HAS A REQUEST FOR JUDICIAL INTERVENTION PREVIOUSLY BEEN FILED IN THIS ACTION OR PROCEEDING.**

Dated: 02/06/2019

MATTHEW ALLEN LAZROE  
SIGNATURE

4379137

ATTORNEY REGISTRATION NUMBER

MATTHEW ALLEN LAZROE  
PRINT OR TYPE NAME

SUPREME COURT OF THE STATE OF NEW YORK

UCS-840C  
3/2011

COUNTY OF Niagara

\_\_\_\_\_  
X  
Rasheena Jones

Index No: E161320/2017

RJI No. (if any):

-against-

Plaintiff(s)/Petitioner(s)

Jerry Gradl Motors, Inc

Defendant(s)/Respondent(s)

**COMMERCIAL DIVISION**

**Request for Judicial Intervention Addendum**

COMPLETE WHERE APPLICABLE [add additional pages if needed]:

Plaintiff/Petitioner's cause(s) of action [check all that apply]:

- Breach of contract or fiduciary duty, fraud, misrepresentation, business tort (e.g. unfair competition), or statutory and/or common law violation where the breach or violation is alleged to arise out of business dealings (e.g. sales of assets or securities; corporate restructuring; partnership, shareholder, joint venture, and other business agreements; trade secrets; restrictive covenants; and employment agreements not including claims that principally involve alleged discriminatory practices)
- Transactions governed by the Uniform Commercial Code (exclusive of those concerning individual cooperative or condominium units)
- Transactions involving commercial real property, including Yellowstone injunctions and excluding actions for the payment of rent only
- Shareholder derivative actions — without consideration of the monetary threshold
- Commercial class actions — without consideration of the monetary threshold
- Business transactions involving or arising out of dealings with commercial banks and other financial institutions
- Internal affairs of business organizations
- Malpractice by accountants or actuaries, and legal malpractice arising out of representation in commercial matters
- Environmental insurance coverage
- Commercial insurance coverage (e.g. directors and officers, errors and omissions, and business interruption coverage)
- Dissolution of corporations, partnerships, limited liability companies, limited liability partnerships and joint ventures — without consideration of the monetary threshold
- Applications to stay or compel arbitration and affirm or disaffirm arbitration awards and related injunctive relief pursuant to CPLR Article 75 involving any of the foregoing enumerated commercial issues — without consideration of the monetary threshold

Plaintiff/Petitioner's claim for compensatory damages [exclusive of punitive damages, interest, costs and counsel fees claimed]:

20555.00

Plaintiff/Petitioner's claim for equitable or declaratory relief [brief description]:

Defendant/Respondent's counterclaim(s) [brief description, including claim for monetary relief]:

I REQUEST THAT THIS CASE BE ASSIGNED TO THE COMMERCIAL DIVISION. I CERTIFY THAT THE CASE MEETS THE JURISDICTIONAL REQUIREMENTS OF THE COMMERCIAL DIVISION SET FORTH IN 22 NYCRR § 202.70(a), (b) and (c).

Dated: 02/06/2019

MATTHEW ALLEN LAZROE  
SIGNATURE

MATTHEW ALLEN LAZROE  
PRINT OR TYPE NAME

**PRESENT: HON. MARK J. GRISANTI**  
Supreme Court Justice

**STATE OF NEW YORK**  
**SUPREME COURT : COUNTY OF NIAGARA**

---

**RASHEENA JONES,**

Plaintiff(s),

v.

**TRIAL**  
**SCHEDULING ORDER**  
Index No.: E161320/2017

**JERRY GRADL MOTORS, INC.,**

Defendant(s).

---

Upon review of the papers filed to date, and after conferring with counsel for the parties on January 16, 2020, the Court hereby orders the following scheduling deadlines:

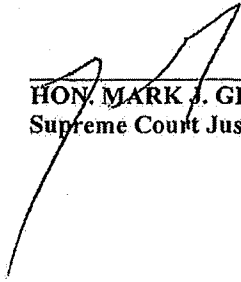
- All expert reports exchanged by: 30 days before trial for Defendant  
60 days before trial for Plaintiff
- Inspection of vehicle by: March 2, 2020
- Jury Selection: April 6, 2020
- Trial: April 7 – 10, 2020
- Next pretrial conference via telephone: March 4, 2020 at 10:00 a.m.

A Note of Issue and Certificate of Readiness, including any demand for trial by jury, is to be filed and served by Plaintiff's counsel, within 10 days from the date established herein for completion of all discovery. Any separate defense demand for trial by jury must be filed and served with 15 days of service of the NOICR.

All dates contained herein relating to the completion of items in this order must be adhered to. Absent good cause shown, any failure to comply with the foregoing schedule will result in a waiver of such discovery and/or a preclusion of undisclosed material from evidence. Counsel may not enter into any adjournments without permission of this Court.

The foregoing constitutes the Decision and Order of this Court.

Dated: January 16, 2020  
Buffalo, New York

  
\_\_\_\_\_  
**HON. MARK J. GRISANTI**  
Supreme Court Justice

Mark Grisanti

Jones v Grad Motors - info  
E 161320/2017

**From:** Christopher Pannoza  
**Sent:** Wednesday, January 8, 2020 4:32 PM  
**To:** Mark Grisanti  
**Cc:** Michael C. Veruto; Christine Kibler; Rebecca Wydysh  
**Subject:** welcome to Niagara County

Judge Grisanti:

Good afternoon. I would like to reintroduce myself; my name is Chris Pannoza and I am the Commissioner of Jurors for Niagara County.

I learned just yesterday afternoon that in the next few months you will be spending some of your time with us at the DelSignore Building and taking over some of Justice Furlong's cases. I do recall that you have conducted a couple of trials here in the past and I look forward to working with you and your staff and becoming better acquainted. Please allow me to review a couple of our procedures as there is some significant difference between our operations and those in Erie County.

First, please recall that we operate from two separate courthouses that contain the Supreme and County courts. The Justices in the DelSignore Building handle civil matters and criminal and civil matters are both conducted in the County Courthouse here in Lockport.

Each of the buildings possesses its own jury assembly room, but my main office is within the County Courthouse and my team consists of four individuals including myself and my deputy, Rebecca (Becky) Wydysh.

As a medium sized county, we are not quite large enough to utilize a standing jury pool in which jurors appear on a daily basis for possible voir dire. Instead, I will closely tailor our summons allocations to each respective court with greatest regard given to the case type and trial length. Once per week I will contact your Confidential Secretary, Pamela, along with the other courts' clerks or secretaries in a group email to ask for their trial information for three weeks out. This is usually done on Wednesdays and I request replies to be made by Friday afternoon at 3:00. This information permits me to make some calculations and best estimate the most efficient number of summons to issue for a given week.

Next, to ensure that my office may be continually staffed to handle telephone, email and walk-in inquiries and still have proper coverage in our jury assembly rooms for juror sign-in and orientations, we conduct voir dieres out of the County Courthouse on Mondays and on Tuesdays in the DelSignore Building. This usually works quite smoothly, but even this operating model can be challenging if voir dieres in both locations go into a subsequent days. Therefore, I do respectfully ask that Pamela keep this in mind as she is scheduling trials. Furthermore, when there is a holiday on a Monday, then all voir dieres in both locations will be pushed- back one day and the start day for trials at the DelSignore Building then becomes Wednesday. This same holds true if the holiday falls directly on a Tuesday.

If you have any questions or concerns, please do contact me. Otherwise, thank you for your time and please accept my personal welcome to Niagara County.

Regards,

Chris

P.S. – congratulations on the newest addition to your family - I hope that everyone is well.

**Ther A. Panno**

Commissioner of Jurors  
New York State Unified Court System  
8th Judicial District - Niagara County  
Ph. (716) 280-6450  
Fax (716) 280-6457

**Please be CAREFUL when clicking links or opening attachments.**

# Jury Selection 2019

## November 13, 2019

### December 2019

Dec 2 [redacted] v [redacted] e167881/2019 Hearing (2 hours)  
 Dec 9 [redacted] v [redacted] 150065 PTC 11/15/19  
 Dec 12 [redacted] v [redacted] 1279/2013 Bannister - PTC 11/26/19  
 Dec 19 [redacted] v [redacted]

### 2020

#### January 2020

Jan 2, 3 & 6 [redacted] v [redacted] 165859/2018 Hearing - Custody, Access & EDL  
 Jan 7 [redacted] v [redacted] 160279 - ADR  
 [redacted] v [redacted] 162068/2017 Motion 9/18/19 - decision reserved  
 ✓ Jan 16-17 [redacted] v [redacted] 161320/2017 non-jury trial *done*  
 Jan 21 [redacted] v [redacted] 161935/2017  
 [redacted] v [redacted] 159497/2017 PTC 11/25/19  
 Jan 23 [redacted] v [redacted] 142838 Hearing (MAT)  
 Jan 28 [redacted] v [redacted] 163075/2017 PTC 10/21/19  
 [redacted] v [redacted] 156073/2015

*Den Furlong*

#### February 2020

✓ Feb 4 [redacted] v [redacted] 161106  
~~Feb 11 [redacted] v [redacted] 159703/2016 ADR (Monday because Tuesday is a holiday)~~  
~~Feb 18 [redacted] v [redacted] 163381/2017 PTC 12/13/19~~ *settled*  
 ✓ Feb 25 [redacted] v [redacted] 160015/2016 PTC 11/8/19 *settled*  
 [redacted] v [redacted] 155488/2015 PTC 10/4/19  
 [redacted] v [redacted] 1515669/2015 *settled*

*(Faint note)*

#### March 2020

✓ Mar 3 [redacted] v [redacted] 157513/2016 - *move to September* settled  
 [redacted] v [redacted] 154118/2014 - *move* settled  
 ○ Mar 10 [redacted] v [redacted] 164628/2018 PTC 11/14/19 - *gone to Barrell*  
 ○ Mar 17 [redacted] v [redacted] 159581/2016 PTC 10/30/19 - *done* settled  
 ○ Mar 19, 20 & 23 [redacted] v [redacted] 163642 Hearing - *Trans Len*  
 ✓ Mar 24 [redacted] v [redacted] 157105/2017 PTC 12/19/19 settled  
 [redacted] v [redacted] 66613/2018 PTC 11/13/19 settled  
 ✓ Mar 31 [redacted] v [redacted] 158104/2017 PTC 12/11/19 *Kuchel out reach to court*  
 [redacted] v [redacted] e165267/2018-SJ motion 12/18/19 - *Dismissed on 5/1*

April 2020

April 14

[redacted] v [redacted] 58865 PTC 10/30/19 - ADR

settled

April 21

[redacted] v [redacted] 162236/2018 motions to come in August or September - DAN HAS

April 28

[redacted] v [redacted] 163634/2018 PTC 12/9/19 - sent back; no trial date

[redacted] v [redacted] 163825/2018 PTC 11/20/19 - trial of PTC 6/20/20 settled

[redacted] v [redacted] 156626/2017 PTC 2/3/20 - ADR - PTC 4/15/20 - 4/22/20 - 4/24/20 - go on back

May 2020

May 5

[redacted] v [redacted] 165195/2018 PTC 11/18/19 - 2/24/20 settled

May 12

[redacted] v [redacted] 166268/2018 PTC 10/30/19 - settled

May 19

[redacted] v [redacted] 164815/2018 PTC 12/17/19 - settled

May 26

[redacted] v [redacted] 158668/2016; Hall v. Rutland 158669/2016 - ADR settled

[redacted] v [redacted] 165085/2018 ADR - 4/22/20 - 4/24/20 PTC 6/12/20

[redacted] v [redacted] 166039/2018 PTC 11/7/19 - 4-12 to 4-24.

June

June 2

[redacted] v [redacted] 160336 PTC 11/15/19 - send back & yes.

June 16

[redacted] v [redacted] 163767/2018 PTC 12/18/19 - sent back; DMS

June 22

[redacted] v [redacted] 163514/2018 PTC 10/23/19

[redacted] v [redacted]

28 → J. Grisenti



## Hon. Mark Grisanti

---

**From:** Joanne Pritchard  
**Sent:** Tuesday, May 5, 2020 4:47 PM  
**To:** Hon. Mark Grisanti  
**Subject:** RE: Niagara County Case  
**Attachments:** Grisanti List.pdf

I attached the list you sent from this morning. I can't make out the name of the case clearly. The clerk handling those cases is Mary Pazik. Her email is [REDACTED]@nycourts.gov

**From:** Hon. Mark Grisanti <[REDACTED]@nycourts.gov>  
**Sent:** Tuesday, May 5, 2020 4:44 PM  
**To:** Joanne Pritchard [REDACTED]@nycourts.gov>  
**Subject:** Re: Niagara County Case

Which case and if you send me email address I will deal with them. I will send them a list of one's I have

Get [Outlook for Android](#)

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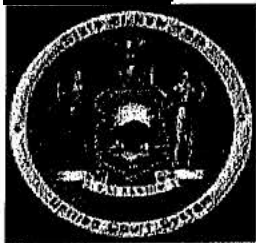
**From:** Joanne Pritchard [REDACTED]@nycourts.gov>  
**Sent:** Tuesday, May 5, 2020 4:32:16 PM  
**To:** Hon. Mark Grisanti <[REDACTED]@nycourts.gov>  
**Subject:** Niagara County Case

Hi Judge,

The clerk who handles your Niagara County matters is having a hard time finding the case you listed on today's list. Do you have a full caption or can you check the index number?

Thank you,

JoAnne Pritchard  
Court Clerk  
92 Franklin Street, Part 2  
Buffalo, NY 14202



Please be CAREFUL when clicking links or opening attachments.

Niagara

**Judge Inventory Report - Case List**

County: Niagara (Supreme) Judge: Grisanti, Mark J.

Case Types: Comm-Business Entity and 44 other case types

Case Statuses: Active and 5 other case statuses

Inventory Date: 5/6/2020 Results As Of: Wednesday, May 6, 2020 at 10:41 AM

Total # of Cases: 10  
Cases with Notes of Issue: 3 Cases with Notes of Issue, Over S/G: 1 Cases with Notes of Issue, Under S/G: 2  
Pre-Note Cases: 7 Pre-Note Cases, Over S/G: 7 Pre-Note Cases, Under S/G: 0

Index #: E156626/2015 Calendar #: Tort-Other Negligence  
Case Status: Active Jury Status: No Open Motion: No  
Plaintiff: [REDACTED] Defendant: [REDACTED] *Go back sent*  
Prelim Conf.: 3/7/2017 Status Conf.: 3/21/2019 Open Appr.: 04/28/2020, 05/11/2020  
RJ Filed: 1/31/2017 Disc. Due S&G: 1/31/2018 NOI Due S&G: 1/31/2018 Case Age: 1191  
NOI Filed: NOI to Disp. S&G: Pref. Granted:

Index #: E160336/2017 Calendar #: 18-178 Tort-Motor Vehicle  
Case Status: Active Jury Status: No Open Motion: No  
Plaintiff: [REDACTED] Defendant: [REDACTED] *Go back set*  
Prelim Conf.: 10/17/2018 Status Conf.: 6/18/2019 Open Appr.: 06/02/2020  
RJ Filed: 6/14/2017 Disc. Due S&G: 6/14/2018 NOI Due S&G: 6/14/2018 Case Age: 1057  
NOI Filed: 12/31/2018 NOI to Disp. S&G: 4/2/2020 Pref. Granted:

Index #: E165085/2018 Calendar #: Tort-Motor Vehicle  
Case Status: Active Jury Status: No Open Motion: No  
Plaintiff: [REDACTED] Defendant: [REDACTED] *Settled*  
Prelim Conf.: Status Conf.: 5/2/2019 Open Appr.: 05/20/2020, 05/26/2020  
RJ Filed: 12/19/2018 Disc. Due S&G: 12/19/2019 NOI Due S&G: 12/19/2019 Case Age: 504  
NOI Filed: NOI to Disp. S&G: Pref. Granted:

Index #: E163514/2018 Calendar #: Tort-Motor Vehicle  
Case Status: Active Jury Status: No Open Motion: No  
Plaintiff: [REDACTED] Defendant: [REDACTED] *✓*  
Prelim Conf.: 7/16/2018 Status Conf.: 3/26/2019 Open Appr.: 04/17/2019, 04/01/2020, 06/22/2020  
RJ Filed: 4/13/2018 Disc. Due S&G: 4/13/2019 NOI Due S&G: 4/13/2019 Case Age: 754  
NOI Filed: NOI to Disp. S&G: Pref. Granted:

Index #: E166039/2018 Calendar #: Tort-Motor Vehicle  
Case Status: Active Jury Status: No Open Motion: No  
Plaintiff: [REDACTED] Defendant: [REDACTED] *Settled ✓*  
Prelim Conf.: 11/27/2018 Status Conf.: 3/6/2019 Open Appr.: 05/08/2020, 05/26/2020  
RJ Filed: 10/30/2018 Disc. Due S&G: 10/30/2019 NOI Due S&G: 10/30/2019 Case Age: 554  
NOI Filed: NOI to Disp. S&G: Pref. Granted:

Index #: E161320/2017 Calendar #: Comm-Contract  
Case Status: Active Jury Status: No Open Motion: No  
Plaintiff: Jones, Rasheena Defendant: Jerry Gradl Motors, Inc *✓*  
Prelim Conf.: Status Conf.: 3/25/2019 Open Appr.: 12/12/2019, 04/07/2020  
RJ Filed: 2/6/2019 Disc. Due S&G: 2/6/2020 NOI Due S&G: 2/6/2020 Case Age: 455  
NOI Filed: NOI to Disp. S&G: Pref. Granted:

Index #: E158104/2016  
Case Status: Active  
Plaintiff: [REDACTED]  
Prelim Conf.: 3/13/2017  
RJI Filed: 2/8/2017  
NOI Filed:

Calendar #:  
Jury Status: No  
Status Conf.: 6/17/2019  
Disc. Due S&G: 2/8/2018  
NOI to Disp. S&G:

Tort-Other Negligence  
Open Motion: No  
Defendant: [REDACTED]  
Open Appr.: 03/31/2020  
NOI Due S&G: 2/8/2018  
Pref. Granted:

Case Age: 1183

*Go back*

Index #: E162543/2018  
Case Status: Active  
Plaintiff: [REDACTED]  
Prelim Conf.: 2/28/2018  
RJI Filed: 2/7/2018  
NOI Filed:

Calendar #:  
Jury Status: No  
Status Conf.: 1/8/2020  
Disc. Due S&G: 2/7/2019  
NOI to Disp. S&G:

Tort-Other Negligence  
Open Motion: No  
Defendant: [REDACTED]  
Open Appr.: 01/24/2020  
NOI Due S&G: 2/7/2019  
Pref. Granted:

Case Age: 819

*Don't Have*

Index #: 157513  
Case Status: Active  
Plaintiff: [REDACTED]  
Prelim Conf.: 8/31/2016  
RJI Filed: 7/11/2016  
NOI Filed: 3/18/2019

Calendar #: 19-049  
Jury Status: No  
Status Conf.: 3/25/2019  
Disc. Due S&G: 7/11/2017  
NOI to Disp. S&G: 6/18/2020

Tort-Other  
Open Motion: No  
Defendant: [REDACTED]  
Open Appr.: 03/03/2020  
NOI Due S&G: 7/11/2017  
Pref. Granted:

Case Age: 1395

*Settle*  
*109.2*

Index #: E166851/2018  
Case Status: Active  
Plaintiff: [REDACTED]  
Prelim Conf.: 8/28/2019  
RJI Filed: 8/6/2019  
NOI Filed: 1/29/2020

Calendar #: 20-009  
Jury Status: No  
Status Conf.: 12/2/2019  
Disc. Due S&G: 8/5/2020  
NOI to Disp. S&G: 5/1/2021

Tort-Motor Vehicle  
Open Motion: No  
Defendant: [REDACTED]  
Open Appr.: 05/12/2020, 07/07/2020  
NOI Due S&G: 8/5/2020  
Pref. Granted:

Case Age: 274

*Settle*



MARY - If can't read - call my cell [redacted]

[redacted] - Will transfer back so NC Judge can set trial date - Per Paula  
E 160336 / 2017

[redacted] - settled trial of 4  
E 165195 / 2018

[redacted] - settled trial of 1  
E 163825 / 2018

[redacted] Transfer back - Need Niyama County Judge to set trial date. But only 3k apart & should settle.  
E 156626 / 2015  
[redacted] - 158104 / 2017 - Going back.

I still have these cases:

[redacted]  
E 165085  
PTC - 6-18-20

[redacted]  
E 166039  
PTC 4-24-20

[redacted]  
E 166891 - 2018

[redacted]  
E 163514 - PTC Jun

[redacted] - Trial September  
157513

[redacted]  
161320 / 2017 - PTC 5-26-20 - Discovery

These are settled

[REDACTED] 63381/2017

[REDACTED] - 160015/2016

[REDACTED] - 8158669/2018

[REDACTED] - 154118/2014

[REDACTED] - 159581/2016

[REDACTED] 157105/2017

[REDACTED] 166613/2018

[REDACTED] 158865

[REDACTED] 163825/2018

[REDACTED] - 165195/2018

[REDACTED] 166268/2018

[REDACTED] 164815-2018

[REDACTED] 158668/2016 & 158669/2018

If you have one down for any others - Let Me Know  
I was given a trial list, The cases coming back  
were not ready for trial, I did the discovery  
to get them ready so either I get them  
settled or they come back.

Thank You  
Mark Grimes

**Judge Inventory Report - Totals**

**County:** Niagara (Supreme) **Judges/Parts** Grisanti, Mark J.

**Case Types:** Comm-Business Entity and 44 other case types

**Case Statuses:** Active and 5 other case statuses

**Inventory Date:** 5/6/2020 **Results As Of:** Wednesday, May 6, 2020 at 10:41 AM

*Grisanti, Mark J.*

**Cases with Notes of Issue:** 3

**Pre-Note Cases:** 7

*Grand Totals*

**Cases with Notes of Issue:** 3

**Pre-Note Cases:** 7

**Cases with Notes of Issue, Over S/G:** 1

**Pre-Note Cases, Over S/G:** 7

**Cases with Notes of Issue, Over S/G:** 1

**Pre-Note Cases, Over S/G:** 7

**Total # of Cases:** 10

**Cases with Notes of Issue, Under S/G:** 2

**Pre-Note Cases, Under S/G:** 0

**Total # of Cases:** 10

**Cases with Notes of Issue, Under S/G:** 2

**Pre-Note Cases, Under S/G:** 0

*Niagara County 371  
4000  
Mike Venet 4/24/20  
523-6100*

**Judge Inventory Report - Case List**

County: Niagara (Supreme and County) Judge: Grisanti, Mark J.

