

STATE OF NEW YORK
SUPREME COURT, COUNTY OF ERIE

In the Matter of the Application of

**THE NEW YORK STATE COMMISSION OF
CORRECTION,**

Petitioner,

For an Order Pursuant to
Article 78 of the CPLR and
NY State Correction Law §§ 46(4) and 48

– against –

TIMOTHY B. HOWARD, Individually and in his
capacity of Sheriff of Erie County, New York, and
ERIE COUNTY, NEW YORK,

Respondents.

Index No.: 803433/2021

Hon. Diane Devlin

FINAL ORDER AND CONSENT JUDGMENT

Petitioner, the New York State Commission of Correction, through its attorney, Letitia James, Attorney General of the State of New York, has filed a Verified Petition for injunctive and equitable relief in this matter pursuant to Article 78 of the New York Civil Practice Law & Rules, and New York State Correction Law §§ 46(4) and 48. Petitioner has alleged that Timothy B. Howard, individually and in his capacity of Sheriff of Erie County, New York, and Erie County, New York (the “County,” and together with Howard, the “Respondents”) violated the Commission’s regulations at 9 NYCRR §§ 7022.1, 7022.2 and 7022.3, as detailed in the Verified Petition (NYSCEF No. 1).

The Parties have determined that avoiding protracted litigation and resolving this matter through execution and entry of this Judgment is in the best interests of the Commission and the Respondents.

I. DEFINITIONS

Unless otherwise specified, the following definitions shall be used in construing this Judgment:

- a. “Attorney General” refers to Letitia James, Attorney General of the State of New York, or her authorized designee or successor.
- b. “Commission” refers to the New York State Commission of Correction, or any employee or agent of the Commission.
- c. “Contractor” means a person or entity that provides services to ECSO pursuant to a contractual agreement.
- d. “ECSO” or the “Sheriff’s Office” refers to all Staff, including the Sheriff, and all successors and assigns.
- e. “Effective Date” means the date on which a copy of this Judgment, duly executed by the Parties, is approved by and becomes a Judgment of the Court.
- f. “Facilities” means the Erie County Holding Center in Buffalo, New York, and the Erie County Correctional Facility in Alden, New York.
- g. “Incarcerated individual(s)” shall be construed broadly to refer to one or more individuals detained at, or otherwise housed, held in the custody of, or confined at either of the Facilities or any institution that is built or used to replace or supplement the Facilities.
- h. “Investigative Responsibilities” means any responsibility or task relevant to the process of conducting an investigation of a Sex Offense in the Facilities, including witness questioning or other fact-finding, testing or analysis of physical evidence, and administrative responsibilities.

- i. “Parties” means the Commission, the Attorney General, the Sheriff of Erie County and his successors, and Erie County.
- j. “Policies and Procedures” means any policy, procedure, manual, training material, handbook, or other document used to instruct, train, or educate ECSO Staff or Incarcerated individual(s).
- k. “Relevant Policies and Procedures” means any ECSO Policies and/or Procedures concerning the prevention, detection, review, investigation, reporting or remediation of a Sex Offense, including discipline of ECSO Staff or Incarcerated individual(s), and including any Policy or Procedure covered by any training set forth in Section III(f).
- l. “Reportable Incident Guidelines” refers to the Commission’s *Reportable Incident Manual for County Jails and The New York City Department of Correction*, issued in January of 2016, or any subsequent version of these guidelines.
- m. “Sex Offense” shall refer to any conduct constituting an offense as prescribed by Article 130 of the New York State Penal Law, including, but not limited to, any degree of rape, criminal sexual act, forcible touching, sexual abuse or sexual misconduct.
- n. “Sheriff” shall refer to Timothy B. Howard and all successors as Sheriff of Erie County.
- o. “Staff” means any employee of the Erie County Sheriff’s Jail Management Division, and, to the extent not employed within the Jail Management Division, any employee charged with oversight of, or who may perform work in connection with, either

Facility, including the Sheriff, all corrections staff, medical practitioners, mental health practitioners, Contractors, or other agents.

- p. “Train” means that qualified instructors educate Staff in the skills, knowledge and/or abilities addressed to a level at which the trainee has the demonstrated proficiency to implement those skills as, and when called for, in the training.