Case Types: Comm-Business Entity and 44 other case types

Case Statuses: Active and 4 other case statuses

Inventory Date: 11/19/2020 Results As Of: Thursday, November 19, 2020 at 4:01 PM

Total # of Cases: 7  
Cases with Notes of Issue: 0 Cases with Notes of Issue, Over S/G: 0 Cases with Notes of Issue, Under S/G: 0

Pre-Note Cases: 7 Pre-Note Cases, Over S/G: 2 Pre-Note Cases, Under S/G: 5

Index #: E172499/2020 Calendar #: Tort-Child Victims Act  
Case Status: Active Jury Status: No Open Motion: Yes  
Plaintiff: [REDACTED] Defendant: [REDACTED]  
Prelim Conf.: Status Conf.: Open Appr.: 01/15/2021  
RJI Filed: 9/16/2020 Disc. Due S&G: 9/16/2021 NOI Due S&G: 9/16/2021 Case Age: 64  
NOI Filed: NOI to Disp. S&G: Pref. Granted:

*✓*

Index #: E172921/2020 Calendar #: Tort-Child Victims Act  
Case Status: Active Jury Status: No Open Motion: No  
Plaintiff: [REDACTED] Defendant: [REDACTED]  
Prelim Conf.: Status Conf.: Open Appr.: 01/06/2021  
RJI Filed: 9/1/2020 Disc. Due S&G: 9/1/2021 NOI Due S&G: 9/1/2021 Case Age: 79  
NOI Filed: NOI to Disp. S&G: Pref. Granted:

*✓*

Index #: E172678/2020 Calendar #: Tort-Child Victims Act  
Case Status: Active Jury Status: No Open Motion: No  
Plaintiff: [REDACTED] Defendant: [REDACTED]  
Prelim Conf.: Status Conf.: Open Appr.: 12/07/2020  
RJI Filed: 9/21/2020 Disc. Due S&G: 9/21/2021 NOI Due S&G: 9/21/2021 Case Age: 59  
NOI Filed: NOI to Disp. S&G: Pref. Granted:

*✓*

Index #: E161320/2017 Calendar #: Comm-Contract  
Case Status: Active Jury Status: No Open Motion: No  
Plaintiff: Jones, Rasheena Defendant: Jerry Gradl Motors, Inc  
Prelim Conf.: Status Conf.: 3/25/2019 Open Appr.: 08/04/2020, 12/16/2020  
RJI Filed: 2/6/2019 Disc. Due S&G: 2/6/2020 NOI Due S&G: 2/6/2020 Case Age: 652  
NOI Filed: NOI to Disp. S&G: Pref. Granted:

*Send by mail*

Index #: E172598/2020 Calendar #: Tort-Child Victims Act  
Case Status: Active Jury Status: No Open Motion: Yes  
Plaintiff: [REDACTED] Defendant: [REDACTED]  
Prelim Conf.: 10/26/2020 Status Conf.: Open Appr.: 10/13/2020, 01/22/2021  
RJI Filed: 8/13/2020 Disc. Due S&G: 8/13/2021 NOI Due S&G: 8/13/2021 Case Age: 98  
NOI Filed: NOI to Disp. S&G: Pref. Granted:

*✓*

Index #: E162543/2018 Calendar #: Tort-Other Negligence  
Case Status: Active Jury Status: No Open Motion: No  
Plaintiff: [REDACTED] Defendant: [REDACTED]  
Prelim Conf.: 2/28/2018 Status Conf.: 1/8/2020 Open Appr.: 01/24/2020  
RJI Filed: 2/7/2018 Disc. Due S&G: 2/7/2019 NOI Due S&G: 2/7/2019 Case Age: 497  
NOI Filed: NOI to Disp. S&G: Pref. Granted:

*Send mail*



**Index #:** E171857/2020  
**Case Status:** Active  
**Plaintiff:** [REDACTED]  
**Prelim Conf.:** 6/8/2020

**Calendar #:**  
**Jury Status:** No  
**Status Conf.:**

Tort-Child Victims Act  
**Open Motion:** No  
**Defendant:** [REDACTED]  
**Open Appr.:** 12/14/2020, 03/22/2021, 06/14/2021, 08/22/2021, 09/22/2021

**RJI Filed:** 3/9/2020  
**NOI Filed:**

**Disc. Due S&G:** 3/9/2021  
**NOI to Disp. S&G:**

**NOI Due S&G:** 3/9/2021  
**Case Age:** 255  
**Pref. Granted:**



## State of New York

## ETHICS COMMISSION FOR THE UNIFIED COURT SYSTEM

25 Beaver Street / New York, NY 10004 / Room 875  
 Intranet Address: UCS Home Page under "Topics A-Z"  
 Internet Address: www.Nycourts.gov/ip/ethics

## ANNUAL STATEMENT OF FINANCIAL DISCLOSURE FOR THE 2015 CALENDAR YEAR

## General Instructions

Answer each of the following questions completely, with respect to calendar year 2015, unless another period or date is otherwise specified. If additional space is needed, attach additional pages. Whenever a "value" or "amount" is required to be reported herein, such value or amount shall be reported as being within one of the following Categories:

Category Category A-under \$5,000
Category Category B-\$5,000 to under \$20,000`
Category Category C-\$20,000 to under \$60,000
Category Category D-\$60,000 to under \$100,000
Category Category E- \$100,000 to under \$250,000
Category Category F- \$250,000 to under \$500,000.00
Category Category G-\$500,000 to under \$1,000,000
Category Category H-\$1,000,000 to under \$3,000,000
Category Category I-\$3,000,000 to under \$5,000,000
Category Category J-\$5,000,000 and over

A reporting individual shall indicate the category by letter only. Whenever "income" is required to be reported herein, the term "income" shall mean the aggregate net income before taxes from the source identified. The term "calendar year" shall mean the year ending December 31st preceding the date of filing of the annual statement.

## Questions

- (1) (a) FIRST NAME Mark  
 (b) LAST NAME Grisanti
- THIS STATEMENT HAS BEEN PREPARED FOR PUBLIC INSPECTION  
 Pursuant to 22 NYCRR Part 40:  
 the names of unemancipated children, and categories of value/amount in statements pertaining to calendar years prior to 2014, are NOT available for public inspection.

- (2) (a) CURRENT JOB TITLE  
 court of claims/acting supreme court justice
- (b) CURRENT WORK ADDRESS  
 25 delaware 2nd floor buffalo new york 14202 - 1 main st batavia new york
- (C) CURRENT WORK TELEPHONE NUMBER  
 [REDACTED]

- (3) (a) CURRENT MARITAL STATUS  
 MARRIED

Please enter your spouse's full name (including maiden name where applicable)  
 maria therese grisanti (calandra)

- (B) ARE THERE UNEMANCIPATED CHILDREN:  Yes  None

(4) (a) List any office, trusteeship, directorship, partnership, or position of any nature whether compensated or not, held by the reporting individual with any firm, corporation, association, partnership, or other organization other than the State of New York. Include compensated honorary positions; do NOT list membership or uncompensated honorary positions. If the listed entity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or, as a regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matters before, any state or local agency, list the name of any such agency.

Do you have any information to enter for this question?  Yes  None

(4) (b) List any office, trusteeship, directorship, partnership, or position of any nature whether compensated or not, held by the spouse or unemancipated child of the reporting individual, with any firm, corporation, association, partnership, or other organization other than the State of New York. Include compensated honorary position; do NOT list membership or uncompensated honorary positions. If the listed entity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or, as a regular and significant part of the business or activity of said entity did business with, or had matters other than ministerial matters before, any state or local agency, list the name of any such agency.

Do you have any information to enter for this question?  Yes  None

SPOUSE OF CHILD	POSITION	ORGANIZATION	STATE OR LOCAL AGENCY
spouse	paralegal with Russel Friedman and associates	Law Firm	none

(5) (a) List the name, address and description of any occupation, employment, (other than the employment listed under Item 2 above) trade, business or profession engaged in by the reporting individual. If such activity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or as a regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matters before, any state or local agency, list the name of any such agency.

Do you have any information to enter for this question?  Yes  None

POSITION	ORGANIZATION NAME	ORGANIZATION ADDRESS	DESCRIPTION	STATE OR LOCAL AGENCY
oca	oca	25 Delaware ave buffalo ny	judge	new york
grisanti and grisanti Closed May of 2015	grisanti and grisanti Closed May of 2015	43 court st buffalo new York 14202	lawyer	bar association

(5) (b) If the spouse or unemancipated child of the reporting individual was engaged in any occupation, employment, trade, business or profession which activity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or, as a regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matters before, any state or local agency, list the name, address and description of such occupation, employment, trade, business or profession and the name of any such agency.

Do you have any information to enter for this question?  Yes  None

SPOUSE OR CHILD	POSITION	ORGANIZATION NAME	ORGANIZATION ADDRESS	STATE OR LOCAL AGENCY
spouse	secretary for approx. 5 months no longer employed	Maquire Group	425 Michigan ave Buffalo	health

(6) List any interest, in EXCESS of \$1,000, held by the reporting individual, such individual's spouse or unemancipated child, or partnership of which any such person is a member, or corporation, 10% or more of the stock of which is owned or controlled by any such person, whether vested or contingent, in any contract made or executed by a state or local agency and include the name of the entity which holds such interest and the relationship of the

reporting individual or such individual's spouse or such child to such entity and the interest in such contract. Do NOT include bonds and notes. Do NOT list any interest in any such contract on which final payment has been made and all obligations under the contract except for guarantees and warranties have been performed, provided, however, that such an interest must be listed if there has been an ongoing dispute during the calendar year for which this statement is filed with respect to any such guarantees or warranties.

Do you have any information to enter for this question?  Yes  None

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(7) List any position the reporting individual held as an officer of any political party or political organization, as a member of any political party committee, or as a political district leader. The term "party" shall have the same meaning as "party" in the election law. The term "political organization" means any party or independent body as defined in the election law or any organization that is affiliated with or a subsidiary of a party or independent body.

Do you have any information to enter for this question?  Yes  None

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(8) (a) If the reporting individual practices law, works as a real estate broker or agent licensed by the department of state, or practices a profession licensed by the department of education, give a general description of the principal subject areas of matters undertaken by such individual. Additionally, if such an individual practices with a firm or corporation and is a partner or shareholder of the firm or corporation, give a general description of principal subject areas of matters undertaken by such firm or corporation. Do NOT list the names of the individual clients, customers or patients. If the reporting individual is licensed to practice law, is a licensed real estate broker or agent, or is licensed by the department of education, but did not actually engage in such work or practice, so indicate.

Do you have any information to enter for this question?  Yes  None

Law Practice Ended May of 2015 was a general practice

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(8) (b) List the name, principal address and general description or the nature of the business activity of any entity in which the reporting individual or such individual's spouse had an investment in excess of \$1,000 EXCLUDING investments in securities and interests in real property.

Do you have any information to enter for this question?  Yes  None

---

(9) List each source of gifts, EXCLUDING campaign contributions, in EXCESS of \$1,000, received during the reporting period for which this statement is filed by the reporting individual or such individual's spouse or unemancipated child from the same donor, EXCLUDING gifts from a relative. INCLUDE the name and address of the donor. The term "gifts" does not include reimbursements, which term is defined in Item 10. Indicate the value and nature of each such gift.

Do you have any information to enter for this question?  Yes  None

---

(10) Identify and briefly describe the source of any reimbursements for expenditures, EXCLUDING campaign expenditures and expenditures in connection with official duties reimbursed by the state, in EXCESS of \$1,000 from each such source. For purposes of this item, the term "reimbursements" shall mean any travel-related expenses provided by nongovernmental sources and for activities related to the reporting individual's official duties such as, speaking engagements, conferences, or factfinding events. The term "reimbursement" does NOT include gifts reported under Item 9.

Do you have any information to enter for this question?  Yes  None

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(11) List the identity and value, if reasonably ascertainable, of each interest in a trust, estate or other beneficial interest, including retirement plans (other than retirement plans of the State of New York or the City of New York) and deferred compensation plans (e.g., 401, 403b, 457, etc.) established in accordance with the Internal Revenue Code, in which the REPORTING INDIVIDUAL held a beneficial interest in EXCESS of \$1,000 at any time during the preceding

year. Do NOT report interests in a trust, estate or other beneficial interest established by or for, or the estate of, a relative.

Do you have any information to enter for this question?  Yes  None

(12) (a) Describe the terms of, and the parties to, any contract, promise or other agreement between the reporting individual and any person, firm, or corporation with respect to the employment of such individual after leaving office or position (other than a leave of absence).

Do you have any information to enter for this question?  Yes  None

I sold the phone # and goodwill of the firm to individuals I was sharing space with for \$730.00 a month for 4 years. I closed my federal id # and all state # and all tax # in my name.

(12) (b) Describe the parties to and the terms of any agreement providing for continuation of payments or benefits to the REPORTING INDIVIDUAL in EXCESS of \$1,000 from a prior employer OTHER THAN the State. (This includes interests in or contributions to a pension fund, profit-sharing plan, or life or health insurance; buy-out agreements; severance payments; etc.)

Do you have any information to enter for this question?  Yes  None

I sold my law practice to 2 attorneys. One attorney I shared space with. The other attorney, he had move into my vacant space. Terms are \$730.00 a month for 4 years. It will end june of 2019

(13) List below the nature and amount of any income in EXCESS of \$1,000 from EACH SOURCE for the reporting individual and such individual's spouse for the taxable year last occurring prior to the date of filing. Nature of income includes, but is not limited to, all income EARNED BY YOU AND YOUR SPOUSE (other than that received by you from the employment listed under item 2 above) from compensated employment whether public or private, directorships and other fiduciary positions, contractual arrangements, teaching income, partnerships, honorariums, lecture fees, consultant fees, bank and bond interest, dividends, income derived from a trust, real estate rents, and recognized gains from the sale or exchange of real or other property. Income from a business or profession and real estate rents shall be reported with the source identified by the building address in case of real estate rents and otherwise by the name of the entity and not by the name of the individual customers, clients or tenants, with the aggregate net income before taxes for each building address or entity. The receipt of maintenance received in connection with a matrimonial action, alimony and child support payments shall not be listed.

Do you have any information to enter for this question?  Yes  None

**i** Do not check NONE if your spouse earned income from employment in excess of \$1,000

SELF/SPOUSE	SOURCE	NATURE	CATEGORY OF AMOUNT
Self	law office Closed May of 2015	clients	C: \$20,000 to under \$60,000
Self	peter pecoraro esq and matthew lazaro esq.	sale of law office Started May 2105 730.00 a month for 4 years	A: under \$5,000
Spouse	maquire group	secretary part time NO longer employed	A: under \$5,000
Spouse	russel friedman and associates	paralegal 500 a week	B: \$5,000 to under \$20,000

(14) List the sources of any deferred income (not retirement income) in EXCESS of \$1,000 from each source to be paid to the reporting individual following the close of the calendar year for which this disclosure statement is filed, other than deferred compensation reported in Item 11 hereinabove. Deferred income derived from the practice of a profession shall be listed in the aggregate and shall identify as the source, the name of the firm, corporation, partnership or association through which the income was derived, but shall not identify individual clients.

Do you have any information to enter for this question?  Yes  None

(15) List each assignment of income in EXCESS of \$1,000, and each transfer other than to a relative during the reporting period for which this statement is filed for less than fair consideration of an interest in a trust, estate or other beneficial interest, securities or real property, by the reporting individual, in excess of \$1,000, which would otherwise be required to be reported herein and is not or has not been so reported.

Do you have any information to enter for this question?  Yes  None

(16) List below the type and market value of securities held by the reporting individual or such individual's spouse from each issuing entity in EXCESS of \$1,000 at the close of the taxable year last occurring prior to the date of filing, including the name of the issuing entity exclusive of securities held by the reporting individual issued by a professional corporation. Whenever an interest in securities exists through a beneficial interest in a trust, the securities held in such trust shall be listed ONLY IF the reporting individual has knowledge thereof except where the reporting individual or the reporting individual's spouse has transferred assets to such trust for his or her benefit in which event such securities shall be listed unless they are not ascertainable by the reporting individual because the trustee is under an obligation or has been instructed in writing not to disclose the contents of the trust to the reporting individual. Securities of which the reporting individual or the reporting individual's spouse is the owner of record but in which such individual or the reporting individual's spouse has no beneficial interest shall not be listed. Indicate percentage of ownership ONLY if the reporting person or the reporting person's spouse holds more than five percent (5%) of the stock of a corporation in which the stock is publicly traded or more than ten percent (10%) of the stock of a corporation in which the stock is NOT publicly traded. Also list securities owned for investment purposes by a corporation more than 50 percent (50%) of the stock of which is owned or controlled by the reporting individual or such individual's spouse. For the purpose of this item, the term "securities" shall mean mutual funds, bonds, mortgages, notes, obligations, warrants and stocks of any class, investment interests in limited or general partnerships and certificates of deposits (CDs) and such other evidences of indebtedness and certificates of interest as are usually referred to as securities. The market value for such securities shall be reported only if reasonably ascertainable and shall not be reported if the security is an interest in a general partnership that was listed in Item 8(a) or if the security is corporate stock, NOT publicly traded, in a trade or business of a reporting individual or a reporting individual's spouse.

Do you have any information to enter for this question?  Yes  None

(17) List below the location, size, general nature, acquisition date, market value and percentage of ownership of any real property in which any vested or contingent interest in EXCESS of \$1,000 is held by the reporting individual or the reporting individual's spouse. Also list real property owned for investment purposes by a corporation more than 50 percent (50%) of the stock of which is owned or controlled by the reporting individual or such individual's spouse. Do NOT list any real property which is the primary or secondary personal residence of the reporting individual or the reporting individual's spouse, except where there is a co-owner who is other than a relative.

Do you have any information to enter for this question?  Yes  None

(18) List below all notes and accounts receivable, other than from goods or services sold, held by the reporting individual at the close of the taxable year last occurring prior to the date of filing and other debts owed to such individual at the close of the taxable year last occurring prior to the date of filing, in EXCESS of \$1,000, including the name of the debtor, type of obligation, date due and the nature of the collateral securing payment of each, if any, excluding securities reported in Item 16 herein above. Debts, notes and accounts receivable owed to the individual by a relative shall not be reported.

Do you have any information to enter for this question?  Yes  None

NAME OF DEBTOR	TYPE OF OBLIGATION, DUE DATE, AND NATURE OF COLLATERAL, IF ANY	CATEGORY OF AMOUNT
Peter Pecoraro esq and Matthew Lazaroe esq	Sale of law firm good will and phone # in May of 2015 \$730 a month payable on the 1st for 4 years	A: under \$5,000

(19) List below all liabilities of the reporting individual and such individual's spouse in EXCESS of \$5,000 as of the date of filing of this statement, other than liabilities to a relative. DO NOT list liabilities incurred by, or guarantees made by, the reporting individual or such individual's spouse or by any proprietorship, partnership or corporation in which the

reporting individual or such individual's spouse has an interest, when incurred or made in the ordinary course of the trade, business or professional practice of the reporting individual or such individual's spouse. Include the name of the creditor and any collateral pledged by such individual to secure payment of any such liability. A reporting individual shall not list any obligation to pay maintenance in connection with a matrimonial action, alimony or child support payments. Any loan issued in the ordinary course of business by a financial institution to finance educational costs, the cost of home purchase or improvements for a primary or secondary residence, or purchase of a personally owned motor vehicle, household furniture or appliances shall be excluded. If any such reportable liability has been guaranteed by any third person, list the liability and name the guarantor.

Do you have any information to enter for this question?  Yes  None

NAME OF CREDITOR OR GUARANTOR	TYPE OF LIABILITY AND COLLATERAL, IF ANY	CATEGORY OF AMOUNT
macys	credit card	B: \$5,000 to under \$20,000
citi bank	credit card	B: \$5,000 to under \$20,000
sofi	loan	B: \$5,000 to under \$20,000
capital one	credit card	B: \$5,000 to under \$20,000

***The requirements of law relating to the reporting of financial interests are in the public interest and no adverse inference of unethical or illegal conduct or behavior will be drawn merely from compliance with these requirements.***



## State of New York

## ETHICS COMMISSION FOR THE UNIFIED COURT SYSTEM

25 Beaver Street / New York, NY 10004 / Room 875  
 Intranet Address: UCS Home Page under "Topics A-Z"  
 Internet Address: [www.Nycourts.gov/ip/ethics](http://www.Nycourts.gov/ip/ethics)

## ANNUAL STATEMENT OF FINANCIAL DISCLOSURE FOR THE 2016 CALENDAR YEAR

## General Instructions

Answer each of the following questions completely, with respect to calendar year 2016, unless another period or date is otherwise specified. If additional space is needed, attach additional pages. Whenever a "value" or "amount" is required to be reported herein, such value or amount shall be reported as being within one of the following Categories:

Category Category A-under \$5,000
Category Category B-\$5,000 to under \$20,000
Category Category C-\$20,000 to under \$60,000
Category Category D-\$60,000 to under \$100,000
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Category Category H-\$1,000,000 to under \$3,000,000
Category Category I-\$3,000,000 to under \$5,000,000
Category Category J-\$5,000,000 and over

A reporting individual shall indicate the category by letter only. Whenever "income" is required to be reported herein, the term "income" shall mean the aggregate net income before taxes from the source identified. The term "calendar year" shall mean the year ending December 31st preceding the date of filing of the annual statement.

## Questions

- (1) (a) FIRST NAME **THIS STATEMENT HAS BEEN PREPARED FOR PUBLIC INSPECTION**  
 Mark Pursuant to 22 NYCRR Part 40:  
 the names of unemancipated children, and categories of value/amount in statements pertaining to calendar years  
 (b) LAST NAME prior to 2014, are NOT available for public inspection.  
 Grisanti

- 
- (2) (a) CURRENT JOB TITLE  
 court of claims/acting supreme court justice
- (b) CURRENT WORK ADDRESS  
 25 delaware 2nd floor buffalo new york 14202 - 1 main st batavia new york
- (C) CURRENT WORK TELEPHONE NUMBER  
 [REDACTED]

- 
- (3) (a) CURRENT MARITAL STATUS  
 MARRIED
- Please enter your spouse's full name (including maiden name where applicable)  
 maria therese grisanti (calandra)
- (B) ARE THERE UNEMANCIPATED CHILDREN:  Yes  None



(4) (a) List any office, trusteeship, directorship, partnership, or position of any nature whether compensated or not, held by the reporting individual with any firm, corporation, association, partnership, or other organization other than the State of New York. Include compensated honorary positions; do NOT list membership or uncompensated honorary positions. If the listed entity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or, as a regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matters before, any state or local agency, list the name of any such agency.

Do you have any information to enter for this question?  Yes  None

(4) (b) List any office, trusteeship, directorship, partnership, or position of any nature whether compensated or not, held by the spouse or unemancipated child of the reporting individual, with any firm, corporation, association, partnership, or other organization other than the State of New York. Include compensated honorary position; do NOT list membership or uncompensated honorary positions. If the listed entity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or, as a regular and significant part of the business or activity of said entity did business with, or had matters other than ministerial matters before, any state or local agency, list the name of any such agency.

Do you have any information to enter for this question?  Yes  None

SPOUSE OF CHILD	POSITION	ORGANIZATION	STATE OR LOCAL AGENCY
spouse	paralegal with Russel Friedman and associates	Law Firm	none

(5) (a) List the name, address and description of any occupation, employment, (other than the employment listed under Item 2 above) trade, business or profession engaged in by the reporting individual. If such activity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or as a regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matters before, any state or local agency, list the name of any such agency.

Do you have any information to enter for this question?  Yes  None

POSITION	ORGANIZATION NAME	ORGANIZATION ADDRESS	DESCRIPTION	STATE OR LOCAL AGENCY
oca	oca	25 Delaware ave buffalo ny	judge	new york
grisanti and grisanti Closed May of 2015	grisanti and grisanti Closed May of 2015	43 court st buffalo new York 14202	lawyer	bar association

(5) (b) If the spouse or unemancipated child of the reporting individual was engaged in any occupation, employment, trade, business or profession which activity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or, as a regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matters before, any state or local agency, list the name, address and description of such occupation, employment, trade, business or profession and the name of any such agency.

Do you have any information to enter for this question?  Yes  None

(6) List any interest, in EXCESS of \$1,000, held by the reporting individual, such individual's spouse or unemancipated child, or partnership of which any such person is a member, or corporation, 10% or more of the stock of which is owned or controlled by any such person, whether vested or contingent, in any contract made or executed by a state or local agency and include the name of the entity which holds such interest and the relationship of the reporting individual or such individual's spouse or such child to such entity and the interest in such contract. Do NOT include bonds and notes. Do NOT list any interest in any such contract on which final payment has been made and all obligations under the contract except for guarantees and warranties have been performed, provided, however, that such an interest must be listed if there has been an ongoing dispute during the calendar year for which this statement is filed with respect to any such guarantees or warranties.

Do you have any information to enter for this question?  Yes  None

---

(7) List any position the reporting individual held as an officer of any political party or political organization, as a member of any political party committee, or as a political district leader. The term "party" shall have the same meaning as "party" in the election law. The term "political organization" means any party or independent body as defined in the election law or any organization that is affiliated with or a subsidiary of a party or independent body.

Do you have any information to enter for this question?  Yes  None

---

(8) (a) If the reporting individual practices law, works as a real estate broker or agent licensed by the department of state, or practices a profession licensed by the department of education, give a general description of the principal subject areas of matters undertaken by such individual. Additionally, if such an individual practices with a firm or corporation and is a partner or shareholder of the firm or corporation, give a general description of principal subject areas of matters undertaken by such firm or corporation. Do NOT list the names of the individual clients, customers or patients. If the reporting individual is licensed to practice law, is a licensed real estate broker or agent, or is licensed by the department of education, but did not actually engage in such work or practice, so indicate.

Do you have any information to enter for this question?  Yes  None

---

(8) (b) List the name, principal address and general description or the nature of the business activity of any entity in which the reporting individual or such individual's spouse had an investment in excess of \$1,000 EXCLUDING investments in securities and interests in real property.

Do you have any information to enter for this question?  Yes  None

---

(9) List each source of gifts, EXCLUDING campaign contributions, in EXCESS of \$1,000, received during the reporting period for which this statement is filed by the reporting individual or such individual's spouse or unemancipated child from the same donor, EXCLUDING gifts from a relative. INCLUDE the name and address of the donor. The term "gifts" does not include reimbursements, which term is defined in Item 10. Indicate the value and nature of each such gift.

Do you have any information to enter for this question?  Yes  None

---

(10) Identify and briefly describe the source of any reimbursements for expenditures, EXCLUDING campaign expenditures and expenditures in connection with official duties reimbursed by the state, in EXCESS of \$1,000 from each such source. For purposes of this item, the term "reimbursements" shall mean any travel-related expenses provided by nongovernmental sources and for activities related to the reporting individual's official duties such as, speaking engagements, conferences, or factfinding events. The term "reimbursement" does NOT include gifts reported under Item 9.

Do you have any information to enter for this question?  Yes  None

---

(11) List the identity and value, if reasonably ascertainable, of each interest in a trust, estate or other beneficial interest, including retirement plans (other than retirement plans of the State of New York or the City of New York) and deferred compensation plans (e.g., 401, 403b, 457, etc.) established in accordance with the Internal Revenue Code, in which the REPORTING INDIVIDUAL held a beneficial interest in EXCESS of \$1,000 at any time during the preceding year. Do NOT report interests in a trust, estate or other beneficial interest established by or for, or the estate of, a relative.

Do you have any information to enter for this question?  Yes  None

---

(12) (a) Describe the terms of, and the parties to, any contract, promise or other agreement between the reporting individual and any person, firm, or corporation with respect to the employment of such individual after leaving office or position (other than a leave of absence).

Do you have any information to enter for this question?  Yes  None

I sold the phone # and goodwill of the firm to individuals I was sharing space with for \$730.00 a month for 4 years. I closed my federal id # and all state # and all tax # in my name.

(12) (b) Describe the parties to and the terms of any agreement providing for continuation of payments or benefits to the REPORTING INDIVIDUAL in EXCESS of \$1,000 from a prior employer OTHER THAN the State. (This includes interests in or contributions to a pension fund, profit-sharing plan, or life or health insurance; buy-out agreements; severance payments; etc.)

Do you have any information to enter for this question?  Yes  None

I sold my law practice to 2 attorneys. One attorney I shared space with. The other attorney, he had move into my vacant space. Terms are \$730.00 a month for 4 years. It will end june of 2019

(13) List below the nature and amount of any income in EXCESS of \$1,000 from EACH SOURCE for the reporting individual and such individual's spouse for the taxable year last occurring prior to the date of filing. Nature of income includes, but is not limited to, all income EARNED BY YOU AND YOUR SPOUSE (other than that received by you from the employment listed under item 2 above) from compensated employment whether public or private, directorships and other fiduciary positions, contractual arrangements, teaching income, partnerships, honorariums, lecture fees, consultant fees, bank and bond interest, dividends, income derived from a trust, real estate rents, and recognized gains from the sale or exchange of real or other property. Income from a business or profession and real estate rents shall be reported with the source identified by the building address in case of real estate rents and otherwise by the name of the entity and not by the name of the individual customers, clients or tenants, with the aggregate net income before taxes for each building address or entity. The receipt of maintenance received in connection with a matrimonial action, alimony and child support payments shall not be listed.

Do you have any information to enter for this question?  Yes  None

**i** Do not check NONE if your spouse earned income from employment in excess of \$1,000

SELF/SPOUSE	SOURCE	NATURE	CATEGORY OF AMOUNT
Self	law office Closed May of 2015	clients	A: under \$5,000
Self	peter pecoraro esq and matthew lazaro esq.	sale of law office Started May 2105 730.00 a month for 4 years	A: under \$5,000
Spouse	russel friedman and associates	paralegal 500 a week	C: \$20,000 to under \$60,000

(14) List the sources of any deferred income (not retirement income) in EXCESS of \$1,000 from each source to be paid to the reporting individual following the close of the calendar year for which this disclosure statement is filed, other than deferred compensation reported in Item 11 hereinabove. Deferred income derived from the practice of a profession shall be listed in the aggregate and shall identify as the source, the name of the firm, corporation, partnership or association through which the income was derived, but shall not identify individual clients.

Do you have any information to enter for this question?  Yes  None

(15) List each assignment of income in EXCESS of \$1,000, and each transfer other than to a relative during the reporting period for which this statement is filed for less than fair consideration of an interest in a trust, estate or other beneficial interest, securities or real property, by the reporting individual, in excess of \$1,000, which would otherwise be required to be reported herein and is not or has not been so reported.

Do you have any information to enter for this question?  Yes  None

(16) List below the type and market value of securities held by the reporting individual or such individual's spouse from each issuing entity in EXCESS of \$1,000 at the close of the taxable year last occurring prior to the date of filing, including the name of the issuing entity exclusive of securities held by the reporting individual issued by a professional corporation. Whenever an interest in securities exists through a beneficial interest in a trust, the securities held in such trust shall be listed ONLY IF the reporting individual has knowledge thereof except where the reporting individual or the reporting individual's spouse has transferred assets to such trust for his or her benefit in which event such securities shall be listed unless they are not ascertainable by the reporting individual because the trustee is under an obligation or has been instructed in writing not to disclose the contents of the trust to the reporting individual. Securities of which the reporting individual or the reporting individual's spouse is the owner of record but in which such individual or the reporting individual's spouse has no beneficial interest shall not be listed. Indicate percentage of ownership ONLY if the reporting person or the reporting person's spouse holds more than five percent (5%) of the stock of a corporation in which the stock is publicly traded or more than ten percent (10%) of the stock of a corporation in which the stock is NOT publicly traded. Also list securities owned for investment purposes by a corporation more than 50 percent (50%) of the stock of which is owned or controlled by the reporting individual or such individual's spouse. For the purpose of this item, the term "securities" shall mean mutual funds, bonds, mortgages, notes, obligations, warrants and stocks of any class, investment interests in limited or general partnerships and certificates of deposits (CDs) and such other evidences of indebtedness and certificates of interest as are usually referred to as securities. The market value for such securities shall be reported only if reasonably ascertainable and shall not be reported if the security is an interest in a general partnership that was listed in Item 8(a) or if the security is corporate stock, NOT publicly traded, in a trade or business of a reporting individual or a reporting individual's spouse. Do you have any information to enter for this question?  Yes  None

(17) List below the location, size, general nature, acquisition date, market value and percentage of ownership of any real property in which any vested or contingent interest in EXCESS of \$1,000 is held by the reporting individual or the reporting individual's spouse. Also list real property owned for investment purposes by a corporation more than 50 percent (50%) of the stock of which is owned or controlled by the reporting individual or such individual's spouse. Do NOT list any real property which is the primary or secondary personal residence of the reporting individual or the reporting individual's spouse, except where there is a co-owner who is other than a relative. Do you have any information to enter for this question?  Yes  None

(18) List below all notes and accounts receivable, other than from goods or services sold, held by the reporting individual at the close of the taxable year last occurring prior to the date of filing and other debts owed to such individual at the close of the taxable year last occurring prior to the date of filing, in EXCESS of \$1,000, including the name of the debtor, type of obligation, date due and the nature of the collateral securing payment of each, if any, excluding securities reported in Item 16 herein above. Debts, notes and accounts receivable owed to the individual by a relative shall not be reported.

Do you have any information to enter for this question?  Yes  None

NAME OF DEBTOR	TYPE OF OBLIGATION, DUE DATE, AND NATURE OF COLLATERAL, IF ANY	CATEGORY OF AMOUNT
Peter Pecoraro esq and Matthew Lazaro esq	Sale of law firm good will and phone # in May of 2015 \$730 a month payable on the 1st for 4 years	A: under \$5,000

(19) List below all liabilities of the reporting individual and such individual's spouse in EXCESS of \$10,000 as of the date of filing of this statement, other than liabilities to a relative. DO NOT list liabilities incurred by, or guarantees made by, the reporting individual or such individual's spouse or by any proprietorship, partnership or corporation in which the reporting individual or such individual's spouse has an interest, when incurred or made in the ordinary course of the trade, business or professional practice of the reporting individual or such individual's spouse. Include the name of the creditor and any collateral pledged by such individual to secure payment of any such liability. A reporting individual shall not list any obligation to pay maintenance in connection with a matrimonial action, alimony or child support payments. Any loan issued in the ordinary course of business by a financial institution to finance educational costs, the cost of home purchase or improvements for a primary or secondary residence, or purchase of a personally owned motor vehicle, household furniture or appliances shall be excluded. If any such reportable liability has been guaranteed by any third person, list the liability and name the guarantor.

Do you have any information to enter for this question?  Yes  None

NAME OF CREDITOR OR GUARANTOR	TYPE OF LIABILITY AND COLLATERAL, IF ANY	CATEGORY OF AMOUNT
sofi	loan	B: \$5,000 to under \$20,000

***The requirements of law relating to the reporting of financial interests are in the public interest and no adverse inference of unethical or illegal conduct or behavior will be drawn merely from compliance with these requirements.***



## State of New York

## ETHICS COMMISSION FOR THE UNIFIED COURT SYSTEM

25 Beaver Street / New York, NY 10004 / Room 875  
 Intranet Address: UCS Home Page under "Topics A-Z"  
 Internet Address: www.Nycourts.gov/ip/ethics

## ANNUAL STATEMENT OF FINANCIAL DISCLOSURE FOR THE 2017 CALENDAR YEAR

## General Instructions

Answer each of the following questions completely, with respect to calendar year 2017, unless another period or date is otherwise specified. If additional space is needed, attach additional pages. Whenever a "value" or "amount" is required to be reported herein, such value or amount shall be reported as being within one of the following Categories:

Category Category A-under \$5,000
Category Category B-\$5,000 to under \$20,000
Category Category C-\$20,000 to under \$60,000
Category Category D-\$60,000 to under \$100,000
Category Category E- \$100,000 to under \$250,000
Category Category F- \$250,000 to under \$500,000.00
Category Category G-\$500,000 to under \$1,000,000
Category Category H-\$1,000,000 to under \$3,000,000
Category Category I-\$3,000,000 to under \$5,000,000
Category Category J-\$5,000,000 and over

A reporting individual shall indicate the category by letter only. Whenever "income" is required to be reported herein, the term "income" shall mean the aggregate net income before taxes from the source identified. The term "calendar year" shall mean the year ending December 31st preceding the date of filing of the annual statement.

## Questions

- (1) (a) FIRST NAME **THIS STATEMENT HAS BEEN PREPARED FOR PUBLIC INSPECTION**  
 Pursuant to 22 NYCRR Part 40:  
 Mark the names of unemancipated children, and categories of value/amount in statements pertaining to calendar years prior to 2014, are NOT available for public inspection.
- (b) LAST NAME  
 Grisanti

- 
- (2) (a) CURRENT JOB TITLE  
 Court of Claims/ Acting Supreme Court Justice
- (b) CURRENT WORK ADDRESS  
 25 Delaware ave 2nd floor Buffalo NY - 1 Main St Batavia NY
- (c) CURRENT WORK TELEPHONE NUMBER  
 [REDACTED]

- 
- (3) (a) CURRENT MARITAL STATUS  
 MARRIED
- Please enter your spouse's full name (including maiden name where applicable)  
 Maria Therese Grisanti (Calandra)
- (B) ARE THERE UNEMANCIPATED CHILDREN:  Yes  None

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(4) (a) List any office, trusteeship, directorship, partnership, or position of any nature whether compensated or not, held by the reporting individual with any firm, corporation, association, partnership, or other organization other than the State of New York. Include compensated honorary positions; do NOT list membership or uncompensated honorary positions. If the listed entity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or, as a regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matters before, any state or local agency, list the name of any such agency.

Do you have any information to enter for this question?  Yes  None

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(4) (b) List any office, trusteeship, directorship, partnership, or position of any nature whether compensated or not, held by the spouse or unemancipated child of the reporting individual, with any firm, corporation, association, partnership, or other organization other than the State of New York. Include compensated honorary position; do NOT list membership or uncompensated honorary positions. If the listed entity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or, as a regular and significant part of the business or activity of said entity did business with, or had matters other than ministerial matters before, any state or local agency, list the name of any such agency.

Do you have any information to enter for this question?  Yes  None

<b>SPOUSE OF CHILD</b>	<b>POSITION</b>	<b>ORGANIZATION</b>	<b>STATE OR LOCAL AGENCY</b>
Spouse	Paralegal	Russel Friedman and associates Law Firm	none

---

(5) (a) List the name, address and description of any occupation, employment, (other than the employment listed under Item 2 above) trade, business or profession engaged in by the reporting individual. If such activity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or as a regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matters before, any state or local agency, list the name of any such agency.

Do you have any information to enter for this question?  Yes  None

<b>POSITION</b>	<b>ORGANIZATION NAME</b>	<b>ORGANIZATION ADDRESS</b>	<b>DESCRIPTION</b>	<b>STATE OR LOCAL AGENCY</b>
Grisanti and Grisanti	Grisanti and Grisanti	office closed	prior referrals pre appointment	bar association

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(5) (b) If the spouse or unemancipated child of the reporting individual was engaged in any occupation, employment, trade, business or profession which activity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or, as a regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matters before, any state or local agency, list the name, address and description of such occupation, employment, trade, business or profession and the name of any such agency.

Do you have any information to enter for this question?  Yes  None

---

(6) List any interest, in EXCESS of \$1,000, held by the reporting individual, such individual's spouse or unemancipated child, or partnership of which any such person is a member, or corporation, 10% or more of the stock of which is owned or controlled by any such person, whether vested or contingent, in any contract made or executed by a state or local agency and include the name of the entity which holds such interest and the relationship of the reporting individual or such individual's spouse or such child to such entity and the interest in such contract. Do NOT include bonds and notes. Do NOT list any interest in any such contract on which final payment has been made and all obligations under the contract except for guarantees and warranties have been performed, provided, however, that such an interest must be listed if there has been an ongoing dispute during the calendar year for which this statement is filed with respect to any such guarantees or warranties.

Do you have any information to enter for this question?  Yes  None

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(7) List any position the reporting individual held as an officer of any political party or political organization, as a member of any political party committee, or as a political district leader. The term "party" shall have the same meaning as "party" in the election law. The term "political organization" means any party or independent body as defined in the election law or any organization that is affiliated with or a subsidiary of a party or independent body.

Do you have any information to enter for this question?  Yes  None

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(8) (a) If the reporting individual practices law, works as a real estate broker or agent licensed by the department of state, or practices a profession licensed by the department of education, give a general description of the principal subject areas of matters undertaken by such individual. Additionally, if such an individual practices with a firm or corporation and is a partner or shareholder of the firm or corporation, give a general description of principal subject areas of matters undertaken by such firm or corporation. Do NOT list the names of the individual clients, customers or patients. If the reporting individual is licensed to practice law, is a licensed real estate broker or agent, or is licensed by the department of education, but did not actually engage in such work or practice, so indicate.

Do you have any information to enter for this question?  Yes  None

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(8) (b) List the name, principal address and general description or the nature of the business activity of any entity in which the reporting individual or such individual's spouse had an investment in excess of \$1,000 EXCLUDING investments in securities and interests in real property.

Do you have any information to enter for this question?  Yes  None

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(9) List each source of gifts, EXCLUDING campaign contributions, in EXCESS of \$1,000, received during the reporting period for which this statement is filed by the reporting individual or such individual's spouse or unemancipated child from the same donor, EXCLUDING gifts from a relative. INCLUDE the name and address of the donor. The term "gifts" does not include reimbursements, which term is defined in Item 10. Indicate the value and nature of each such gift.

Do you have any information to enter for this question?  Yes  None

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(10) Identify and briefly describe the source of any reimbursements for expenditures, EXCLUDING campaign expenditures and expenditures in connection with official duties reimbursed by the state, in EXCESS of \$1,000 from each such source. For purposes of this item, the term "reimbursements" shall mean any travel-related expenses provided by nongovernmental sources and for activities related to the reporting individual's official duties such as, speaking engagements, conferences, or factfinding events. The term "reimbursement" does NOT include gifts reported under Item 9.

Do you have any information to enter for this question?  Yes  None

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(11) List the identity and value, if reasonably ascertainable, of each interest in a trust, estate or other beneficial interest, including retirement plans (other than retirement plans of the State of New York or the City of New York) and deferred compensation plans (e.g., 401, 403b, 457, etc.) established in accordance with the Internal Revenue Code, in which the REPORTING INDIVIDUAL held a beneficial interest in EXCESS of \$1,000 at any time during the preceding year. Do NOT report interests in a trust, estate or other beneficial interest established by or for, or the estate of, a relative.

Do you have any information to enter for this question?  Yes  None

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(12) (a) Describe the terms of, and the parties to, any contract, promise or other agreement between the reporting individual and any person, firm, or corporation with respect to the employment of such individual after leaving office or position (other than a leave of absence).



Do you have any information to enter for this question?  Yes  None

I sold my law practice to 2 attorneys . Kept the past referrals. One attorney I shared space with the other moved into my vacant office . They both redid lease and moved to different floor of building. The terms of sale end July of 2019 Pay 730 a month

(12) (b) Describe the parties to and the terms of any agreement providing for continuation of payments or benefits to the REPORTING INDIVIDUAL in EXCESS of \$1,000 from a prior employer OTHER THAN the State. (This includes interests in or contributions to a pension fund, profit-sharing plan, or life or health insurance; buy-out agreements; severance payments; etc.)

Do you have any information to enter for this question?  Yes  None

I sold my law practice to 2 attorneys . Kept the past referrals. One attorney I shared space with the other moved into my vacant office . They both redid lease and moved to different floor of building. The terms of sale end July of 2019 Pay 730 a month

(13) List below the nature and amount of any income in EXCESS of \$1,000 from EACH SOURCE for the reporting individual and such individual's spouse for the taxable year last occurring prior to the date of filing. Nature of income includes, but is not limited to, all income EARNED BY YOU AND YOUR SPOUSE (other than that received by you from the employment listed under item 2 above) from compensated employment whether public or private, directorships and other fiduciary positions, contractual arrangements, teaching income, partnerships, honorariums, lecture fees, consultant fees, bank and bond interest, dividends, income derived from a trust, real estate rents, and recognized gains from the sale or exchange of real or other property. Income from a business or profession and real estate rents shall be reported with the source identified by the building address in case of real estate rents and otherwise by the name of the entity and not by the name of the individual customers, clients or tenants, with the aggregate net income before taxes for each building address or entity. The receipt of maintenance received in connection with a matrimonial action, alimony and child support payments shall not be listed.

Do you have any information to enter for this question?  Yes  None

**i** Do not check NONE if your spouse earned income from employment in excess of \$1,000

SELF/SPOUSE	SOURCE	NATURE	CATEGORY OF AMOUNT
Self	past referrals to law firms	past clients	A: under \$5,000
Self	peter pecoraro esq and matthew lazaroe	sale of office ends july of 2019	A: under \$5,000
Spouse	russel friedman and associates	paralegal	C: \$20,000 to under \$60,000

(14) List the sources of any deferred income (not retirement income) in EXCESS of \$1,000 from each source to be paid to the reporting individual following the close of the calendar year for which this disclosure statement is filed, other than deferred compensation reported in Item 11 hereinabove. Deferred income derived from the practice of a profession shall be listed in the aggregate and shall identify as the source, the name of the firm, corporation, partnership or association through which the income was derived, but shall not identify individual clients.