II. ADMISSIONS

Respondent, ECSO, hereby admits, acknowledges and accepts responsibility for the following:

- a. Respondent, ECSO, failed to ensure that the Sheriff’s Office conducted proper review, investigation, and assessments of several incidents and failed to ensure that the Sheriff’s Office submitted timely Reportable Incident forms for several reportable incidents, in violation of 9 NYCRR § 7022.3.

III. INJUNCTIVE RELIEF

It is ordered that:

- a. Respondent, ECSO, shall comply with all reporting obligations under 9 NYCRR Part 7022.
- b. Respondent, ECSO, shall make all reasonable efforts to ensure compliance with all terms of this Judgment.
- c. Respondent, ECSO shall make all reasonable efforts to ensure that Staff shall be trained on the terms of this Judgment as necessary to ensure compliance.
- d. This Judgment takes precedence over any ECSO policy governing the operation of the Facilities that may conflict with this Judgment, unless otherwise required by applicable law, rules or regulations.
- e. POLICIES AND PROCEDURES

- i. The Parties agree that adequate Policies and Procedures are critical to effectively address and report alleged Sex Offenses within the Facilities.
- ii. The Commission and Attorney General acknowledge that ECSO has had in place a number of Policies and Procedures relevant to its obligations to address and report alleged Sex Offenses within the Facilities.
- iii. Nevertheless, to resolve this litigation, Respondent, Erie County Sheriff's Office, agrees that it shall work with an independent monitor to ensure its Policies and Procedures are in compliance with the Commission's regulations, as described below in Section III(g).
- iv. Nothing in this section shall be construed to require Respondent, Erie County Sheriff's Office, to create new Policies and Procedures where its current Policies and Procedures have been deemed adequate by the Monitor's review and audit, as further described in Section III(g).

f. TRAINING

- i. The Parties agree that adequate training is critical to effectively address and report alleged Sex Offenses within the Facilities.
- ii. The Commission and Attorney General acknowledge that ECSO has had in place a number of training programs relevant to its obligations to address and report alleged Sex Offenses within the Facilities.
- iii. Nevertheless, to resolve this litigation, Respondent, Erie County Sheriff's Office, agrees that it shall work with an independent monitor to ensure that its Staff are trained in all areas necessary to comply with the Commission's regulations, as described below in Section III(g).

- iv. Nothing in this section shall be construed to require Respondents to create new trainings where its current trainings have been deemed adequate by the Monitor's review and audit, as further described in Section III(g).

g. MONITOR

- i. Respondents are committed to not only ensuring that future serious incidents are adequately addressed and reported to the Commission, but also ensuring that ECSO's Relevant Policies and Procedures comport with the Commission's regulations, that any prior unreported incidents are identified and reported to the Commission, and that appropriate action is taken.

Accordingly, there shall be an independent monitor who shall conduct a review of ECSO's Relevant Policies and Procedures, and an audit of its prior incident reporting.

- ii. Selection of Monitor and Other Preliminary Matters

- 1. Within thirty (30) days of the Effective Date, Respondents shall propose a candidate to be selected as Monitor.
- 2. The Commission may approve or reject any candidate proposed by Respondents. However, such approval shall not be unreasonably withheld.
- 3. The candidate shall have sufficient experience in the subject matter of correctional management, operations and/or investigative processes, and be independent from, and have no affiliation with, Respondents.
- 4. Respondents shall retain the Monitor for a three-year period.
- 5. Respondents shall bear the costs of the Monitor's fees and expenses.

6. Respondents shall contract with the Monitor to provide its services.

As part of that contract, a reasonable budget will be agreed upon by and between Respondents and the Monitor to include a maximum dollar amount that can be spent in a given 12-month period.

Respondents shall provide the Monitor with a budget sufficient to carry out the responsibilities described in this Judgment.