Do you have any information to enter for this question?  Yes  None

(15) List each assignment of income in EXCESS of \$1,000, and each transfer other than to a relative during the reporting period for which this statement is filed for less than fair consideration of an interest in a trust, estate or other beneficial interest, securities or real property, by the reporting individual, in excess of \$1,000, which would otherwise be required to be reported herein and is not or has not been so reported.

Do you have any information to enter for this question?  Yes  None

(16) List below the type and market value of securities held by the reporting individual or such individual's spouse from each issuing entity in EXCESS of \$1,000 at the close of the taxable year last occurring prior to the date of filing,

including the name of the issuing entity exclusive of securities held by the reporting individual issued by a professional corporation. Whenever an interest in securities exists through a beneficial interest in a trust, the securities held in such trust shall be listed ONLY IF the reporting individual has knowledge thereof except where the reporting individual or the reporting individual's spouse has transferred assets to such trust for his or her benefit in which event such securities shall be listed unless they are not ascertainable by the reporting individual because the trustee is under an obligation or has been instructed in writing not to disclose the contents of the trust to the reporting individual. Securities of which the reporting individual or the reporting individual's spouse is the owner of record but in which such individual or the reporting individual's spouse has no beneficial interest shall not be listed. Indicate percentage of ownership ONLY if the reporting person or the reporting person's spouse holds more than five percent (5%) of the stock of a corporation in which the stock is publicly traded or more than ten percent (10%) of the stock of a corporation in which the stock is NOT publicly traded. Also list securities owned for investment purposes by a corporation more than 50 percent (50%) of the stock of which is owned or controlled by the reporting individual or such individual's spouse. For the purpose of this item, the term "securities" shall mean mutual funds, bonds, mortgages, notes, obligations, warrants and stocks of any class, investment interests in limited or general partnerships and certificates of deposits (CDs) and such other evidences of indebtedness and certificates of interest as are usually referred to as securities. The market value for such securities shall be reported only if reasonably ascertainable and shall not be reported if the security is an interest in a general partnership that was listed in Item 8(a) or if the security is corporate stock, NOT publicly traded, in a trade or business of a reporting individual or a reporting individual's spouse. Do you have any information to enter for this question?  Yes  None

---

(17) List below the location, size, general nature, acquisition date, market value and percentage of ownership of any real property in which any vested or contingent interest in EXCESS of \$1,000 is held by the reporting individual or the reporting individual's spouse. Also list real property owned for investment purposes by a corporation more than 50 percent (50%) of the stock of which is owned or controlled by the reporting individual or such individual's spouse. Do NOT list any real property which is the primary or secondary personal residence of the reporting individual or the reporting individual's spouse, except where there is a co-owner who is other than a relative. Do you have any information to enter for this question?  Yes  None

---

(18) List below all notes and accounts receivable, other than from goods or services sold, held by the reporting individual at the close of the taxable year last occurring prior to the date of filing and other debts owed to such individual at the close of the taxable year last occurring prior to the date of filing, in EXCESS of \$1,000, including the name of the debtor, type of obligation, date due and the nature of the collateral securing payment of each, if any, excluding securities reported in Item 16 herein above. Debts, notes and accounts receivable owed to the individual by a relative shall not be reported. Do you have any information to enter for this question?  Yes  None

NAME OF DEBTOR	TYPE OF OBLIGATION, DUE DATE, AND NATURE OF COLLATERAL, IF ANY	CATEGORY OF AMOUNT
Peter Pecoraro and Matthew Lazaro	Sale of Law firm goodwill and phone # ends July 2019	A: under \$5,000

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(19) List below all liabilities of the reporting individual and such individual's spouse in EXCESS of \$10,000 as of the date of filing of this statement, other than liabilities to a relative. DO NOT list liabilities incurred by, or guarantees made by, the reporting individual or such individual's spouse or by any proprietorship, partnership or corporation in which the reporting individual or such individual's spouse has an interest, when incurred or made in the ordinary course of the trade, business or professional practice of the reporting individual or such individual's spouse. Include the name of the creditor and any collateral pledged by such individual to secure payment of any such liability. A reporting individual shall not list any obligation to pay maintenance in connection with a matrimonial action, alimony or child support payments. Any loan issued in the ordinary course of business by a financial institution to finance educational costs, the cost of home purchase or improvements for a primary or secondary residence, or purchase of a personally owned motor vehicle, household furniture or appliances shall be excluded. If any such reportable liability has been guaranteed by any third person, list the liability and name the guarantor. Do you have any information to enter for this question?  Yes  None

NAME OF CREDITOR OR GUARANTOR	TYPE OF LIABILITY AND COLLATERAL, IF ANY	CATEGORY OF AMOUNT
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sofi

unsecured loan

B: \$5,000 to under \$20,000

***The requirements of law relating to the reporting of financial interests are in the public interest and no adverse inference of unethical or illegal conduct or behavior will be drawn merely from compliance with these requirements.***



## State of New York

## ETHICS COMMISSION FOR THE UNIFIED COURT SYSTEM

25 Beaver Street / New York, NY 10004 / Room 875  
 Intranet Address: UCS Home Page under "Topics A-Z"  
 Internet Address: www.Nycourts.gov/ip/ethics

## ANNUAL STATEMENT OF FINANCIAL DISCLOSURE FOR THE 2018 CALENDAR YEAR

## General Instructions

Answer each of the following questions completely, with respect to calendar year 2018, unless another period or date is otherwise specified. If additional space is needed, attach additional pages. Whenever a "value" or "amount" is required to be reported herein, such value or amount shall be reported as being within one of the following Categories:

Category Category A-under \$5,000  
 Category Category B-\$5,000 to under \$20,000  
 Category Category C-\$20,000 to under \$60,000  
 Category Category D-\$60,000 to under \$100,000  
 Category Category E- \$100,000 to under \$250,000  
 Category Category F- \$250,000 to under \$500,000.00  
 Category Category G-\$500,000 to under \$1,000,000  
 Category Category H-\$1,000,000 to under \$3,000,000  
 Category Category I-\$3,000,000 to under \$5,000,000  
 Category Category J-\$5,000,000 and over  
 Category Category K- Question 11 only- not reasonably ascertainable  
 Category Category L- Question 16 only- not reasonably ascertainable

A reporting individual shall indicate the category by letter only. Whenever "income" is required to be reported herein, the term "income" shall mean the aggregate net income before taxes from the source identified. The term "calendar year" shall mean the year ending December 31st preceding the date of filing of the annual statement.

## Questions

(1) (a) FIRST NAME  
 Mark

(b) LAST NAME  
 Grisanti

**THIS STATEMENT HAS BEEN PREPARED FOR PUBLIC INSPECTION Pursuant to 22 NYCRR Section 40.1(p)(1): the names of unemancipated children, and categories of value/amount in statements pertaining to calendar years prior to 2014, are NOT available for public inspection.**

(2) (a) CURRENT JOB TITLE  
 Court of Claims/ Acting Supreme Court Justice

(b) CURRENT WORK ADDRESS  
 25 Delaware ave 2nd floor Buffalo NY - 1 Main St Batavia NY

(c) CURRENT WORK TELEPHONE NUMBER  
 [REDACTED]

(3) (a) CURRENT MARITAL STATUS  
 MARRIED

Please enter your spouse's full name (including maiden name where applicable)  
 Maria Therese Grisanti (Calandra)

(B) ARE THERE UNEMANCIPATED CHILDREN:  Yes  None

(4) (a) List any office, trusteeship, directorship, partnership, or position of any nature whether compensated or not, held by the reporting individual with any firm, corporation, association, partnership, or other organization other than the State of New York. Include compensated honorary positions; do NOT list membership or uncompensated honorary positions. If the listed entity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or, as a regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matters before, any state or local agency, list the name of any such agency.

Do you have any information to enter for this question?  Yes  None

(4) (b) List any office, trusteeship, directorship, partnership, or position of any nature whether compensated or not, held by the spouse or unemancipated child of the reporting individual, with any firm, corporation, association, partnership, or other organization other than the State of New York. Include compensated honorary position; do NOT list membership or uncompensated honorary positions. If the listed entity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or, as a regular and significant part of the business or activity of said entity did business with, or had matters other than ministerial matters before, any state or local agency, list the name of any such agency.

Do you have any information to enter for this question?  Yes  None

SPOUSE OF CHILD	POSITION	ORGANIZATION	STATE OR LOCAL AGENCY
Spouse	Paralegal	Russel Friedman and associates Law Firm	none

(5) (a) List the name, address and description of any occupation, employment, (other than the employment listed under Item 2 above) trade, business or profession engaged in by the reporting individual. If such activity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or as a regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matters before, any state or local agency, list the name of any such agency.

Do you have any information to enter for this question?  Yes  None

POSITION	ORGANIZATION NAME	ORGANIZATION ADDRESS	DESCRIPTION	STATE OR LOCAL AGENCY
Grisanti and Grisanti	Grisanti and Grisanti	office closed	prior referrals pre appointment	bar association

(5) (b) If the spouse or unemancipated child of the reporting individual was engaged in any occupation, employment, trade, business or profession which activity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or, as a regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matters before, any state or local agency, list the name, address and description of such occupation, employment, trade, business or profession and the name of any such agency.

Do you have any information to enter for this question?  Yes  None

(6) List any interest, in EXCESS of \$1,000, held by the reporting individual, such individual's spouse or unemancipated child, or partnership of which any such person is a member, or corporation, 10% or more of the stock of which is owned or controlled by any such person, whether vested or contingent, in any contract made or executed by a state or local agency and include the name of the entity which holds such interest and the relationship of the reporting individual or such individual's spouse or such child to such entity and the interest in such contract. Do NOT include bonds and notes. Do NOT list any interest in any such contract on which final payment has been made and all obligations under the contract except for guarantees and warranties have been performed, provided, however, that such an interest must be listed if there has been an ongoing dispute during the calendar year for which this statement is filed with respect to any such guarantees or warranties.

Do you have any information to enter for this question?  Yes  None

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(7) List any position the reporting individual held as an officer of any political party or political organization, as a member of any political party committee, or as a political district leader. The term "party" shall have the same meaning as "party" in the election law. The term "political organization" means any party or independent body as defined in the election law or any organization that is affiliated with or a subsidiary of a party or independent body.

Do you have any information to enter for this question?  Yes  None

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(8) (a) If the reporting individual practices law, works as a real estate broker or agent licensed by the department of state, or practices a profession licensed by the department of education, give a general description of the principal subject areas of matters undertaken by such individual. Additionally, if such an individual practices with a firm or corporation and is a partner or shareholder of the firm or corporation, give a general description of principal subject areas of matters undertaken by such firm or corporation. Do NOT list the names of the individual clients, customers or patients. If the reporting individual is licensed to practice law, is a licensed real estate broker or agent, or is licensed by the department of education, but did not actually engage in such work or practice, so indicate.

Do you have any information to enter for this question?  Yes  None

---

(8) (b) List the name, principal address and general description or the nature of the business activity of any entity in which the reporting individual or such individual's spouse had an investment in excess of \$1,000 EXCLUDING investments in securities and interests in real property.

Do you have any information to enter for this question?  Yes  None

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(9) List each source of gifts, EXCLUDING campaign contributions, in EXCESS of \$1,000, received during the reporting period for which this statement is filed by the reporting individual or such individual's spouse or unemancipated child from the same donor, EXCLUDING gifts from a relative. INCLUDE the name and address of the donor. The term "gifts" does not include reimbursements, which term is defined in Item 10. Indicate the value and nature of each such gift.

Do you have any information to enter for this question?  Yes  None

---

(10) Identify and briefly describe the source of any reimbursements for expenditures, EXCLUDING campaign expenditures and expenditures in connection with official duties reimbursed by the state, in EXCESS of \$1,000 from each such source. For purposes of this item, the term "reimbursements" shall mean any travel-related expenses provided by nongovernmental sources and for activities related to the reporting individual's official duties such as, speaking engagements, conferences, or factfinding events. The term "reimbursement" does NOT include gifts reported under Item 9.

Do you have any information to enter for this question?  Yes  None

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(11) List the identity and value, if reasonably ascertainable, of each interest in a trust, estate or other beneficial interest, including retirement plans (other than retirement plans of the State of New York or the City of New York) and deferred compensation plans (e.g., 401, 403b, 457, etc.) established in accordance with the Internal Revenue Code, in which the REPORTING INDIVIDUAL held a beneficial interest in EXCESS of \$1,000 at any time during the preceding year. Do NOT report interests in a trust, estate or other beneficial interest established by or for, or the estate of, a relative.

Do you have any information to enter for this question?  Yes  None

---

(12) (a) Describe the terms of, and the parties to, any contract, promise or other agreement between the reporting individual and any person, firm, or corporation with respect to the employment of such individual after leaving office or position (other than a leave of absence).

Do you have any information to enter for this question?  Yes  None

I sold my law practice to 2 attorneys . Kept the past referrals. One attorney I shared space with the other moved into my vacant office . They both redid lease and moved to different floor of building. The terms of sale end July of 2019 Pay 730 a month

(12) (b) Describe the parties to and the terms of any agreement providing for continuation of payments or benefits to the REPORTING INDIVIDUAL in EXCESS of \$1,000 from a prior employer OTHER THAN the State. (This includes interests in or contributions to a pension fund, profit-sharing plan, or life or health insurance; buy-out agreements; severance payments; etc.)

Do you have any information to enter for this question?  Yes  None

I sold my law practice to 2 attorneys . Kept the past referrals. One attorney I shared space with the other moved into my vacant office . They both redid lease and moved to different floor of building. The terms of sale end July of 2019 Pay 730 a month

(13) List below the nature and amount of any income in EXCESS of \$1,000 from EACH SOURCE for the reporting individual and such individual's spouse for the taxable year last occurring prior to the date of filing. Nature of income includes, but is not limited to, all income EARNED BY YOU AND YOUR SPOUSE (other than that received by you from the employment listed under item 2 above) from compensated employment whether public or private, directorships and other fiduciary positions, contractual arrangements, teaching income, partnerships, honorariums, lecture fees, consultant fees, bank and bond interest, dividends, income derived from a trust, real estate rents, and recognized gains from the sale or exchange of real or other property. Income from a business or profession and real estate rents shall be reported with the source identified by the building address in case of real estate rents and otherwise by the name of the entity and not by the name of the individual customers, clients or tenants, with the aggregate net income before taxes for each building address or entity. The receipt of maintenance received in connection with a matrimonial action, alimony and child support payments shall not be listed.

Do you have any information to enter for this question?  Yes  None

**i** Do not check NONE if your spouse earned income from employment in excess of \$1,000

SELF/SPOUSE	SOURCE	NATURE	CATEGORY OF AMOUNT
Self	past referrals to law firms	past clients	Category C-\$20,000 to under \$60,000
Self	peter pecoraro esq and matthew lazaroe	sale of office ends july of 2019	A: under \$5,000
Spouse	russel friedman and associates	paralegal	C: \$20,000 to under \$60,000

(14) List the sources of any deferred income (not retirement income) in EXCESS of \$1,000 from each source to be paid to the reporting individual following the close of the calendar year for which this disclosure statement is filed, other than deferred compensation reported in Item 11 hereinabove. Deferred income derived from the practice of a profession shall be listed in the aggregate and shall identify as the source, the name of the firm, corporation, partnership or association through which the income was derived, but shall not identify individual clients.

Do you have any information to enter for this question?  Yes  None

(15) List each assignment of income in EXCESS of \$1,000, and each transfer other than to a relative during the reporting period for which this statement is filed for less than fair consideration of an interest in a trust, estate or other beneficial interest, securities or real property, by the reporting individual, in excess of \$1,000, which would otherwise be required to be reported herein and is not or has not been so reported.

Do you have any information to enter for this question?  Yes  None

(16) List below the type and market value of securities held by the reporting individual or such individual's spouse from each issuing entity in EXCESS of \$1,000 at the close of the taxable year last occurring prior to the date of filing, including the name of the issuing entity exclusive of securities held by the reporting individual issued by a professional corporation. Whenever an interest in securities exists through a beneficial interest in a trust, the securities held in such trust shall be listed ONLY IF the reporting individual has knowledge thereof except where the reporting individual or the reporting individual's spouse has transferred assets to such trust for his or her benefit in which event such securities shall be listed unless they are not ascertainable by the reporting individual because the trustee is under an obligation or has been instructed in writing not to disclose the contents of the trust to the reporting individual. Securities of which the reporting individual or the reporting individual's spouse is the owner of record but in which such individual or the reporting individual's spouse has no beneficial interest shall not be listed. Indicate percentage of ownership ONLY if the reporting person or the reporting person's spouse holds more than five percent (5%) of the stock of a corporation in which the stock is publicly traded or more than ten percent (10%) of the stock of a corporation in which the stock is NOT publicly traded. Also list securities owned for investment purposes by a corporation more than 50 percent (50%) of the stock of which is owned or controlled by the reporting individual or such individual's spouse. For the purpose of this item, the term "securities" shall mean mutual funds, bonds, mortgages, notes, obligations, warrants and stocks of any class, investment interests in limited or general partnerships and certificates of deposits (CDs) and such other evidences of indebtedness and certificates of interest as are usually referred to as securities. The market value for such securities shall be reported only if reasonably ascertainable and shall not be reported if the security is an interest in a general partnership that was listed in Item 8(a) or if the security is corporate stock, NOT publicly traded, in a trade or business of a reporting individual or a reporting individual's spouse. Do you have any information to enter for this question?  Yes  None

(17) List below the location, size, general nature, acquisition date, market value and percentage of ownership of any real property in which any vested or contingent interest in EXCESS of \$1,000 is held by the reporting individual or the reporting individual's spouse. Also list real property owned for investment purposes by a corporation more than 50 percent (50%) of the stock of which is owned or controlled by the reporting individual or such individual's spouse. Do NOT list any real property which is the primary or secondary personal residence of the reporting individual or the reporting individual's spouse, except where there is a co-owner who is other than a relative. Do you have any information to enter for this question?  Yes  None

(18) List below all notes and accounts receivable, other than from goods or services sold, held by the reporting individual at the close of the taxable year last occurring prior to the date of filing and other debts owed to such individual at the close of the taxable year last occurring prior to the date of filing, in EXCESS of \$1,000, including the name of the debtor, type of obligation, date due and the nature of the collateral securing payment of each, if any, excluding securities reported in Item 16 herein above. Debts, notes and accounts receivable owed to the individual by a relative shall not be reported.

Do you have any information to enter for this question?  Yes  None

NAME OF DEBTOR	TYPE OF OBLIGATION, DUE DATE, AND NATURE OF COLLATERAL, IF ANY	CATEGORY OF AMOUNT
Peter Pecoraro and Matthew Lazaro	Sale of Law firm goodwill and phone # ends July 2019	A: under \$5,000

(19) List below all liabilities of the reporting individual and such individual's spouse in EXCESS of \$10,000 as of the date of filing of this statement, other than liabilities to a relative. DO NOT list liabilities incurred by, or guarantees made by, the reporting individual or such individual's spouse or by any proprietorship, partnership or corporation in which the reporting individual or such individual's spouse has an interest, when incurred or made in the ordinary course of the trade, business or professional practice of the reporting individual or such individual's spouse. Include the name of the creditor and any collateral pledged by such individual to secure payment of any such liability. A reporting individual shall not list any obligation to pay maintenance in connection with a matrimonial action, alimony or child support payments. Any loan issued in the ordinary course of business by a financial institution to finance educational costs, the cost of home purchase or improvements for a primary or secondary residence, or purchase of a personally owned motor vehicle, household furniture or appliances shall be excluded. If any such reportable liability has been guaranteed by any third person, list the liability and name the guarantor.



Do you have any information to enter for this question?  Yes  None

NAME OF CREDITOR OR GUARANTOR	TYPE OF LIABILITY AND COLLATERAL, IF ANY	CATEGORY OF AMOUNT
sofi	unsecured loan	Category B-\$5,000 to under \$20,000

***The requirements of law relating to the reporting of financial interests are in the public interest and no adverse inference of unethical or illegal conduct or behavior will be drawn merely from compliance with these requirements.***



## State of New York

## ETHICS COMMISSION FOR THE UNIFIED COURT SYSTEM

25 Beaver Street / New York, NY 10004 / Room 875  
 Intranet Address: UCS Home Page under "Topics A-Z"  
 Internet Address: [www.Nycourts.gov/ip/ethics](http://www.Nycourts.gov/ip/ethics)

## ANNUAL STATEMENT OF FINANCIAL DISCLOSURE FOR THE 2019 CALENDAR YEAR

## General Instructions

Answer each of the following questions completely, with respect to calendar year 2019, unless another period or date is otherwise specified. If additional space is needed, attach additional pages. Whenever a "value" or "amount" is required to be reported herein, such value or amount shall be reported as being within one of the following Categories:

Category Category A-under \$5,000  
 Category Category B-\$5,000 to under \$20,000  
 Category Category C-\$20,000 to under \$60,000  
 Category Category D-\$60,000 to under \$100,000  
 Category Category E- \$100,00 to under \$250,000  
 Category Category F- \$250,000 to under \$500,000.00  
 Category Category G-\$500,000 to under \$1,00,0000  
 Category Category H-\$1,000,000 to under \$3,000,000  
 Category Category I-\$3,000,000 to under \$5,000,000  
 Category Category J-\$5,000,000 and over  
 Category Category K- Question 11 only- not reasonably ascertainable  
 Category Category L- Question 16 only- not reasonably ascertainable

A reporting individual shall indicate the category by letter only. Whenever "income" is required to be reported herein, the term "income" shall mean the aggregate net income before taxes from the source identified. The term "calendar year" shall mean the year ending December 31st preceding the date of filing of the annual statement.

## Questions

(1) (a) FIRST NAME  
 Mark

(b) LAST NAME  
 Grisanti

**THIS STATEMENT HAS BEEN PREPARED FOR PUBLIC INSPECTION Pursuant to 22 NYCRR Section 40.1(p)(1): the names of unemancipated children, and categories of value/amount in statements pertaining to calendar years prior to 2014, are NOT available for public inspection.**

(2) (a) CURRENT JOB TITLE  
 Court of Claims/ Acting Supreme Court Justice

(b) CURRENT WORK ADDRESS  
 25 Delaware ave 2nd floor Buffalo NY - 1 Main St Batavia NY

(c) CURRENT WORK TELEPHONE NUMBER  
 [REDACTED]

(3) (a) CURRENT MARITAL STATUS  
 MARRIED

Please enter your spouse's full name (including maiden name where applicable)  
 Maria Therese Grisanti (Calandra)

(B) ARE THERE UNEMANCIPATED CHILDREN:  Yes  None

(4) (a) List any office, trusteeship, directorship, partnership, or position of any nature whether compensated or not, held by the reporting individual with any firm, corporation, association, partnership, or other organization other than the State of New York. Include compensated honorary positions; do NOT list membership or uncompensated honorary positions. If the listed entity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or, as a regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matters before, any state or local agency, list the name of any such agency.

Do you have any information to enter for this question?  Yes  None

(4) (b) List any office, trusteeship, directorship, partnership, or position of any nature whether compensated or not, held by the spouse or unemancipated child of the reporting individual, with any firm, corporation, association, partnership, or other organization other than the State of New York. Include compensated honorary position; do NOT list membership or uncompensated honorary positions. If the listed entity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or, as a regular and significant part of the business or activity of said entity did business with, or had matters other than ministerial matters before, any state or local agency, list the name of any such agency.

Do you have any information to enter for this question?  Yes  None

SPOUSE OF CHILD	POSITION	ORGANIZATION	STATE OR LOCAL AGENCY
Spouse	Paralegal	Russel Friedman and associates Law Firm	none

(5) (a) List the name, address and description of any occupation, employment, (other than the employment listed under Item 2 above) trade, business or profession engaged in by the reporting individual. If such activity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or as a regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matters before, any state or local agency, list the name of any such agency.

Do you have any information to enter for this question?  Yes  None

POSITION	ORGANIZATION NAME	ORGANIZATION ADDRESS	DESCRIPTION	STATE OR LOCAL AGENCY
Grisanti and Grisanti	Grisanti and Grisanti	office closed	prior referrals pre appointment	bar association

(5) (b) If the spouse or unemancipated child of the reporting individual was engaged in any occupation, employment, trade, business or profession which activity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or, as a regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matters before, any state or local agency, list the name, address and description of such occupation, employment, trade, business or profession and the name of any such agency.

Do you have any information to enter for this question?  Yes  None

(6) List any interest, in EXCESS of \$1,000, held by the reporting individual, such individual's spouse or unemancipated child, or partnership of which any such person is a member, or corporation, 10% or more of the stock of which is owned or controlled by any such person, whether vested or contingent, in any contract made or executed by a state or local agency and include the name of the entity which holds such interest and the relationship of the reporting individual or such individual's spouse or such child to such entity and the interest in such contract. Do NOT include bonds and notes. Do NOT list any interest in any such contract on which final payment has been made and all obligations under the contract except for guarantees and warranties have been performed, provided, however, that such an interest must be listed if there has been an ongoing dispute during the calendar year for which this statement is filed with respect to any such guarantees or warranties.

Do you have any information to enter for this question?  Yes  None

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**Pursuant to 22 NYCRR Section 40.1(i)(6), certain information in the response to this question has been deleted from the public inspection copy of this statement.**

(7) List any position the reporting individual held as an officer of any political party or political organization, as a member of any political party committee, or as a political district leader. The term "party" shall have the same meaning as "party" in the election law. The term "political organization" means any party or independent body as defined in the election law or any organization that is affiliated with or a subsidiary of a party or independent body.

Do you have any information to enter for this question?  Yes  None

---

**Pursuant to 22 NYCRR Section 40.1(i)(6), certain information in the response to this question has been deleted from the public inspection copy of this statement.**

(8) (a) If the reporting individual practices law, works as a real estate broker or agent licensed by the department of state, or practices a profession licensed by the department of education, give a general description of the principal subject areas of matters undertaken by such individual. Additionally, if such an individual practices with a firm or corporation and is a partner or shareholder of the firm or corporation, give a general description of principal subject areas of matters undertaken by such firm or corporation. Do NOT list the names of the individual clients, customers or patients. If the reporting individual is licensed to practice law, is a licensed real estate broker or agent, or is licensed by the department of education, but did not actually engage in such work or practice, so indicate.

Do you have any information to enter for this question?  Yes  None

---

(8) (b) List the name, principal address and general description or the nature of the business activity of any entity in which the reporting individual or such individual's spouse had an investment in excess of \$1,000 EXCLUDING investments in securities and interests in real property.

Do you have any information to enter for this question?  Yes  None

---

(9) List each source of gifts, EXCLUDING campaign contributions, in EXCESS of \$1,000, received during the reporting period for which this statement is filed by the reporting individual or such individual's spouse or unemancipated child from the same donor, EXCLUDING gifts from a relative. INCLUDE the name and address of the donor. The term "gifts" does not include reimbursements, which term is defined in Item 10. Indicate the value and nature of each such gift.

Do you have any information to enter for this question?  Yes  None

---

(10) Identify and briefly describe the source of any reimbursements for expenditures, EXCLUDING campaign expenditures and expenditures in connection with official duties reimbursed by the state, in EXCESS of \$1,000 from each such source. For purposes of this item, the term "reimbursements" shall mean any travel-related expenses provided by nongovernmental sources and for activities related to the reporting individual's official duties such as, speaking engagements, conferences, or factfinding events. The term "reimbursement" does NOT include gifts reported under Item 9.

Do you have any information to enter for this question?  Yes  None

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(11) List the identity and value, if reasonably ascertainable, of each interest in a trust, estate or other beneficial interest, including retirement plans (other than retirement plans of the State of New York or the City of New York) and deferred compensation plans (e.g., 401, 403b, 457, etc.) established in accordance with the Internal Revenue Code, in which the REPORTING INDIVIDUAL held a beneficial interest in EXCESS of \$1,000 at any time during the preceding year. Do NOT report interests in a trust, estate or other beneficial interest established by or for, or the estate of, a relative.

Do you have any information to enter for this question?  Yes  None

---

(12) (a) Describe the terms of, and the parties to, any contract, promise or other agreement between the reporting individual and any person, firm, or corporation with respect to the employment of such individual after leaving office or position (other than a leave of absence).

Do you have any information to enter for this question?  Yes  None

I sold my law practice to 2 attorneys . Kept the past referrals. One attorney I shared space with the other moved into my vacant office . They both redid lease and moved to different floor of building. The terms of sale end July of 2019 Pay 730 a month The one attorney passed away in 2019 so agreement went void

---

(12) (b) Describe the parties to and the terms of any agreement providing for continuation of payments or benefits to the REPORTING INDIVIDUAL in EXCESS of \$1,000 from a prior employer OTHER THAN the State. (This includes interests in or contributions to a pension fund, profit-sharing plan, or life or health insurance; buy-out agreements; severance payments; etc.)

Do you have any information to enter for this question?  Yes  None

I sold my law practice to 2 attorneys . Kept the past referrals. One attorney I shared space with the other moved into my vacant office . They both redid lease and moved to different floor of building. The terms of sale end July of 2019 Pay 730 a month . The one attorney passed away in 2019 so the agreement was void

---

(13) List below the nature and amount of any income in EXCESS of \$1,000 from EACH SOURCE for the reporting individual and such individual's spouse for the taxable year last occurring prior to the date of filing. Nature of income includes, but is not limited to, all income EARNED BY YOU AND YOUR SPOUSE (other than that received by you from the employment listed under item 2 above) from compensated employment whether public or private, directorships and other fiduciary positions, contractual arrangements, teaching income, partnerships, honorariums, lecture fees, consultant fees, bank and bond interest, dividends, income derived from a trust, real estate rents, and recognized gains from the sale or exchange of real or other property. Income from a business or profession and real estate rents shall be reported with the source identified by the building address in case of real estate rents and otherwise by the name of the entity and not by the name of the individual customers, clients or tenants, with the aggregate net income before taxes for each building address or entity. The receipt of maintenance received in connection with a matrimonial action, alimony and child support payments shall not be listed.

Do you have any information to enter for this question?  Yes  None

**i** Do not check NONE if your spouse earned income from employment in excess of \$1,000

SELF/SPOUSE	SOURCE	NATURE	CATEGORY OF AMOUNT
Self	past referrals to law firms	past clients	Category C-\$20,000 to under \$60,000
Self	peter pecoraro esq and matthew lazaro	sale of office ends july of 2019 attorney passed agreement void	Category A-under \$5,000
Spouse	russel friedman and associates	paralegal	C: \$20,000 to under \$60,000

---

(14) List the sources of any deferred income (not retirement income) in EXCESS of \$1,000 from each source to be paid to the reporting individual following the close of the calendar year for which this disclosure statement is filed, other than deferred compensation reported in Item 11 hereinabove. Deferred income derived from the practice of a profession shall be listed in the aggregate and shall identify as the source, the name of the firm, corporation, partnership or association through which the income was derived, but shall not identify individual clients.

Do you have any information to enter for this question?  Yes  None

---

(15) List each assignment of income in EXCESS of \$1,000, and each transfer other than to a relative during the reporting period for which this statement is filed for less than fair consideration of an interest in a trust, estate or other

beneficial interest, securities or real property, by the reporting individual, in excess of \$1,000, which would otherwise be required to be reported herein and is not or has not been so reported.

Do you have any information to enter for this question?  Yes  None

(16) List below the type and market value of securities held by the reporting individual or such individual's spouse from each issuing entity in EXCESS of \$1,000 at the close of the taxable year last occurring prior to the date of filing, including the name of the issuing entity exclusive of securities held by the reporting individual issued by a professional corporation. Whenever an interest in securities exists through a beneficial interest in a trust, the securities held in such trust shall be listed ONLY IF the reporting individual has knowledge thereof except where the reporting individual or the reporting individual's spouse has transferred assets to such trust for his or her benefit in which event such securities shall be listed unless they are not ascertainable by the reporting individual because the trustee is under an obligation or has been instructed in writing not to disclose the contents of the trust to the reporting individual. Securities of which the reporting individual or the reporting individual's spouse is the owner of record but in which such individual or the reporting individual's spouse has no beneficial interest shall not be listed. Indicate percentage of ownership ONLY if the reporting person or the reporting person's spouse holds more than five percent (5%) of the stock of a corporation in which the stock is publicly traded or more than ten percent (10%) of the stock of a corporation in which the stock is NOT publicly traded. Also list securities owned for investment purposes by a corporation more than 50 percent (50%) of the stock of which is owned or controlled by the reporting individual or such individual's spouse. For the purpose of this item, the term "securities" shall mean mutual funds, bonds, mortgages, notes, obligations, warrants and stocks of any class, investment interests in limited or general partnerships and certificates of deposits (CDs) and such other evidences of indebtedness and certificates of interest as are usually referred to as securities. The market value for such securities shall be reported only if reasonably ascertainable and shall not be reported if the security is an interest in a general partnership that was listed in Item 8(a) or if the security is corporate stock, NOT publicly traded, in a trade or business of a reporting individual or a reporting individual's spouse.

Do you have any information to enter for this question?  Yes  None

(17) List below the location, size, general nature, acquisition date, market value and percentage of ownership of any real property in which any vested or contingent interest in EXCESS of \$1,000 is held by the reporting individual or the reporting individual's spouse. Also list real property owned for investment purposes by a corporation more than 50 percent (50%) of the stock of which is owned or controlled by the reporting individual or such individual's spouse. Do NOT list any real property which is the primary or secondary personal residence of the reporting individual or the reporting individual's spouse, except where there is a co-owner who is other than a relative.

Do you have any information to enter for this question?  Yes  None

(18) List below all notes and accounts receivable, other than from goods or services sold, held by the reporting individual at the close of the taxable year last occurring prior to the date of filing and other debts owed to such individual at the close of the taxable year last occurring prior to the date of filing, in EXCESS of \$1,000, including the name of the debtor, type of obligation, date due and the nature of the collateral securing payment of each, if any, excluding securities reported in Item 16 herein above. Debts, notes and accounts receivable owed to the individual by a relative shall not be reported.

Do you have any information to enter for this question?  Yes  None

NAME OF DEBTOR	TYPE OF OBLIGATION, DUE DATE, AND NATURE OF COLLATERAL, IF ANY	CATEGORY OF AMOUNT
Peter Pecoraro and Matthew Lazaroe	Sale of Law firm goodwill and phone # ends July 2019 attorney passed in 2019 so agreement void	A: under \$5,000

(19) List below all liabilities of the reporting individual and such individual's spouse in EXCESS of \$10,000 as of the date of filing of this statement, other than liabilities to a relative. DO NOT list liabilities incurred by, or guarantees made by, the reporting individual or such individual's spouse or by any proprietorship, partnership or corporation in which the reporting individual or such individual's spouse has an interest, when incurred or made in the ordinary course of the trade, business or professional practice of the reporting individual or such individual's spouse. Include the name of the

creditor and any collateral pledged by such individual to secure payment of any such liability. A reporting individual shall not list any obligation to pay maintenance in connection with a matrimonial action, alimony or child support payments. Any loan issued in the ordinary course of business by a financial institution to finance educational costs, the cost of home purchase or improvements for a primary or secondary residence, or purchase of a personally owned motor vehicle, household furniture or appliances shall be excluded. If any such reportable liability has been guaranteed by any third person, list the liability and name the guarantor.

Do you have any information to enter for this question?  Yes  None

NAME OF CREDITOR OR GUARANTOR	TYPE OF LIABILITY AND COLLATERAL, IF ANY	CATEGORY OF AMOUNT
sofi	unsecured loan	Category B-\$5,000 to under \$20,000
lending club	unsecured loan	Category C-\$20,000 to under \$60,000
key bank	unsecured loan	Category A-under \$5,000

***The requirements of law relating to the reporting of financial interests are in the public interest and no adverse inference of unethical or illegal conduct or behavior will be drawn merely from compliance with these requirements.***

**From:** [Vanessa Mangan](#)  
**To:** [Kathryn Trapani](#)  
**Subject:** FW: Extra Judicial Compensation  
**Date:** Wednesday, August 11, 2021 3:22:20 PM  
**Attachments:** [REDACTED]

---

**Vanessa Lynn Mangan** | Senior Investigator  
New York State **Commission on Judicial Conduct**  
400 Andrews Street, Suite 700 | Rochester, NY 14604  
**585-784-4141** (phone) | **518-299-1757** (fax)  
[mangan@cjc.ny.gov](mailto:mangan@cjc.ny.gov) | [www.cjc.ny.gov](http://www.cjc.ny.gov)

---

**From:** Billie Jo Zakia <[REDACTED]@nycourts.gov>  
**Sent:** Wednesday, August 11, 2021 3:19 PM  
**To:** Vanessa Mangan <[REDACTED]@cjc.ny.gov>  
**Subject:** Extra Judicial Compensation

Good afternoon. I went through the file folder that I have on extra judicial compensation from years 2014-present. Nothing was filed for Hon. Mark Grisanti and attached is the one document that was filed on behalf of [REDACTED].

If I can be of further assistance, please let me know.

Thank you.

Billie Jo Zakia  
Deputy Chief Clerk  
Erie Supreme & County Courts  
25 Delaware Avenue  
Buffalo, New York 14202  
Tel.: [REDACTED]  
Fax: (716) 851-3293

[\[REDACTED\]@nycourts.gov](mailto:[REDACTED]@nycourts.gov)



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NYSCEF DOC. NO. 5

RECEIVED NYSCEF: 12/18/2017

UCS-840C  
3/2011

**SUPREME COURT OF THE STATE OF NEW YORK**

**COUNTY OF Erie**

**Index No: 801721/2017**

Buffalo Seminary

**RJI No. (If any):**

**Plaintiff(s)/Petitioner(s)**

**COMMERCIAL DIVISION**



-against-

Stephanie Satterwhite

**Defendant(s)/Respondent(s)**

**Request for Judicial Intervention Addendum**

**COMPLETE WHERE APPLICABLE** [add additional pages if needed]:

**Plaintiff/Petitioner's cause(s) of action** [check all that apply]:

- Breach of contract or fiduciary duty, fraud, misrepresentation, business tort (e.g. unfair competition), or statutory and/or common law violation where the breach or violation is alleged to arise out of business dealings (e.g. sales of assets or securities; corporate restructuring; partnership, shareholder, joint venture, and other business agreements; trade secrets; restrictive covenants; and employment agreements not including claims that principally involve alleged discriminatory practices)
- Transactions governed by the Uniform Commercial Code (exclusive of those concerning individual cooperative or condominium units)
- Transactions involving commercial real property, including Yellowstone Injunctions and excluding actions for the payment of rent only
- Shareholder derivative actions — without consideration of the monetary threshold
- Commercial class actions — without consideration of the monetary threshold
- Business transactions involving or arising out of dealings with commercial banks and other financial institutions
- Internal affairs of business organizations
- Malpractice by accountants or actuaries, and legal malpractice arising out of representation in commercial matters
- Environmental insurance coverage
- Commercial insurance coverage (e.g. directors and officers, errors and omissions, and business interruption coverage)
- Dissolution of corporations, partnerships, limited liability companies, limited liability partnerships and joint ventures — without consideration of the monetary threshold
- Applications to stay or compel arbitration and affirm or disaffirm arbitration awards and related injunctive relief pursuant to CPLR Article 75 involving any of the foregoing enumerated commercial issues — without consideration of the monetary threshold

**Plaintiff/Petitioner's claim for compensatory damages** [exclusive of punitive damages, interest, costs and counsel fees claimed]:

12276.10

**Plaintiff/Petitioner's claim for equitable or declaratory relief** [brief description]:

**Defendant/Respondent's counterclaim(s)** [brief description, including claim for monetary relief]:

**I REQUEST THAT THIS CASE BE ASSIGNED TO THE COMMERCIAL DIVISION. I CERTIFY THAT THE CASE MEETS THE JURISDICTIONAL REQUIREMENTS OF THE COMMERCIAL DIVISION SET FORTH IN 22 NYCRR § 202.70(a), (b) and (c).**

**Dated:** 12/18/2017

MATTHEW ALLEN LAZROE  
**SIGNATURE**

MATTHEW ALLEN LAZROE  
**PRINT OR TYPE NAME**

**REQUEST FOR JUDICIAL INTERVENTION**

UCS-840 (7/2012)

Erie Supreme COURT, COUNTY OF Erie

Index No: 801721/2017 Date Index Issued: 02/07/2017

For Court Clerk Use Only:	
IAS Entry Date	
Judge Assigned	
RJI Date	

**CAPTION:** Enter the complete case caption. Do not use et al or et ano. If more space is required, attach a caption rider sheet.

Buffalo Seminary

**Plaintiff(s)/Petitioner(s)**

**-against-**

Stephanie Satterwhite

**Defendant(s)/Respondent(s)**

**NATURE OF ACTION OR PROCEEDING:** Check ONE box only and specify where indicated.

<p><b>MATRIMONIAL</b></p> <p><input type="checkbox"/> Contested</p> <p><b>NOTE:</b> For all Matrimonial actions where the parties have children under the age of 18, complete and attach the <b>MATRIMONIAL RJI Addendum</b>. For Uncontested Matrimonial actions, use RJI form UD-13.</p> <hr/> <p><b>TORTS</b></p> <p><input type="checkbox"/> Asbestos</p> <p><input type="checkbox"/> Breast Implant</p> <p><input type="checkbox"/> Environmental:</p> <p><input type="checkbox"/> Medical, Dental, or Podiatric Malpractice</p> <p><input type="checkbox"/> Motor Vehicle</p> <p><input type="checkbox"/> Products Liability:</p> <p><input type="checkbox"/> Other Negligence:</p> <p><input type="checkbox"/> Other Professional Malpractice:</p> <p><input type="checkbox"/> Other Tort:</p> <hr/> <p><b>OTHER MATTERS</b></p> <p><input type="checkbox"/> Certificate of Incorporation/Dissolution [see <b>NOTE</b> under Commercial]</p> <p><input type="checkbox"/> Emergency Medical Treatment</p> <p><input type="checkbox"/> Habeas Corpus</p> <p><input type="checkbox"/> Local Court Appeal</p> <p><input type="checkbox"/> Mechanic's Lien</p> <p><input type="checkbox"/> Name Change</p> <p><input type="checkbox"/> Pistol Permit Revocation Hearing</p> <p><input type="checkbox"/> Sale or Finance of Religious/Not-for-Profit Property</p> <p><input type="checkbox"/> Other:</p>	<p><b>COMMERCIAL</b></p> <p><input type="checkbox"/> Business Entity (including corporations, partnerships, LLCs, etc.)</p> <p><input checked="" type="checkbox"/> Contract</p> <p><input type="checkbox"/> Insurance (where insurer is a party, except arbitration)</p> <p><input type="checkbox"/> UCC (including sales, negotiable instruments)</p> <p><input type="checkbox"/> Other Commercial:</p> <p><b>NOTE:</b> For Commercial Division assignment requests [22 NYCRR § 202.70(D)], complete and attach the <b>COMMERCIAL DIV RJI Addendum</b>.</p> <hr/> <p><b>REAL PROPERTY:</b> How many properties does the application include?</p> <p><input type="checkbox"/> Condemnation</p> <p><input type="checkbox"/> Mortgage Foreclosure:      <input type="checkbox"/> Residential      <input type="checkbox"/> Commercial</p> <p>Property Address:</p> <p><b>NOTE:</b> For Mortgage Foreclosure actions involving a one- to four-family, owner-occupied, residential property, or an owner-occupied condominium, complete and attach the <b>FORECLOSURE RJI Addendum</b>.</p> <p><input type="checkbox"/> Tax Certiorari - Section:      Block:      Lot:</p> <p><input type="checkbox"/> Tax Foreclosure</p> <p><input type="checkbox"/> Other Real Property:</p> <hr/> <p><b>SPECIAL PROCEEDINGS</b></p> <p><input type="checkbox"/> CPLR Article 75 (Arbitration) [see <b>NOTE</b> under Commercial]</p> <p><input type="checkbox"/> CPLR Article 78 (Body or Officer)</p> <p><input type="checkbox"/> Election Law</p> <p><input type="checkbox"/> MHL Article 9.60 (Kendra's Law)</p> <p><input type="checkbox"/> MHL Article 10 (Sex Offender Confinement-Initial)</p> <p><input type="checkbox"/> MHL Article 10 (Sex Offender Confinement-Review)</p> <p><input type="checkbox"/> MHL Article 81 (Guardianship)</p> <p><input type="checkbox"/> Other Mental Hygiene:</p> <p><input type="checkbox"/> Other Special Proceeding:</p>
---	---

**STATUS OF ACTION OR PROCEEDING:** Answer YES or NO for EVERY question AND enter additional information where indicated.

Has a summons and complaint or summons w/notice been filed?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	If yes, date filed: 02/06/2017
Has a summons and complaint or summons w/notice been served?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	If yes, date served: 02/15/2017
Is this action/proceeding being filed post-judgment?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	If yes, judgment date:

**NATURE OF JUDICIAL INTERVENTION:**

Check ONE box only AND enter additional information where indicated. RECEIVED NYSCEF: 12/18/2017

- Infant's Compromise
- Note of Issue and/or Certificate of Readiness
- Notice of Medical, Dental, or Podiatric Malpractice
- Notice of Motion
- Notice of Petition
- Order to Show Cause
- Other Ex Parte Application
- Poor Person Application
- Request for Preliminary Conference
- Residential Mortgage Foreclosure Settlement Conference
- Writ of Habeas Corpus
- Other: Summary Judgment

Date Issue Joined:

Relief Sought:

Return Date:

Relief Sought:

Return Date:

Relief Sought:

Return Date:

Relief Sought:

**RELATED CASES:**

List any related actions. For Matrimonial actions, include any related criminal and/or Family Court cases. If additional space is required, complete and attach the **RJI Addendum**. If none, leave blank.