7. The Monitor shall create a plan to conduct its review and audit, which plan shall be subject to the approval of the Commission or the Attorney General. Such approval shall not be unreasonably withheld.

iii. Review of Relevant Policies and Procedures and Training

1. The Monitor shall review ECSO's Relevant Policies and Procedures, including training materials, and provide written instructions for changes, if necessary. Such review shall include determining whether additional Policies and Procedures and training materials should be developed and directing changes to current or to-be-developed Policies and Procedures and training materials, as necessary to effectuate the goals of this Judgment.
2. Monitor shall review Respondents' Policies and Procedures to ensure that they include, at a minimum:
 - a. An adequate policy on timely, accurate and appropriate reporting to the Commission;
 - b. An adequate policy on the referral of matters concerning Sex Offenses for criminal investigations;

- c. Guidelines on when and how body cavity and strip searches can be conducted, which comply with Prison Rape Elimination Act requirements on cross-gender searches, and a requirement that any Sex Offense allegation involving any such searches (either same-gender or cross-gender) be reported to the Commission, along with the circumstances concerning such searches;
 - d. A requirement that investigative files and video footage related to Sex Offense allegations be preserved for a minimum retention period;
 - e. Guidelines on the protection of reporting Incarcerated individual(s) from retaliation;
 - f. A requirement that investigations be memorialized and completed by adequately Trained Staff of sufficient pay grade and rank; and
 - g. A requirement that investigators be Trained in the proper use of *Garrity v. New Jersey*, 385 U.S. 493 (1967) warnings in the context of Sex Offense investigations.
3. With respect to training in particular, Monitor shall review Respondents' Policies and Procedures to ensure that training materials include, at a minimum:

- a. Zero-tolerance. All Staff shall be Trained on New York law's zero tolerance for Sex Offenses committed against any incarcerated individual.
 - b. Responding effectively to Sex Offense allegations. All Staff shall be Trained on how to effectively respond to allegations of Sex Offenses.
 - c. Reportable Incident Guidelines. All Command Level Staff shall be Trained on the Commission's Reportable Incident Guidelines.
 - d. Investigating Sex Offenses in correctional settings. Investigators, staff of the Office of Professional Services, and any other ECSO employee with Investigative Responsibilities, shall receive training on how to promptly and thoroughly investigate Sex Offenses in correctional settings.
4. Respondents shall further ensure that all Policies and Procedures that in the normal course of operations are provided to Incarcerated individual(s) are made available in formats accessible to all Incarcerated individual(s), including those who are limited English proficient, deaf, visually impaired, or with other disabilities as well as to Incarcerated individual(s) who have limited reading skills or if the complexity of the issue(s) makes it unlikely that the Incarcerated individual(s) will be able to fully understand the information in its standard format.

5. Within fourteen (14) days of appointment of the Monitor, ECSO shall produce to the Commission, via the Attorney General, and the Monitor copies of all Relevant Policies and Procedures, including training materials. The Monitor shall review such Policies and Procedures, along with any other documents and information obtained pursuant to Section III(g)(vi) of this Judgment, and, if necessary, provide ECSO with written instructions for changes to current Policies and Procedures that should be made.
6. In the case of written instructions for changes to current Policies and Procedures, ECSO shall incorporate such changes as soon as possible, but no later than 10 business days from receipt of such instructions.
7. If the Monitor determines that a new Policy or Procedure or training must be created, ECSO shall prepare such additional Policy or Procedure or training with assistance from the Monitor. Any further instructions from the Monitor for changes to such new Policy or Procedure or training shall be incorporated by ECSO immediately or as soon thereafter as is reasonably possible. Current or new Policy or Procedures or training shall not be inconsistent with any applicable law, including the Prison Rape Elimination Act of 2003, 42 U.S.C. § 30301, *et seq.*
8. Following the modification of any current Policy or Procedure or training, or the finalization of any new Policy or Procedure or training, ECSO Staff shall immediately, or as soon thereafter as is reasonably

possible, comply with such Policy or Procedure or training, and ensure all changes are reflected in any distribution of such Policies and Procedures.

9. The issuance of written instructions for changes to current Policies and Procedures and/or trainings and/or any recommendations or instructions to create a new Policy or Procedure and/or training shall not be deemed to establish a violation of this Judgment nor form the sole basis for any action to enforce this judgment.
10. Training shall be completed within one year following the date of employment or appointment for new Staff, and an annual refresher for all relevant Staff.
11. Beginning with the year of the Effective Date and for the duration of this Judgment, Respondents shall on the 15th of December of every year provide to the Commission and the Attorney General proof that all required Training has been completed by all relevant Staff, up to and including the Sheriff. Such documentation may be submitted in the form of signed attendance sheets for in-person Trainings, online certifications, or other proof.

iv. Audit of Prior Incident Reporting

1. Audits shall be conducted on an annual basis for a three-year cycle. The audits shall cover the prior calendar year in which the audit report is submitted.