Case Title	Index/Case No.	Court	Judge (if assigned)	Relationship to Instant Case

**PARTIES:** For parties without an attorney, check "Un-Rep" box AND enter party address, phone number and e-mail address in space provided. If additional space is required, complete and attach the **RJI Addendum**.

Un-Rep	Parties:	Attorneys and/or Unrepresented Litigants:	Issue Joined (Y/N):	Insurance Carrier(s):
	List parties in caption order and indicate party role(s) (e.g., defendant; 3rd-party plaintiff).	Provide attorney name, firm name, business address, phone number and e-mail address of all attorneys that have appeared in the case. For unrepresented litigants, provide address, phone number and e-mail address.		
<input type="checkbox"/>	Name: Buffalo Seminary Role(s): Plaintiff/Petitioner	MATTHEW LAZROE, Matthew A Lazroe, Esq., 43 COURT STREET SUITE 1111, BUFFALO, NY 14202, 716-989-0090, [REDACTED]@lazroelaw.com	NO	
<input checked="" type="checkbox"/>	Name: Satterwhite, Stephanie Role(s): Defendant/Respondent	[REDACTED] Buffalo, NY 14220	NO	
<input type="checkbox"/>	Name: Role(s):			
<input type="checkbox"/>	Name: Role(s):			
<input type="checkbox"/>	Name: Role(s):			

**I AFFIRM UNDER THE PENALTY OF PERJURY THAT, TO MY KNOWLEDGE, OTHER THAN AS NOTED ABOVE, THERE ARE AND HAVE BEEN NO RELATED ACTIONS OR PROCEEDINGS, NOR HAS A REQUEST FOR JUDICIAL INTERVENTION PREVIOUSLY BEEN FILED IN THIS ACTION OR PROCEEDING.**

Dated: 12/18/2017

MATTHEW ALLEN LAZROE

SIGNATURE

4379137

MATTHEW ALLEN LAZROE

ATTORNEY REGISTRATION NUMBER

PRINT OR TYPE NAME



# NYSCEF - Erie County Supreme Court Confirmation Notice



This is an automated response for Supreme Court cases. The NYSCEF site has received your electronically filed documents for the following case.

801721/2017

Buffalo Seminary - v. - Stephanie Satterwhite

Assigned Judge: Mark Grisanti

Documents Received on 01/22/2018 02:11 PM

Doc #	Document Type	Motion #
6	NOTICE OF MOTION Does not contain an SSN or CPI as defined in 202.5(e) or 206.5(e)	
7	AFFIDAVIT Does not contain an SSN or CPI as defined in 202.5(e) or 206.5(e)	
8	EXHIBIT(S) A-F Does not contain an SSN or CPI as defined in 202.5(e) or 206.5(e)	

## Filing User

Name: **MATTHEW ALLEN LAZROE**  
Phone #: **716-989-0090** E-mail Address: [REDACTED]@lazroelaw.com  
Fax #: **716-408-5594** Work Address: **43 COURT STREET  
SUITE 1111  
BUFFALO, NY 14202**

## E-mail Notifications

An e-mail notification regarding this filing has been sent to the following address(es) on 01/22/2018 02:11 PM:

LAZROE, MATTHEW ALLEN - [REDACTED]@lazroelaw.com

PECORARO, PETER J. - [REDACTED]@yahoo.com

**NOTE: If submitting a working copy of this filing to the court, you must include as a notification page firmly affixed thereto a copy of this Confirmation Notice.**

Michael P. Kearns, Erie County Clerk

Website: <http://www.erie.gov/clerk>

NYSCEF Resource Center - [EFile@nycourts.gov](mailto:EFile@nycourts.gov)

Phone: (646) 386-3033 Fax: (212) 401-9146 Website: [www.nycourts.gov/efile](http://www.nycourts.gov/efile)

STATE OF NEW YORK  
SUPREME COURT, ERIE COUNTY

BUFFALO SEMINARY  
205 Bidwell Parkway  
Buffalo, NY 14222

Plaintiff

Index No.: 801721/2017

NOTICE OF MOTION

-vs-


STEPHANIE SATTERWHITE

Buffalo, NY 14220

Defendant

Upon the affidavit of Matthew A. Lazroe, Esq., sworn to on the 26<sup>th</sup> Day of October, 2017, and the exhibits attached thereto, the Plaintiff will move this court in Part \_\_ at the Erie County Supreme Court, 25 Delaware Avenue, Buffalo, New York 14202, on the \_\_ Day of November, 2017, at \_\_:\_\_ a.m. for a default judgment against the Defendant Stephanie Satterwhite, pursuant to CPLR §3215(a).

Dated: October 26, 2017  
Buffalo, NY 14202

  
Matthew A. Lazroe, Esq.  
Attorney For Plaintiff  
43 Court St., Ste. 1111  
Buffalo, NY 14202  
(716) 989-0090

To: Stephanie Satterwhite  
Buffalo, NY 14222

**STATE OF NEW YORK  
SUPREME COURT, ERIE COUNTY**

---

**BUFFALO SEMINARY**  
205 Bidwell Parkway  
Buffalo, NY 14222

**Plaintiff**

Index No.: 801721/2017

**AFFIDAVIT IN SUPPORT OF MOTION FOR DEFAULT  
JUDGMENT**

-VS-

**STEPHANIE SATTERWHITE**

  
Buffalo, NY 14220

**Defendant**

---

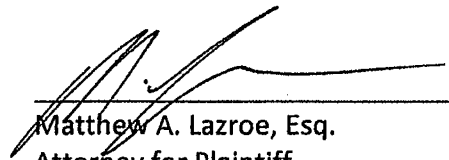
State of New York     ]  
County of Erie         ] ss:  
City of Buffalo        ]

Matthew A. Lazroe, Esq., being duly sworn, deposes and says:

1. I am the Attorney for the Plaintiff and have knowledge of the matters hereafter by reason of my examination of the records maintained by the Plaintiff in the regular course of business.
2. This collection action was commenced February 6, 2017 by my associate Peter J. Pecoraro, Esq., who also works in my office, with the filing of a Summons Index & Notice of Commencement Action and Complaint. A copy of these documents are attached at Exhibit A. A copy of the Consent to Add Attorney is attached as Exhibit B.
3. The defendant was served with the Summons Index, Notice of Commencement Action and Complaint by personal service on "Josephine" at the defendant's address on February 15, 2017 with follow-up service by Certified Mail on February 17, 2017. A copy of the Affidavit of Service is attached as Exhibit C.

4. The nature of this action is collection action filed to recover the cost of tuition payment owed for [REDACTED], daughter of Stephanie Satterwhite, for attendance at Buffalo Seminary, for the time period September 2011 through June 2015. An Affidavit of Helen Marlette, Head of School, which includes an accounting of the amount owed, is attached as Exhibit D.
5. The defendant agreed to, and did, sign a Confession of Judgment for \$12,276.10 acknowledging that she owed this debt, but then failed to follow-through by having the Confession notarized. A copy of the Confession is attached as part of Exhibit D.
6. As of today's date Plaintiff has not received an answer to its Complaint, nor has the Defendant requested an extension of time to file an Answer.

Wherefore, Plaintiff requests that a Default Judgment be entered against Defendant Stephanie Satterwhite pursuant to CPLR §3215(a).

  
\_\_\_\_\_  
Matthew A. Lazroe, Esq.  
Attorney for Plaintiff  
43 Court Street., Suite 1111  
Buffalo, NY 14202  
(716) 989-0090

Dated: October 26, 2017

# EXHIBIT A





# NYSCEF - Erie County Supreme Court Confirmation Notice



This is an automated response for Supreme Court / Court of Claims cases. The NYSCEF site has received your electronically filed document(s) for:

**Buffalo Seminary - v. - Stephanie Satterwhite**

**Index Number NOT assigned**

**Assigned Judge: None Recorded**

**Documents Received on 02/06/2017 11:16 AM**

Doc #	Document Type	Motion #
1	SUMMONS + COMPLAINT Does not contain an SSN or CPI as defined in 202.5(e) or 206.5(e)	

## Filing User

Name: PETER J. PECORARO

Phone #: 716-332-3091

Fax #:

E-mail Address:

Work Address:

██████████@yahoo.com

43 Court Street, Suite 1111  
Buffalo, NY 14202

## E-mail Notifications

An e-mail notification regarding this filing has been sent to the following address(es) on  
02/06/2017 11:16 AM:

PECORARO, PETER J. - ██████████@yahoo.com

**NOTE: If submitting a working copy of this filing to the court, you must include as a notification page firmly affixed thereto a copy of this Confirmation Notice.**

---

Peggy A. LaGree, Acting Erie County Clerk

Website: <http://www.erie.gov/clerk>

---

NYSCEF Resource Center - [EFile@nycourts.gov](mailto:EFile@nycourts.gov)

Phone: (646) 386-3033 Fax: (212) 401-9146 Website: [www.nycourts.gov/efile](http://www.nycourts.gov/efile)

**SUPREME COURT OF THE STATE OF NEW  
COUNTY OF ERIE**

-----x  
Buffalo Seminary

Plaintiff/Petition

Index

*801721/2017*

Stephanie Satterwhite

-----x  
Defendant/Responde

**NOTICE OF COMMENCEMENT OF ACTION  
SUBJECT TO MANDATORY ELECTRONIC**

PLEASE TAKE NOTICE that the matter captioned above has been commenced as an electronically filed case in the New York State Courts Electronic Filing System ("NYSCEF") as required by CPLR § 2111 and Uniform Rule § 202.5-bb (mandatory electronic filing). This notice is being served as required by that rule.

NYSCEF is designed for the electronic filing of documents with the County Clerk and the court and for the electronic service of those documents, court documents, and court notices upon counsel and unrepresented litigants who have consented to

Electronic filing offers significant benefits for attorneys and litigants, permitting papers to be filed with the County Clerk and the court and served on other parties simply, conveniently, and quickly. NYSCEF case documents are filed with the County Clerk and the court by filing on the NYSCEF Website, which can be done at any time of the day or night on any day of the week. The documents are served automatically on all consenting e-filers as soon as the document is uploaded to the website, which sends out

The NYSCEF System charges no fees for filing, serving, or viewing the electronic case record, nor does it charge any fees to print any filed documents. Normal filing fees must be paid, but this can be done on-line.

**Parties represented by an attorney:** An attorney representing a party who is served with this notice must either: 1) immediately record his or her representation within the e-filed matter on the NYSCEF site; or 2) file the Notice of Opt-Out form with the clerk of the court where this action is pending. Exemptions from mandatory e-filing are limited to attorneys who certify in good faith that they lack the computer hardware and/or scanner and/or internet connection or that they lack (along with all employees subject to their direction) the operational knowledge to comply with e-filing

**Parties not represented by an attorney:** Unrepresented litigants are exempt from e-filing. They can serve and file documents in paper form and must be served with documents in paper form. However, an unrepresented litigant

For information on how to participate in e-filing, unrepresented litigants should contact the appropriate clerk in the court where the action was filed or visit [www.nycourts.gov/efileunrepresented](http://www.nycourts.gov/efileunrepresented). Unrepresented litigants also are encouraged to visit [www.nycourthelp.gov](http://www.nycourthelp.gov) or contact the Help Center in the court where the action was filed. An unrepresented litigant who consents to e-filing may cease participation at any time. However, the other parties may continue to e-file their court documents in the case.

For additional information about electronic filing and to create a NYSCEF account, visit the NYSCEF website at [www.nycourts.gov/efile](http://www.nycourts.gov/efile) or contact the NYSCEF Resource Center (phone: 646- 386-3033; e-mail: [efile@nycourts.gov](mailto:efile@nycourts.gov)).

Dated 02/06/2017

Signature

PETER J. PECORARO

Name

Firm Name

43 Court Street, Suite 1111

Address

Buffalo, NY 14202

City, State, and Zip

716-332-3091

Phone

██████████@yahoo.com

E-Mail

To:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9/3/15

STATE OF NEW YORK:  
SUPREME COURT : COUNTY OF ERIE

---

BUFFALO SEMINARY  
205 Bidwell Parkway  
Buffalo, NY 14222  
Plaintiff

SUMMONS

vs.

Index No.

STEPHANIE SATTERWHITE  
[REDACTED]  
Buffalo, NY 14220  
Defendant

---

TO THE ABOVE NAMED DEFENDANT:

PLEASE TAKE NOTICE THAT YOU ARE SUMMONED to answer the complaint of the plaintiff herein and to serve a copy of your answer on the plaintiff's attorney at the address indicated below within 20 days after service of the Summons (not counting the day of service itself), or within 30 days after service is complete if the Summons is not delivered personally to you within the State of New York.

YOU ARE HEREBY NOTIFIED THAT, should you fail to answer, a judgment will be entered against you by default for the relief demanded in the complaint.

DATED: January 19, 2017  
Buffalo, New York

  
\_\_\_\_\_

PETER J. PECORARO, ESQ.  
Attorney for Plaintiff  
Office & P.O. Address  
43 Court Street, Suite 1111  
Buffalo, New York 14202  
(716) 332-3091

TO: STEPHANIE SATTERWHITE

[REDACTED]  
Buffalo, NY 14220

VENUE: Plaintiff designates Erie County as the place of trial.  
The basis of this designation is:

Plaintiff's place of business is in Erie County  
Defendant's place of residence is in Erie County

STATE OF NEW YORK:  
SUPREME COURT : COUNTY OF ERIE

---

BUFFALO SEMINARY  
205 Bidwell Parkway  
Buffalo, NY 14222  
Plaintiff

COMPLAINT

vs.

Index No.

STEPHANIE SATTERWHITE  
[REDACTED]  
Buffalo, NY 14220  
Defendant

---

TO THE SUPREME COURT OF THE STATE OF NEW YORK:

The Complaint of the Plaintiff, BUFFALO SEMINARY, by its attorney, PETER J. PECORARO, ESQ., respectfully shows and alleges as follows:

1) The Plaintiff herein, Buffalo Seminary, is an independent, private, college preparatory day and boarding school for girls doing business in Buffalo, New York, with a principal place of business located at 205 Bidwell Parkway, Buffalo, New York, 14222.

2) The Defendant herein, STEPHANIE SATTERWHITE, is the parent and/or legal guardian of [REDACTED] and resides at [REDACTED], Buffalo, New York, 14220.

3) Plaintiff did provide educational services to [REDACTED] over a number of years. That throughout said period, defendant has failed to make full payment for the costs of said educational services. Plaintiff has made a good faith effort to work with defendant by accepting promises to pay but defendant continually fell behind on any payments to be made on the outstanding balance, making various promises to pay said balance and even executing an affidavit of confession of judgment in May of 2015 for the arrears due at that time.

4) Defendant did fail to fulfill any payment arrangements and pay the outstanding balance due. The matter was placed with a collection agency. As of December 2016, said agency has been unable to collect the total amount due to plaintiff from defendant after numerous attempts, demands and promises made.

5) Defendant is indebted to plaintiff in the amount of \$10,629.65 plus the sum of \$3,539.68 collection fees, for a total of \$14,169.33, together with interest and the costs and disbursements of this action.

6) By reason of the facts and circumstances stated above, Plaintiff has been damaged, through no fault of its own, in the amount of \$14,169.33, together with interest and the cost and disbursements of this action.

WHEREFORE, Plaintiff demands judgment against the Defendant in the amount of \$14,169.33, plus interest, the costs and disbursements of this action and for such other and further relief as the Court deems just and proper.

DATED: January 19, 2017  
Buffalo, New York



PETER J. PECORARO, ESQ.  
Attorney for Plaintiff  
Office & P.O. Address  
43 Court Street, Suite 1111  
Buffalo, New York 14202  
(716) 332-3091

**VERIFICATION**

STATE OF NEW YORK)  
COUNTY OF ERIE ) SS:  
CITY OF BUFFALO )

DENISE MERRELL, being duly sworn, deposes and says:

She is the Business Manager of BUFFALO SEMINARY, the Plaintiff in the above-entitled action. She has read the foregoing Complaint and knows the contents thereof. The same is true to her knowledge, except as to matters therein stated to



be alleged on information and belief, and as to those matters she believes them to be true.

BUFFALO SEMINARY

BY: Denise Merrell

DENISE MERRELL  
Business Manager

STATE OF NEW YORK)  
COUNTY OF ERIE ) SS:  
CITY OF BUFFALO )

On this 19th day of January, 2017, before me, the undersigned, a notary public in and for the said state, personally appeared DENISE MERRELL, Business Manager of BUFFALO SEMINARY, personally known to me or provided to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

PETER J. PECORARO  
Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires August 11, 20 17

Peter Pecoraro  
NOTARY PUBLIC

# **EXHIBIT B**

STATE OF NEW YORK  
SUPREME COURT, ERIE COUNTY

BUFFALO SEMINARY

Plaintiff

vs.

Stephanie Satterwhite

Defendant(s)

**Consent to Add  
Attorney**

**Index No: 801721/2017**

It is hereby agreed, (i) Matthew A. Lazroe, Esq., be added as attorney of record for the defendant in the above entitled action with the current attorney Peter J. Pecoraro Esq. of record and (ii) a facsimile copy of this signed consent by the parties' is deemed acceptable to be added for the original signatures and (iii) this stipulation may be filed without further notice with the Clerk of the Court.

Dated: Buffalo, New York  
September 22, 2017

INCOMING ATTORNEY:  
Matthew Lazroe, Esq  
Incoming Attorney  
The Convention Tower  
43 Court Street, Suite 1111  
Buffalo, New York 14202  
Phone: (716)-989-0090

OUTGOING ATTORNEY:  
Peter J. Pecoraro, Esq  
Outgoing Attorney  
The Convention Tower  
43 Court Street, Suite 1111  
Buffalo, New York 14202  
Phone: (716)-332-3091

CLIENT:  
Buffalo Seminary  
Helen Marlette  
..  
205 Bidwell Parkway  
Buffalo, NY 14222  
Phone: (716)-885-6780

By 

By 

By 

STATE OF NEW YORK )  
COUNTY OF ERIE ) SS.:

On the 22nd of September in the year 2017 before me, the undersigned, personally appeared Buffalo Seminary personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me the he/she/they executed the same in his/her/their capacity(ies), and the by his/her their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

  
(Notary)

DENISE L. MERRELL  
Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires December 13, 20 17

# EXHIBIT C

STATE OF NEW YORK  
SUPREME COURT: COUNTY OF ERIE

BUFFALO SEMINARY  
205 Bidwell Parkway  
Buffalo, NY 14222

Plaintiff

vs

Affidavit of Service

Stephanie Satterwhite

Buffalo, NY 14220

*Index* #: 801721/2017

Defendant

STATE OF NEW YORK  
COUNTY OF ERIE           SS:

Randall Siford, being duly sworn, deposes and says that he/she is over 18 years of age and not a party to this action; that on the 15th day of February, 2017 at approximately 3:30 p.m. deponent served the annexed: Summons Index & Notice of Commencement Action on the Defendant, Stephanie Satterwhite named herein, in the following manner:

\_\_\_\_\_ Individual: By delivering to and leaving with said personally a true copy thereof, and that she knew the person so served to be the person mentioned and described in said: \_\_\_\_\_

\_\_\_\_\_ Corporation: By delivering to and leaving with \_\_\_\_\_ and she knew the person so served to be of the defendant corporation.

X Responsible Person: By delivering to and leaving with Josephine, a true copy thereof, a person of suitable age and discretion. Said premises being the defendant's residence.

\_\_\_\_\_ Substituted Service: By affixing a true copy thereof to the door of said premises the same being the Respondent/Tenants dwelling place and usual place of abode within the State of New York:

\_\_\_\_\_ Mail: Deponent also served a copy of the \_\_\_\_\_ depositing a true copy of the same in a post-paid, property addressed envelope in an official depository under the exclusive care and custody of the United States Post Office in the State of New York.

Previous Attempts: deponent had previously attempted to serve the above-named Defendant(s) pursuant to CPLR Sec. 308

at

at

at

X Certified Mail: Also, by certified mail return receipt requested on 2/17/2017 in an official depository under the exclusive care and custody of the United States Post Office in the State of New York

Description: The person served would be described as approximately

Years of Age - 35

Lbs - 150

Height - 5'8"

Sex - Female

Hair - Brown

Skin - White

Eyes - Blue

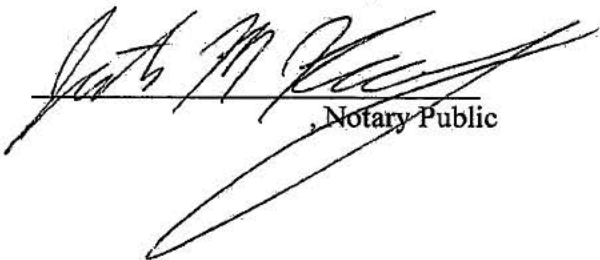
Other - Id'd as Josephine

To the best of my knowledge, information and belief, the said defendant at the service was not engaged in the military service of the United States.

Randall C. Siford

Sworn before me this

20 day of February 2017

  
\_\_\_\_\_  
Notary Public

**Jesstin M. Kolacz**  
Notary Public, State of New York  
Reg. #01KO8352788  
Qualified in Niagara County  
Commission Expires 01/03/2021

-----  
 NIAGARA FALLS  
 615 MAIN ST STE 1  
 NIAGARA FALLS  
 NY  
 14301-9998  
 3558350302  
 02/16/2017 (800)275-8777 4:42 PM  
 -----

Product Description	Sale Qty	Final Price
First-Class Mail Large Envelope (Domestic) (BUFFALO, NY 14220) (Weight:0 Lb 2.20 Oz) (Expected Delivery Day) (Saturday 02/18/2017)	1	\$1.40
Certified (@@USPS Certified Mail #) (70160750000121333696)	1	\$3.35
First-Class Mail Letter (Domestic) (BUFFALO, NY 14207) (Weight:0 Lb 0.80 Oz) (Expected Delivery Day) (Saturday 02/18/2017)	1	\$0.49
Certified (@@USPS Certified Mail #) (70151730000073281957)	1	\$3.35
Return Receipt (@@USPS Return Receipt #) (9590940224526249315289)	1	\$2.75
<b>Total</b>		<b>\$11.34</b>
Credit Card Remitd (Card Name:MasterCard) (Account #:XXXXXXXXXX4809) (Approval #:096241) (Transaction #:553)		\$11.34

\*\*\*\*\*  
 BRIGHTEN SOMEONE'S MAILBOX. Greeting cards available for purchase at select Post Offices.