2. The first audit shall be completed by the end of the calendar year of the Effective Date
3. The Monitor's audit shall identify any instances in which an incident was not timely or properly reported, in violation of the Commission's regulations at 9 NYCRR §§ 7022.1, 7022.2 or 7022.3.
4. If the Monitor's audit identifies any instances in which an incident was not reported in violation of the Commission's regulations, ECSO shall take immediate action to ensure that such incident is reported to the Commission and that Staff responsible for the failure to report are disciplined appropriately.
5. The Monitor's audit shall also assess whether any non-compliance with the Commission's regulations identified stems in whole or in part from deficiencies in any Policies and Procedures, or related trainings.
6. Neither a failure to report an incident in violation of the Commission's regulations identified by the Monitor's Audit nor any assessment as to any reason for non-compliance shall be deemed a violation of this Judgment nor form the sole basis for an action to enforce this Judgment.
7. The issuance of written instructions for changes to current Policies and Procedures and/or any recommendations or instructions to create a new Policy or Procedure shall likewise not be deemed a violation of this Judgment, nor form the sole basis for an action to enforce this Judgment.

8. The Monitor's annual audit shall consist, at a minimum, of a report detailing:
 - a. Any information obtained pursuant to Section III(g)(vi);
 - b. Any identified instances in which an incident was not timely or properly reported in violation of the Commission's regulations;
 - c. Any deficiencies identified pursuant to Section III(g)(iii);
 - d. Any changes from the Monitor's Policy and Procedures review addressing such deficiencies; and
 - e. Any other remedial action taken by ECSO in response to the issues identified in the report.
9. Such reports shall be filed with the Court, consistent with any applicable laws and rules regarding redactions or sealing.
- v. Upon the request of the Commission or the Attorney General, throughout the review and auditing process, the Monitor shall apprise the Commission or the Attorney General of its work, including the identification of any incidents that were not reported to the Commission.
- vi. The Monitor shall have unrestricted access to documents and information from ECSO on a timely and accurate basis, in order to fulfill any task it is charged with in this Judgment.
- vii. Respondents shall not retaliate against any person because that person has provided information or assistance to the Monitor.

viii. The Monitor shall treat all personally identifiable information obtained pursuant to this Judgment as confidential, and nothing in this Judgment shall be construed to require Respondents to violate applicable law, including the Health Insurance Portability and Accountability Act, 42 U.S.C. § 1320d *et seq.*

IV. JURISDICTION

- a. The Court has jurisdiction over the subject matter of this lawsuit and over the Commission, the Attorney General, the Sheriff of Erie County and his successors, and Erie County.
- b. This Court shall retain jurisdiction over this Judgment and the Parties for the purpose of enforcing and modifying this Judgment and for the purpose of granting such additional relief as may be necessary and appropriate.

V. PARTIES BOUND

- a. This Judgment is binding upon the Commission, the Attorney General, Sheriff Howard, individually and in his capacity as Sheriff of Erie County, his successor, and Erie County.
- b. Notwithstanding anything in this Judgment to the contrary, the Parties acknowledge that Erie County is a distinct party from the Sheriff of Erie County, with distinct responsibilities concerning the Erie County Holding Center, the allegations at issue in this proceeding and the terms of this Judgment. By executing below, Erie County does not acknowledge any responsibility or liability for the subject matter of the allegations at issue. Other than providing funding where necessary to comply with the terms of this Judgment, Erie County does not accept any responsibilities or

burdens arising under the terms of this Judgment, whether directly or derivatively, other than those responsibilities and burdens arising under existing, applicable law.

VI. DURATION OF JUDGMENT

- a. This Judgment shall remain in effect until three (3) years following the Effective Date, except for Respondents' obligations set forth in Section III(a)–(c) which shall remain enforceable pursuant to the provisions of Correction Law § 46(4).
- b. The Parties may choose to extend this Judgment by written, mutual agreement at any time.

VII. DISPUTE RESOLUTION AND ENFORCEMENT

- a. For the purposes of resolving disputes with respect to compliance with this Judgment, should the Commission or Attorney General have a reasonable basis to believe that Respondents have violated a provision of this Judgment subsequent to the Effective Date, then the Commission or Attorney General shall notify Respondents in writing of the specific objection, identify with particularity the provision of this Judgment that appears to be in violation, and give Respondents twenty-one (21) days from receipt to respond to the notification.
- b. Upon receipt of written notice, Respondents shall provide a good faith written response to the notification, containing either a statement explaining why Respondents believe they are in compliance with the Judgment, or a detailed explanation of how the alleged violation occurred and a statement explaining how Respondents intend to remedy the alleged breach. The Commission or Attorney General may agree, in writing, to provide Respondents with additional time beyond the twenty-one (21) days to respond to a notice without Court approval.

- c. The Commission or Attorney General may assert any claim that Respondents have violated this Judgment in a separate civil action to enforce compliance with this Judgment, or may seek any other relief afforded by law for violations of the Judgment, but only after providing Respondents an opportunity to respond to the notice described in Section VII(a) above.
- d. To the extent practicable, the Court shall give actions to enforce compliance with this Judgment “preference over all other cases, except habeas corpus proceedings, pending before the court,” pursuant to New York Correction Law § 48.

VIII. RETENTION OF RECORDS

- a. Respondents shall ensure the retention of records concerning all allegations that, if proven, would constitute a Sex Offense reportable under the Reportable Incident Guidelines. Accordingly, until 3 years after the Effective Date, Respondents shall preserve and retain all non-identical copies of records, reports, or information now in their possession or control, or which come into their possession or control after the Effective Date, that relate in any manner to compliance with 9 NYCRR §§ 7022.1, 7022.2 and 7022.3, regardless of any retention policy to the contrary.

IX. NOTICE AND SUBMISSIONS

- a. Unless otherwise specified in this Judgment, whenever, under the terms of this Judgment, notice is required to be given or a document is required to be sent, it shall be directed to the individuals at the addresses below, via email and overnight mail, unless those individuals or their successors give notice of a change to the Parties in writing.

As to Erie County:

Jennifer C. Persico
Lippes Mathias Wexler Friedman LLP

50 Fountain Plaza, Suite 1700
Buffalo, New York 14202-2216
jpersico@lippes.com

With a copy to:

Michael Siragusa
Erie County Attorney
Department of Law
Edward A. Rath County Office Building
95 Franklin Street, Rm 1634
Buffalo, New York 14202
Michael.siragusa@erie.gov

As to Sheriff Timothy B. Howard

Jennifer C. Persico
Lippes Mathias Wexler Friedman LLP
50 Fountain Plaza, Suite 1700
Buffalo, New York 14202-2216
jpersico@lippes.com

With a copy to:

Michael Siragusa
Erie County Attorney
Department of Law
Edward A. Rath County Office Building
95 Franklin Street, Rm 1634
Buffalo, New York 14202
Michael.siragusa@erie.gov

As to the Commission:

Brian Callahan
General Counsel
Commission of Correction
Alfred E. Smith State Office Building
80 South Swan Street, 12th Floor
Albany, New York 12210
Brian.Callahan@scoc.ny.gov

With a copy to:

Lois Saldana
Lindsay McKenzie
Assistant Attorneys General
28 Liberty Street, 20th Floor
New York, New York 10005
Lois.Saldana@ag.ny.gov
Lindsay.Mckenzie@ag.ny.gov

As to the Attorney General:

Lois Saldana
Lindsay McKenzie
Assistant Attorneys General
28 Liberty Street, 20th Floor
New York, New York 10005
Lois.Saldana@ag.ny.gov
Lindsay.Mckenzie@ag.ny.gov

With a copy to:

Brian Callahan
General Counsel
Commission of Correction
Alfred E. Smith State Office Building
80 South Swan Street, 12th Floor
Albany, New York 12210
Brian.Callahan@scoc.ny.gov

X. ADDITIONAL PROVISIONS

It is further ordered that:

- a. The terms of this Judgment shall be governed by the laws of the State of New York.
- b. Within five (5) business days of the Execution Date, the Commission shall discontinue the litigation commenced in New York State Supreme Court against Respondents, *New York State Commission of Correction v. Timothy B. Howard and Erie County*, Index No. 803433/2021, by filing a Stipulation of Discontinuance, with prejudice, the terms of which must be agreed to by the Commission and Respondents. The terms of this Judgment shall become immediately enforceable upon the filing of the Stipulation of Discontinuance.
- c. The Parties represent and acknowledge this Judgment is the result of extensive, thorough and good faith negotiations. The Parties further represent and acknowledge that the terms of this Judgment have been voluntarily accepted, after consultation

with counsel, for the purpose of making a full and final compromise and settlement of any and all claims arising out of the allegations set forth in the Verified Petition in this proceeding.