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**CERTIFIED MAIL® RECEIPT**  
 Domestic Mail Only

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**BUFFALO, NY 14220**

Certified Mail Fee \$3.35

Extra Services & Fees (check box, add fee):  
 Return Receipt (hardcopy) \$0.00  
 Return Receipt (electronic) \$0.00  
 Certified Mail Restricted Delivery \$0.00  
 Adult Signature Required \$0.00  
 Adult Signature Restricted Delivery \$0.00

Postage \$1.40

Total Postage and Fees \$4.75

0302  
 BUFFALO, NY 14220  
 MAIN BRANCH  
 FEB 16 2017  
 USPS

Stephane Suterwite  
 Buffalo, NY 14220

969E 8822 7000 0520 9702

STATE OF NEW YORK  
BUFFALO CITY COURT: COUNTY OF ERIE

BUFFALO SEMINARY  
205 Bidwell Parkway  
Buffalo, NY 14222

Plaintiff

vs

Amended Affidavit of Service  
#801721/2017

Stephanie Satterwhite

[Redacted]  
Buffalo, NY 14220

Defendant

STATE OF NEW YORK  
COUNTY OF ERIE SS:

Randall C Siford, being duly sworn, deposes and says that he/she is over 18 years of age and not a party to this action; that on the 15th day of February, 2017 at approximately 3:30 PM deponent served the annexed: Summons & Complaint & Notice Of Commencement Action on the Defendant, Stephanie Satterwhite named herein, in the following manner:

\_\_\_\_\_ Individual: By delivering to and leaving with said personally a true copy thereof, and that she knew the person so served to be the person mentioned and described in said: \_\_\_\_\_

\_\_\_\_\_ Corporation: By delivering to and leaving with \_\_\_\_\_ and she knew the person so served to be of the defendant corporation.

X Responsible Person: By delivering to and leaving with Josephine, a true copy thereof, a person of suitable age and discretion. Said premises being the defendant's residence.

\_\_\_\_\_ Substituted Service: By affixing a true copy thereof to the door of said premises the same being the Respondent/Tenants dwelling place and usual place of abode within the State of New York:

X Mail: Deponent also served a copy of the Summons & Complaint & Notice Of Commencement Action by depositing a true copy of the same in a post-paid, property addressed envelope in an official depository under the exclusive care and custody of the United States Post Office in the State of New York.

X Certified Mail: Also, by certified mail return receipt requested on 2/17/2017 in an official depository under the exclusive care and custody of the United States Post Office in the State of New York

Description: The person served would be described as approximately

- Years of Age - 35
- Lbs - 150
- Height - 5'8"
- Sex - Female
- Hair - Brown
- Skin - White
- Eyes - Blue
- Other - I'd as Josephine

To the best of my knowledge, information and belief, the said defendant at the service was not engaged in the military service of the United States.

Randall C. Siford

Sworn before me this  
24 day of October 2017

[Signature], Notary Public

Matthew A. Lazroe  
Notary Public, State of New York  
No. 02LA6143766  
Qualified in Erie County  
Commission Expires 04/17/ 2018



# EXHIBIT D

STATE OF NEW YORK  
*Supreme* COURT: COUNTY OF ERIE



**BUFFALO SEMINARY**  
205 Bidwell Parkway  
Buffalo, NY 14222

Plaintiff

Index No.: 801721/2017

**AFFIDAVIT OF Helen Marlette**

-vs-

**STEPHANIE SATTERWHITE**

██████████  
██████████  
Buffalo, NY 14220

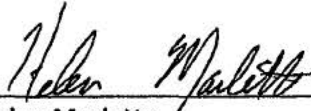
Defendant.

STATE OF NEW YORK )  
COUNTY OF ERIE ) SS:

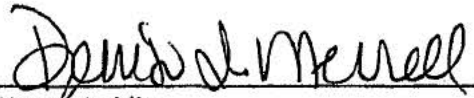
Helen Marlette, being duly a sworn, deposes and says:

1. I am the Head of School at Buffalo Seminary, an independent, day and boarding school for college bound girls located in Buffalo, NY.
2. As the Head of School I am responsible for overseeing the collection of tuition payments for the school's students and am familiar with the facts and circumstances of the this lawsuit.
3. Stephanie Satterwhite is the mother of ██████████ ██████████ a former student at Buffalo Seminary.
4. Ms. ██████████ attended Buffalo Seminary during the years of Sept 2011 – June 2015.
5. As a result of Ms. ██████████ attendance tuition bills were incurred which the Defendant agreed to pay.
6. There have been numerous telephone calls, mailings and email exchanges in which the Defendant has either made promises to pay, or issued checks (to partially) pay the balance outstanding for Ms. ██████████ outstanding tuition. One or more of these checks were NSF.
7. As of September 7, 2017 the outstanding tuition and fees due Buffalo Seminary total \$14,172.72.
8. A statement of account for the \$14,172.72 is attached as exhibit A.

9. The Defendant agreed to, and did in fact execute a Confession of Judgment in the amount of \$12,276.10 pursuant to CPLR § 3201, but when she was asked to have this document notarized she failed to do so. A copy of the signed Confession of Judgment is attached as exhibit B. WHEREFORE, Plaintiff demands judgment against the Defendant in the amount of \$14,172.72 plus interest which includes 33.3% collection costs and fees and for any such further relief as the court deems fair and just.

  
\_\_\_\_\_  
Helen Marlette  
Head of School  
Buffalo Seminary

Sworn to before me this  
13 day of Sept, 2017

  
\_\_\_\_\_  
Notary Public

DENISE I. MERRELL  
Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires December 13, 2017

# EXHIBIT A

## Customer Balances for Buffalo Seminary

Customer: [REDACTED] - Ms. Stephanie Satterwhite

Customer Balance: 10,629.65

Lookup From: All Activity

Document Number	Document Date	Due Date	Document Description	Original Amount	Outstanding Amount
013877	9/16/13	10/6/13	SCHOOL PLANNERS	9.00	0.00
014094	9/18/13	10/8/13	AP US HISTORY CRASH COURSE	12.00	0.00
014236	9/20/13	10/10/13	PARENTS ASSOCIATION DUES	30.00	0.00
014985	9/10/13	9/30/13	TECHNOLOGY FEE #1	105.00	0.00
015052	10/15/13	11/4/13	TECHNOLOGY FEE #2	105.00	0.00
015119	12/15/13	1/4/14	TECHNOLOGY FEE #3	105.00	0.00
015186	2/15/14	3/7/14	TECHNOLOGY FEE #4	105.00	56.10
015253	4/15/14	5/5/14	TECHNOLOGY FEE #5	105.00	105.00
015397	9/20/13	10/10/13	BEN FRANKLIN	2.50	0.00
015663	9/23/13	10/13/13	MATH XL ACCESS CODES-PRE CALC	15.00	0.00
015871	9/30/13	10/20/13	LEOPARD LEGGINGS FOR HORNET/JACKET DAY	12.00	0.00
015925	10/2/13	10/22/13	PINK FIELD HOCKEY SOCKS	3.50	3.50
015947	10/15/13	11/4/13	WASHINGTON DC JR CLASS TRIP	200.00	200.00
016052	10/4/13	10/24/13	AP FRENCH	40.00	40.00
016408	10/28/13	11/17/13	PASSING	10.00	10.00
016421	10/28/13	11/17/13	CAT ON A HOT TIN ROOF	11.25	11.25
016434	10/28/13	11/17/13	THE CRUCIBLE	11.50	11.50
016597	11/14/13	12/4/13	LONG SLEEVE TSHIRTS	10.00	10.00
016642	11/20/13	12/10/13	BOWLING SHIRTS	20.00	20.00
016768	11/26/13	12/16/13	JOY LUCK CLUB	13.50	13.50
017110	1/17/14	2/6/14	THE SCARLET LETTER	8.00	8.00
017238	1/17/14	2/6/14	CAMELBAK'S	20.00	20.00
017465	2/7/14	2/27/14	BOWLING A & SHOES AT THRUWAY LANES	4.65	4.65
017517	2/13/14	3/5/14	COLLEGE TRIP	160.00	160.00
018494	5/15/14	6/4/14	CAR TALK	10.00	10.00
018557	5/15/14	6/4/14	DAY OF SILENCE T-SHIRT	17.50	17.50
018807	5/15/14	6/4/14	YEARBOOK	70.00	70.00
019817	7/22/14	8/11/14	TECHNOLOGY FEE	525.00	458.33
020355	8/25/14	9/14/14	TUITION ASSISTANCE	(15,000.00)	0.00
020404	9/12/14	10/2/14	T-SHIRT FOR HORNET/JACKET DAY	21.50	21.50
020850	9/19/14	10/9/14	2014-2015 SCHOOL PLANNERS	10.00	10.00
021133	9/26/14	10/16/14	BASIC PAINTING	16.00	16.00
021673	10/20/14	11/9/14	SENOIR SWEATSHIRTS	43.00	43.00
Q22496	12/22/14	1/11/15	AMERICAN GOVERNMENT AP EDITION	138.00	138.00

**Customer Balances for Buffalo Seminary**

Customer: [REDACTED] - Ms. Stephanie Satterwhite  
 Lookup From: All Activity

Customer Balance: 10,629.65

022589	12/23/14	1/12/15	AP US GOVERNMENT & POLITICS CRASH COURSE	11.50	11.50
022636	3/18/15	4/7/15	MODEL UN GENERAL ASSEMBLY CONFERENCE	12.00	12.00
022717	1/20/15	2/9/15	DRAWING	15.00	15.00
023486	4/23/15	5/13/15	DAY OF SILENCE T-SHIRT	15.85	15.85
023694	5/15/15	6/4/15	GRADUATION FEE	100.00	100.00
023782	5/18/15	6/7/15	AP EXAM - MACROECONOMICS	53.00	53.00
023863	5/18/15	6/7/15	AP EXAM - GOVERNMENT	53.00	53.00
023899	5/18/15	6/7/15	AP EXAM - STATISTICS	53.00	53.00
023922	5/18/15	6/7/15	AP EXAM - PSYCHOLOGY	53.00	53.00
024452	5/29/15	6/18/15	2014-2015 YEARBOOK	70.00	70.00
1153	5/15/14	6/4/14	AP EXAMS US HISTORY	18.00	18.00
1324	8/25/14	9/14/14	TUITION PLAN A	19,450.00	4,450.00
1326	8/25/14	9/14/14	TUITION INSURANCE	130.00	130.00
1350	9/18/14	10/8/14	ONLINE SCHOOL FOR GIRLS	1,419.75	1,419.75
1403	10/31/14	11/20/14	LATE FEES	81.65	0.00
1417	11/30/14	12/20/14	LATE FEES	81.65	0.00
1574	5/19/15	6/8/15	ONLINE SCHOOL FOR GIRLS CREDIT	(400.00)	0.00
1665	6/30/15	7/20/15	SENIOR COMPUTER	1,375.00	0.00
1803	9/11/15	10/1/15	STYLUS	50.00	50.00
896	10/1/13	10/21/13	TUITION	18,020.00	1,677.72
897	10/1/13	10/21/13	TUITION ASSISTANCE	(14,500.00)	0.00
898	10/1/13	10/21/13	LUNCH	880.00	880.00
899	10/1/13	10/21/13	DEWAR'S TUITION INSURANCE	110.00	110.00

10629.65  
 x 33.33% Collection Fees  


---

 \$ 14172.72

STATE OF NEW YORK  
SUPREME COURT: COUNTY OF ERIE

**BUFFALO SEMINARY**  
205 Bidwell Parkway  
Buffalo, NY 14222

Plaintiff,

Index No.:

-vs-

AFFIDAVIT OF  
CONFESSION OF  
JUDGEMENT

Stephanie Satterwhite

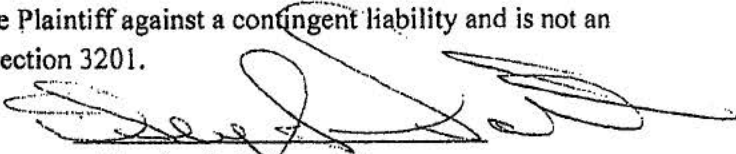
██████████  
Buffalo, NY 14220

Defendant(s).

STATE OF NEW YORK )  
COUNTY OF ERIE ) SS:

Defendant, **Stephanie Satterwhite**, being duly sworn, deposes and says:

1. The deponent is the Defendant in the above captioned matter and resides at ██████████ ██████████ ██████████ Buffalo, NY 14220.
2. Deponent authorizes entry against deponent in the sum of \$ 12,276.10 (as of May 8, 2015) if deponent defaults on any payment due pursuant to this Affidavit of Confession of Judgment.
3. Deponent is indebted to the Plaintiff in the amount of \$ 12,276.10 for educational services provided for ██████████ ██████████ based upon an alleged breach of contract and said debt is justly due to the plaintiff.
4. Deponent understands that a judgment will be filed against the deponent without further notice, together with costs and statutory interest if the deponent defaults on any payment due pursuant to this Affidavit of Confession of Judgment. *If payments are in arrears at any time by one month or more, Buffalo Seminary has the right to file this judgment with the proper courts.*
5. This affidavit is not for the purpose of securing the Plaintiff against a contingent liability and is not an installment loan within the prohibition of CPLR Section 3201.

  
Stephanie Satterwhite

Sworn to before me this  
\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Notary Public

2014-15 FINANCIAL AGREEMENT

STUDENT NAME [REDACTED] Grade 12, Class of 2015



Table with 3 columns: Item, Description, Amount. Includes rows for TUITION, Less Adjustments, NET TUITION, TECH FEE, SUBTOTAL, TUITION REFUND PLAN\*\*, and TOTAL OWING.

Additional due from 2013-2014 school year of \$5,888.50

I. PAYMENT METHOD (CIRCLE ONE)

A. ONE INSTALLMENT OPTION:

Enrollment Deposit (due now) \$500.00
July 1, 2014

This option includes a discount of one-half of one percent (0.5%). Charges for books, school supplies, field trips, etc. will be billed periodically as incurred.

B. TWO INSTALLMENT OPTION:

Enrollment Deposit (due now)
July 1, 2014
December 1, 2014

Charges for books, school supplies, field trips, etc. will be billed periodically as incurred.

C. BUDGET PLAN (per your letter regular bi-weekly payments starting 9/6/2014)

Enrollment Deposit (Due Now) \$500.00
Monthly Payment (beginning July) \$592.22

Monthly payments will be deducted from your bank account by FACTS Automatic Tuition Plan, Inc. This option includes a \$225 fee. Your \$500 deposit will be held in your deposit account. Charges for books, school supplies, field trips, etc. will be deducted from this account. Credit balances at year end will be carried forward to subsequent years or refunded.

II. WAIVER OF TUITION REFUND PLAN\*\*

The school encourages all families to participate in the tuition refund plan which will greatly limit your financial obligation in the event of your daughter's withdrawal or dismissal. However, by placing your initials here you may elect to forego this plan.

[Box] I do not wish to participate in the Tuition Refund Plan. I understand that I am responsible for the full amount of tuition on line 3, even in the event that my daughter does not complete the school year.

Note: If you elect to waive the Tuition Refund Plan, the premium on line 6 will not be charged. The total on line 7, and the various payment plans will be adjusted accordingly.

III. PROMISE TO PAY

I promise to pay tuition, lunches, fees and other education costs to Buffalo Seminary according to this schedule and the terms and conditions in the Enrollment Contract. I understand that my obligation is for the entire school year and this obligation is not diminished by dismissal or withdrawal. Please be advised that Buffalo Seminary will not issue any transcript until payment in full of this financial agreement has been received. Please be further advised that upon default of the terms of this agreement, you may be held liable for the entire unpaid balance plus late fees (1.5% per month or \$20 whichever is greater) together with any collection costs including but not limited to attorney fees and filing costs. Per your letter to Helen Marlette dated 8/17/14 you agree to pay off the overdue balance as well as the current school year balance by March 15, 2015.

Date 8/22/14 Please sign your name (both parents must sign)

Stephanie Satterwhite Print name

Date Please sign your name (both parents must sign)

Print name

IV. MAILING ADDRESS

(NAME & ADDRESS FOR TUITION BILLS AND STATEMENTS)

Name: Stephanie Satterwhite
Address: [REDACTED]
Phone: [REDACTED] (home) [REDACTED] (cell) [REDACTED] (work)

Please return one copy of this signed form, the first copy of the enrollment contract, and your deposit. To reserve your daughter's place in her class, a response is requested by 08/22/14



2013-14 FINANCIAL AGREEMENT

STUDENT NAME [REDACTED] Grade 11, Class of 2015



Table with 3 columns: Item #, Description, Amount. Includes Tuition (\$18,020.00), Less Adjustments (\$14,500.00), Net Tuition (\$3,520.00), School Lunch (\$880.00), Subtotal (\$4,400.00), Tuition Refund Plan\*\* (\$110.00), Total Owning (\$4,510.00).

Payments applied to prior school year balance of \$6,245.10 first

I. PAYMENT METHOD (CIRCLE ONE)

A. ONE INSTALLMENT OPTION:

Enrollment Deposit (due now) July 1, 2013

This option includes a discount of one-half of one percent (0.5%). Charges for books, school supplies, field trips, etc. will be billed periodically as incurred.

B. TWO INSTALLMENT OPTION:

Enrollment Deposit (due now) July 1, 2013 December 1, 2013

Charges for books, school supplies, field trips, etc. will be billed periodically as incurred.

C. BUDGET PLAN (Bi-Weekly payments starting in Sept in 2013)

Enrollment Deposit (Due Now) \$500.00 Bi Weekly Payments (beginning Sept) \$800.00

Bi-weekly payments will be applied to prior year balance of \$6,245.10 first and then to the current school year balance. Your \$500 deposit will be held in your deposit account for current year activities. Charges for books, school supplies, field trips, etc will be deducted from this account. Credit balances at year end will be carried forward to subsequent years or refunded.

II. WAIVER OF TUITION REFUND PLAN\*\*

The school encourages all families to participate in the tuition refund plan which will greatly limit your financial obligation in the event of your daughter's withdrawal or dismissal. However, by placing your initials here you may elect to forego this plan.

[Box] I do not wish to participate in the Tuition Refund Plan. I understand that I am responsible for the full amount of tuition on line 3, even in the event that my daughter does not complete the school year.

Note: If you elect to waive the Tuition Refund Plan, the premium on line 6 will not be charged. The total on line 7, and the various payment plans will be adjusted accordingly.

III. PROMISE TO PAY

I promise to pay tuition, lunches, fees and other education costs to Buffalo Seminary according to this schedule and the terms and conditions in the Enrollment Contract. I understand that my obligation is for the entire school year and this obligation is not diminished by dismissal or withdrawal. Please be advised that Buffalo Seminary will not issue any transcript until payment in full of this financial agreement has been received. Please be further advised that upon default of the terms of this agreement, you may be held liable for the entire unpaid balance plus late fees (1.5% per month or \$20 whichever is greater) together with any collection costs including but not limited to attorney fees and filing costs. Payment plan must be strictly adhered to for attendance to continue.

[Signature] Date Please sign your name (both parents must sign)

Stephanie [Signature] Print name

Date Please sign your name (both parents must sign)

Print name

V. MAILING ADDRESS

(NAME & ADDRESS FOR TUITION BILLS AND STATEMENTS)

Name: Stephanie [Signature]

Address: [REDACTED]

Phone: [REDACTED] (home) [REDACTED] (cell) [REDACTED] (work)

Please return one copy of this signed form, the first copy of the enrollment contract, and your deposit. To reserve your daughter's place in her class, a response is requested by 09/12/13

Buffalo Seminary  
NYSCEF DOC. NO. 8  
2012-13 FINANCIAL AGREEMENT

RECEIVED NYSCEF: 01/22/2018

STUDENT NAME ..... [REDACTED]

\$12,000



1	TUITION	\$17,495.00
2	Less ADJUSTMENTS	\$12,000.00
3	NET TUITION	\$5,495.00
4	SCHOOL LUNCH	\$870.00
5	SUBTOTAL	\$6,365.00
6	TUITION REFUND PLAN**	\$160.00
7	TOTAL OWING	\$6,525.00

I. PAYMENT METHOD (CIRCLE ONE)

A. ONE INSTALLMENT OPTION:

Enrollment Deposit (due now)  
July 1, 2012

This option includes a discount of one-half of one percent (0.5%). Charges for books, school supplies, field trips, etc. will be billed periodically as incurred.

B. TWO INSTALLMENT OPTION:

Enrollment Deposit (due now)  
August 1, 2012  
January 1, 2013

Charges for books, school supplies, field trips, etc. will be billed periodically as incurred.

C. BUDGET PLAN (Nine equal monthly payments starting in July 2012)

Enrollment Deposit (Due Now) \$500.00  
Monthly Payment (beginning July) \$750.00

Handwritten: \$163, 500.00, 7/27/12

Monthly payments will be deducted from your bank account by FACTS Automatic Tuition Plan, Inc. This option includes a \$225 fee. Your \$500 deposit will be held in your deposit account. Charges for books, school supplies, field trips, etc. will be deducted from this account. Credit balances at year end will be carried forward to subsequent years or refunded.

III. WAIVER OF TUITION REFUND PLAN\*\*

The school encourages all families to participate in the tuition refund plan which will greatly limit your financial obligation in the event of your daughter's withdrawal or dismissal. However, by placing your initials here you may elect to forego this plan.

[Empty box for initials]

I do not wish to participate in the Tuition Refund Plan. I understand that I am responsible for the full amount of tuition on line 3, even in the event that my daughter does not complete the school year.

Note: If you elect to waive the Tuition Refund Plan, the premium on line 6 will not be charged. The total on line 7, and the various payment plans will be adjusted accordingly.

II. PROMISE TO PAY

I promise to pay tuition, lunches, fees and other education costs to Buffalo Seminary according to this schedule and the terms and conditions in the Enrollment Contract. I understand that my obligation is for the entire school year and this obligation is not diminished by dismissal or withdrawal. Please be advised that Buffalo Seminary will not issue any transcript until payment in full of this financial agreement has been received. Please be further advised that upon default of the terms of this agreement, you may be held liable for the entire unpaid balance plus late fees of 1.5% per month together with any collection costs including but not limited to attorney fees and filing costs.

2-20-12 [Signature]
Date Please sign your name (both parents must sign)

Stephanie Sankerswhite
Print name

Date Please sign your name (both parents must sign)

Print name

V. MAILING ADDRESS

(NAME & ADDRESS FOR TUITION BILLS AND STATEMENTS)

Name: Stephanie Sankerswhite

Address: [REDACTED]

Phone: [REDACTED]

(home)

(cell)

(work)

Please return one copy of this signed form, the first copy of the enrollment contract, and your deposit. To reserve your daughter's place in her class, a response is requested by 02/16/12

2011-12 FINANCIAL AGREEMENT

STUDENT NAME [redacted] Grade 9, Class of 2015



Table with 2 columns: Item, Amount. Rows include Tuition (\$16,950.00), School Lunch (870.00), Tuition Refund Plan (144.00), Subtotal (\$17,964.00), Less Adjustments (12,000.00), Total Owning (\$5,964.00).

checked 5/11/11

I. PAYMENT METHOD (Circle one)

A. ONE INSTALLMENT OPTION:

Enrollment Deposit (due now) \$500.00
July 1, 2011 \$5,434.18

This option includes a discount of one-half of one percent (0.5%). Charges for books, school supplies, field trips, etc. will be billed periodically as incurred.