- d. Each Party to this Judgment represents and warrants that the person who has signed this Judgment on behalf of his or her entity is duly authorized to enter into this Judgment and to bind that Party to the terms and conditions of this Judgment.
- e. No representation, inducement, promise, understanding, condition, or warranty not set forth in this Judgment has been made to or relied upon by Respondents in agreeing to this Judgment. This Judgment shall be binding on and inure to the benefit of the Parties to this Judgment and their respective successors and assigns, provided that no party, may assign, delegate, or otherwise transfer any of its rights or obligations under this Judgment without the prior written consent of the Parties.
- f. This Judgment shall not be used by any third party in any civil, criminal, administrative or regulatory proceeding or examination of any kind before any court, administrative agency, regulatory body, or other tribunal.
- g. This Judgment shall have no precedential value or effect whatsoever and shall not be admissible in any other action or proceeding as evidence or for any other purpose, except in an action or proceeding to enforce this Judgment.
- h. Except for an agreement to extend the duration of this Judgment by written mutual agreement, which shall not require Court intervention, this Judgment may be modified by a stipulation of the Parties as approved by the Court, or by court proceedings resulting in a modified judgment of the Court.


- i. Any failure by any party to this Judgment to insist upon the strict performance by any other party of any of the provisions of this Judgment shall not be deemed a waiver of any of the provisions of this Judgment, and such party, notwithstanding such failure, shall have the right thereafter to insist upon the specific performance of any and all of the provisions of this Judgment.
- j. This Judgment represents the full and complete terms of the settlement entered into by the Parties hereto. In any action undertaken by the Parties in connection with this Judgment, no prior or contemporaneous communications, oral or written, or prior drafts of this Judgment shall be relevant or admissible for any purpose whatsoever.
- k. If any provision of this Judgment shall be held unenforceable, the Judgment shall be construed as if such provision did not exist.
- l. The Parties agree that this Judgment may be executed in counterparts, each of which shall be deemed an original agreement, but all of which together shall constitute one and the same agreement. Execution and delivery of this Judgment by electronic means shall constitute execution and delivery of this Judgment for all purposes, with the same force and effect as execution and delivery of an original manually signed copy hereof.

Approved:

For Respondent Sheriff Timothy B. Howard

Dated: Buffalo, New York
June ____, 2021

ERIE COUNTY SHERIFF

By 
Timothy B. Howard
Sheriff
Erie County Sheriff's Office

Approved:

For Respondent Erie County

Dated: Buffalo, New York
June ____, 2021

ERIE COUNTY

By: 

Michael Siragusa
Erie County Attorney
Erie County

Approved:

For Petitioner Commission of Correction

Dated: Albany, New York
June ____, 2021

COMMISSION OF CORRECTION

By: _____

Allen Riley
Chairman of the New York State
Commission of Correction

Approved:

For New York State Attorney General

Dated: New York, New York
June ____, 2021

**LETITIA JAMES
NEW YORK STATE
ATTORNEY GENERAL**

By: _____

Jessica Clarke
Bureau Chief, Civil Rights
28 Liberty Street
New York, NY 10005

SO ORDERED THIS ____ DAY OF ____, 2021

Hon. Diane Devlin
New York Supreme Court
County of Erie

Approved:

For Respondent Erie County

Dated: Buffalo, New York
June ____, 2021

ERIE COUNTY

By: _____
Michael Siragusa
Erie County Attorney
Erie County

Approved:

For Petitioner Commission of Correction

Dated: Albany, New York
June 16, 2021

COMMISSION OF CORRECTION

By: Allen Riley
Allen Riley
Chairman of the New York State
Commission of Correction

Approved:

For New York State Attorney General

Dated: New York, New York
June 10, 2021

**LETITIA JAMES
NEW YORK STATE
ATTORNEY GENERAL**

By: J Clarke
Jessica Clarke
Bureau Chief, Civil Rights
28 Liberty Street
New York, NY 10005

SO ORDERED THIS ____ DAY OF ____, 2021

Hon. Diane Devlin
New York Supreme Court
County of Erie