B. TWO INSTALLMENT OPTION:

Enrollment Deposit (due now) \$500.00
August 1, 2011 \$2,982.00
January 1, 2012 \$2,482.00

Charges for books, school supplies, field trips, etc. will be billed periodically as incurred.

C. BUDGET PLAN (Nine equal monthly payments starting in July 2011)

Enrollment Deposit (Due Now) \$500.00
Monthly Payment (beginning July) \$684.89

Monthly payments will be deducted from your bank account by FACTS Automatic Tuition Plan, Inc. This option includes a \$200 fee. Your \$500 deposit will be held in your deposit account. Charges for books, school supplies, field trips, etc. will be deducted from this account. Credit balances at year end will be carried forward to subsequent years or refunded.

II. WAIVER OF TUITION REFUND PLAN

The school encourages all families to participate in the tuition refund plan which will greatly limit your financial obligation in the event of your daughter's withdrawal or dismissal. However, by placing your initials here you may elect to forego this plan.

[Initials] I do not wish to participate in the Tuition Refund Plan. I understand that I am responsible for the full amount of tuition on line 1, even in the event that my daughter does not complete the school year.

Note: If you elect to waive the Tuition Refund Plan, the premium on line 4 will not be charged. The total on line 5, and the various payment plans will be adjusted accordingly.

III. PROMISE TO PAY

I promise to pay tuition, lunches, fees and other education costs to The Buffalo Seminary according to this schedule and the terms and conditions in the Enrollment Contract. I understand that my obligation is for the entire school year and this obligation is not diminished by dismissal or withdrawal.

5-5-11
Date

[Signature]
Signature of Parent or Guardian

Also grandma's address

IV. MAILING ADDRESS

(NAME & ADDRESS FOR TUITION BILLS AND STATEMENTS)

Name: Stephanie Satterwhite 9221421 Alva Satterwhite
Address: [redacted]
Phone: [redacted] (home) [redacted] (work)

Please return one copy of this form, the first copy of the enrollment contract, and your deposit. To reserve your daughter's place in her class, a response is requested by 05/21/11

August 17, 14

Ms. [Redacted]

We keep playing tag. (initials)  
 come down to Erie today and I will  
 call you. I will be able to  
 receive payment on [Redacted]  
 account on Sept 1st. I was afraid  
 you were my payment until I  
 had to have surgery and was a  
 half pay. By January 1st of a  
 beginning of February I will be  
 able to pay [Redacted] part due  
 and senior [Redacted] [Redacted]  
 This will be because my [Redacted]  
 check from my accident [Redacted]  
 and I have allowed no contact  
 report today at [Redacted] these  
 arrangements.

[Redacted]  
 [Redacted]

# EXHIBIT B

STATE OF NEW YORK  
SUPREME COURT: COUNTY OF ERIE

**BUFFALO SEMINARY**

205 Bidwell Parkway  
Buffalo, NY 14222

Plaintiff,

Index No.:

-vs-

AFFIDAVIT OF  
CONFESSION OF  
JUDGEMENT

Stephanie Satterwhite

[REDACTED]

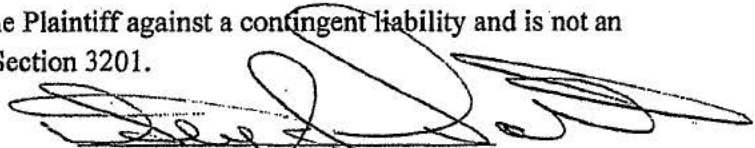
Buffalo, NY 14220

Defendant(s).

STATE OF NEW YORK )  
COUNTY OF ERIE ) SS:

Defendant, **Stephanie Satterwhite**, being duly sworn, deposes and says:

1. The deponent is the Defendant in the above captioned matter and resides at [REDACTED], Buffalo, NY 14220.
2. Deponent authorizes entry against deponent in the sum of \$ 12,276.10 (as of May 8, 2015) if deponent defaults on any payment due pursuant to this Affidavit of Confession of Judgment.
3. Deponent is indebted to the Plaintiff in the amount of \$ 12,276.10 for educational services provided for [REDACTED] based upon an alleged breach of contract and said debt is justly due to the plaintiff.
4. Deponent understands that a judgment will be filed against the deponent without further notice, together with costs and statutory interest if the deponent defaults on any payment due pursuant to this Affidavit of Confession of Judgment. *If payments are in arrears at any time by one month or more, Buffalo Seminary has the right to file this judgment with the proper courts.*
5. This affidavit is not for the purpose of securing the Plaintiff against a contingent liability and is not an installment loan within the prohibition of CPLR Section 3201.



**Stephanie Satterwhite**

Sworn to before me this  
\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Notary Public



*At a Special Term of the Supreme Court,  
Part 15, held in and for the County of  
Erie, State of New York at  
25 Delaware Avenue, Buffalo,  
on the 28th day of February, 2018.*

MARK J. GRISANTI, J.S.C.

STATE OF NEW YORK  
SUPREME COURT, ERIE COUNTY

BUFFALO SEMINARY  
205 Bidwell Parkway  
Buffalo, NY 14222

Plaintiff

Index No.: 801721/2017

ORDER

-vs-

STEPHANIE SATTERWHITE  
[REDACTED]  
Buffalo, NY 14220

Defendant

Upon the Affidavit of Matthew A. Lazroe, Esq. and the attachments thereto, and the Court having reviewed such documentation.

NOW, on motion of, attorney for Plaintiff, it is

ORDERED, that Plaintiff have judgment against Defendant, for the amount of \$13,914.57, plus interest from June 1<sup>st</sup>, 2015; and the Clerk of this Court enter Judgment upon the filing of this Order and the presentation of appropriate judgment papers to the Clerk by the Attorney for Plaintiff.

DATED:

HON.

MARK J. GRISANTI, J.S.C.

**GRANTED**

JUN 14 2018

BY   
BRIGITTE ROESTEL  
COURT CLERK

STATE OF NEW YORK  
SUPREME COURT: ERIE COUNTY

IN THE MATTER OF THE  
APPLICATION OF

BUFFALO SEMINARY  
205 Bidwell Parkway  
Buffalo, NY 14222

Plaintiff

vs.

STATEMENT FOR JUDGMENT  
INDEX#: 801721/2017

STEPHANIE SATTERWHITE  
[REDACTED]  
Buffalo, NY 14220

Defendant

Judgment amount	\$	13,914.57
Interest @ 9% from June 1 <sup>st</sup> , 2015	\$	4132.63
Attorney's fees	\$	0.00
Subtotal		18,047.20
Less Amount Paid	\$	0.00
Difference	\$	18,047.20
Costs by statute	\$	200.00
Fee for FILING	\$	210.00
Fee for RJJ	\$	95.00
Cost Taxed at	\$	505.00
Grand Total	\$	18,552.20

1-  
**FILED AND  
DOCKETED**  
**Nov 08 2018**  
AT 09:32 A M  
ERIE COUNTY CLERK

STATE OF NEW YORK            )  
COUNTY OF ERIE            )    ss:

The undersigned, Matthew A. Lazroe, Esq. for the Plaintiff, BUFFALO SEMINARY, in the above entitled proceeding under penalty of perjury affirms that the disbursements here specified are correct and true and no further costs or disbursements were awarded by the court. The foregoing affirms under penalty of perjury.

Dated: November 7, 2018  
Buffalo, New York

  
Matthew A. Lazroe, Esq.

Judgment entered the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

ADJUDGED that BUFFALO SEMINARY, the Plaintiff with address stated above, do recover of the above-named Defendant(s), Judgment Debtor(s), STEPHANIE SATTERWHITE, the sum of \$13,914.57, the amount claimed with \$4132.63 interest, and \$505.00 costs and disbursements, amounting in all to the sum of \$18,552.20 and that the plaintiff have execution therefore, and it is further;

Judgment Signed and Filed 11/8/2018 \_\_\_\_\_, CLERK

  
Michael P. Kearns County Clerk



# COMMISSION EXHIBIT 30

[Mele Home Security Video \(2\)](#)



NYSID No.:

At a term of the Buffalo City Court County of Erie at the Courthouse at 50 Delaware Avenue, Buffalo, State of New York

**ORDER OF PROTECTION**  
Non-Family Offense - C.P.L. § 530.13<sup>1</sup>  
(Not involving victims of domestic violence)

Youthful Offender (check if applicable)  
Part: 16 Docket No.: 14 V 10596  
Charges: PL 240.26(03)



PRESENT: Hon. Debra Givens

PEOPLE OF THE STATE OF NEW YORK

against

Linda Chwalinski, Defendant

Date of Birth:

Ex parte  
 Defendant Present in Court

**NOTICE: YOUR FAILURE TO OBEY THIS ORDER MAY SUBJECT YOU TO MANDATORY ARREST AND CRIMINAL PROSECUTION, WHICH MAY RESULT IN YOUR INCARCERATION FOR UP TO SEVEN YEARS FOR CONTEMPT OF COURT. IF THIS IS A TEMPORARY ORDER OF PROTECTION AND YOU FAIL TO APPEAR IN COURT WHEN YOU ARE REQUIRED TO DO SO, THIS ORDER MAY BE EXTENDED IN YOUR ABSENCE AND THEN CONTINUES IN EFFECT UNTIL A NEW DATE SET BY THE COURT.**

**TEMPORARY ORDER OF PROTECTION** - Whereas good cause has been shown for the issuance of a temporary order of protection [as a condition of  recognizance  release on bail  adjournment in contemplation of dismissal]  
 **ORDER OF PROTECTION** - Whereas defendant has been convicted of \_\_\_\_\_ and the Court having made a determination in accordance with section 530.13 of the Criminal Procedure Law,

**IT IS HEREBY ORDERED** that the above-named defendant observe the following conditions of behavior:  
(Check Applicable Paragraphs)

- Stay away from  Gina Mele, [REDACTED] and/or from the 14216
  - home of Gina Mele
  - school of Gina Mele
  - business of Gina Mele
  - place of employment of Gina Mele
  - other

- Refrain from communication or any other contact by mail, telephone, e-mail, voice-mail or other electronic means or any other means with Gina Mele
- Refrain from assault, stalking, harassment, aggravated harassment, menacing, reckless endangerment, strangulation, criminal obstruction of breathing or circulation, disorderly conduct, criminal mischief, sexual abuse, sexual misconduct, forcible touching, intimidation, threats or any criminal offense or interference with the victim or victims of, or designated witnesses to, the alleged offense and such members of the family or household of such victim(s) or witness(es) as shall be specifically named [specify]: Gina Mele, [REDACTED], Buffalo
- Refrain from intentionally injuring or killing without justification the following companion animal(s)(pet(s)):

- Surrender any and all handguns, pistols, revolvers, rifles, shotguns and other firearms owned or possessed, including, but not limited to, the following any and all \_\_\_\_\_ and do not obtain any further guns or other firearms. Such surrender shall take place immediately, but no later than: July 29, 2014 at Buffalo Police Department
- Specify other conditions defendant must observe for the purpose of protection:  
No communication with Gina Mele including, but not limited to, phone, mail or third parties.

**IT IS FURTHER ORDERED** that the above-named Defendant's license to carry, possess, repair, sell or otherwise dispose of a firearm or firearms, if any, pursuant to Penal Law § 400.00, is hereby  suspended or  revoked (note: final order only), and/or  the Defendant shall remain ineligible to receive a firearm license during the period of this order. (Check all applicable boxes). **NOTE: If this paragraph is checked, a copy of this form must be sent to: New York State Police, Pistol Permit Section, State Campus Building #22, 1220 Washington Avenue, Albany, New York 12226-2252.**

**IT IS FURTHER ORDERED** that this order of protection shall remain in force until and including: October 27, 2014

DATED: July 29, 2014

Debra Givens  
Buffalo City Court Judge

Defendant advised in Court of issuance of Order.

Received by Defendant [Signature]  
(Defendant's signature)

Service Executed Date: 7-29-14 Time: 10:05 # 7856

The Criminal Procedure Law provides that presentation of a copy of this order of protection to any police officer or peace officer acting pursuant to his or her special duties shall authorize and in some situations may require, such officer to arrest a defendant who has violated its terms and to bring him or her before the Court to face penalties authorized by law.  
Federal law provides that this order must be honored and enforced by state and tribal courts, including courts of a state, the District of Columbia, a commonwealth, territory or possession of the United States, if it is established that the person against whom the order is sought an intimate partner of the protected party and has been or will be afforded reasonable notice and opportunity to be heard in accordance with state law sufficient to protect that person's rights (18 U.S.C. §§2265, 2266).  
It is a federal offense to: cross state lines to violate this order or to stalk, harass or commit domestic violence against an intimate partner or family member; buy, possess or transfer handgun, rifle, shotgun or other firearm or ammunition while this Order remains in effect (Note: there is a limited exception for military or law enforcement officers but only while they are on duty); and buy, possess or transfer a handgun, rifle, shotgun or other firearm or ammunition after a conviction of a domestic violence-related crime involving the use or attempted use of physical force or a deadly weapon against an intimate partner or family member, even after this Order has expired. (18 U.S.C. §§922(g)(8), 922(g)(9), 2261, 2261A, 2262).

<sup>1</sup> Use this form for non-family offense orders of protection, issued pursuant to CPL §530.13, that are not issued to protect victims of family offenses, intimate partners and family and household members and are not entered onto the statewide domestic violence registry. See Exec. L. §221-a(1), CPL §§530.11(1), 530.12(1), 530.13.





STATE OF NEW YORK  
**UNIFIED COURT SYSTEM**  
**EIGHTH JUDICIAL DISTRICT**  
92 FRANKLIN STREET – Third Floor  
BUFFALO, NEW YORK 14202-3902  
(716) 845-2505  
FAX (716) 845-7500



**LAWRENCE K. MARKS**  
Chief Administrative Judge

**VITO C. CARUSO**  
Deputy Chief Administrative Judge  
Courts Outside New York City

**PAULA L. FEROLETO**  
District Administrative Judge

**ANDREW B. ISENBERG, ESQ.**  
District Executive

July 30, 2020

Mrs. Gina Mele

[REDACTED]  
Buffalo, New York 14216

Dear Mrs. Mele,

As Administrative Judge, I am responsible for managerial aspects of the courts. Judges are independently elected officials. The judiciary does not investigate nor prosecute criminal conduct as alleged in your complaint. I note you have contacted the Judicial Conduct Commission. The New York State Commission on Judicial Conduct is the independent state agency that reviews complaints of ethical misconduct against judges and justices of the State Unified Court System.

I do note this incident was after work hours and outside the court building. I have never had any complaints against Judge Grisanti related to his work ethic or interaction with attorneys or litigants in court. While you indicate his status as a judge has somehow benefitted him, the opposite appears to be true as the local media news does not usually cover neighbor disputes nor the District Attorney's office make public statements about cases they are not prosecuting. Personnel matters are confidential. Unlike the District Attorney's office no public statements, nor statements to anyone other than the Judge about this incident will be forthcoming from my office.

Yours very truly,

A handwritten signature in blue ink that reads "Paula L. Feroleto".

HON. PAULA L. FEROLETO  
Administrative Judge

PLF/shm

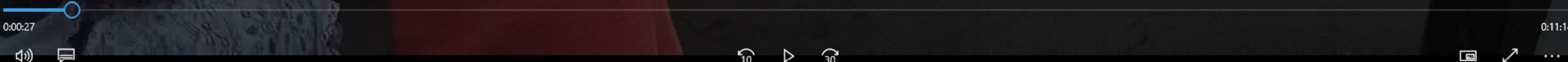
# COMMISSION EXHIBIT 34

[Audio Portion of Mele Home Security Video \(1\)](#)

2020-06-23 T00:47:15Z  
AXON BODY 2 X81409234



AXON\_Body\_2\_Video\_2020-06-22\_2047

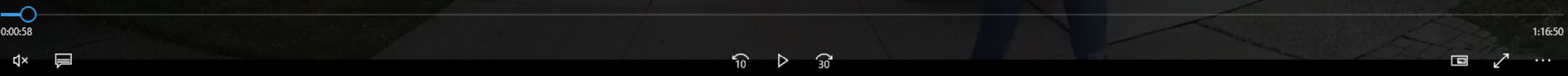




2020-06-23 T00:48:20Z  
AXON BODY 2 X81404709



AXON\_Body\_2\_Video\_2020-06-22\_2047-2



COMMISSION  
EXHIBIT  
**36**



Hon. Mark J. Grisanti



<b>Judge ID</b>	7030706	
<b>Judge Type</b>	Court of Claims/Acting Supreme	
<b>Category</b>	7 - UCS Judge	
<b>1st Elected/Appt.</b>	05/14/2015	
<b>Active (in office)</b>	Yes	
<b>Court(s)</b>		
<input checked="" type="checkbox"/> 	Erie County Supreme Court Eagle Street Office Building 77 West Eagle Street Buffalo, NY 14202 Erie County, 4th Dept., 8th District	
<b>Attorney? Y/N</b>	Yes	
<b>Attorney Reg #</b>	• <a href="#">2551653</a>	

**Judge Information**

<b>Name of Judge</b>	Hon. Mark J. Grisanti
<b>Judge Type</b>	Court of Claims/Acting Supreme
<b>Category</b>	7 - UCS Judge
<b>Attorney? Y/N</b>	Yes
<b>Judge ID</b>	7030706
<b>1st Elected/Appt. to a Court</b>	05/14/2015
<b>1st Elected/Appt. to Current Title</b>	05/14/2015
<b>Initial Appellate Division Appt.</b>	
<b>Initial Appellate Term Appt.</b>	
<b>Current Term Begins</b>	05/14/2015
<b>Current Term Ends</b>	07/31/2023
<b>Active (in office)</b>	Yes
<b>Retirement Date</b>	
<b>Deceased? Y/N</b>	No
<b>Date of Death</b>	
<b>Notes</b>	



2020-06-23 10:52:5  
AXON BODY 2 X814092



COMMISSION  
EXHIBIT

40

# COMMISSION EXHIBIT 41

[Mele Home Security Video \(3\)](#)

CAMERA02

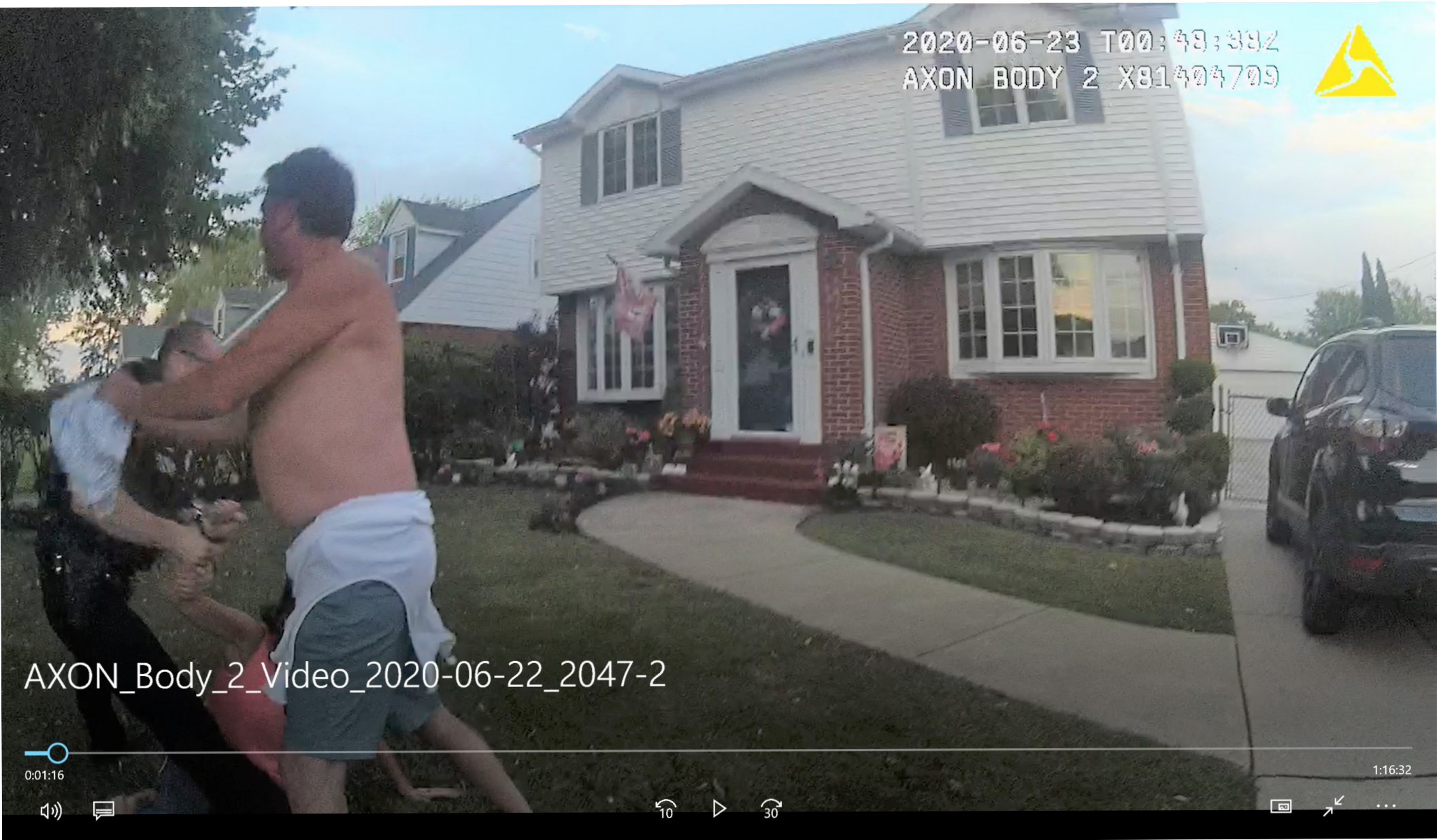


CH02-2020-06-23-07-13-44\_07-31-06

23/06/2020 07:14:31



2020-06-23 T00:49:39Z  
AXON BODY 2 X81404709



AXON\_Body\_2\_Video\_2020-06-22\_2047-2

0:01:16

1:16:32





2020-06-23 T00:49:31Z  
AXON BODY 2 X81404709



0:02:09

1:15:39



# COMMISSION EXHIBIT 49

## [Video Compilation](#)