

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

HAROLD L. ROSENBERGER,

Plaintiff,

-against-

NEW YORK STATE OFFICE OF TEMPORARY AND
DISABILITY ASSISTANCE; ROBERT DOAR,
Commissioner, in his official capacity; and ULSTER
COUNTY FAMILY COURT,

Defendants.

**AFFIDAVIT OF
LINLY L. RARICK**

04-CV-0475

(GLS)(DRH)

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

LINLY L. RARICK, being duly sworn, deposes and says:

1. I am employed by the Office of the Attorney General of New York State in the Albany Litigation Bureau as a Clerk II.
2. The Office of the Attorney General maintains a computer database used in the regular course of business to track cases defended by the Attorney General's Litigation Bureaus, Regional Offices, and Claims Bureau. The Albany Litigation Bureau enters into the database a record of all state and federal cases received by the bureau.

3. My responsibilities as Clerk in the Albany Litigation Bureau include making entries into the database and searching the database for information on litigation matters.

4. In the ordinary course of business, a clerk makes an entry is made into the database to record the bureau's receipt of papers that commence an action or proceeding against an agency, officer or employee of the State of New York. More particularly, entries are made into the database to record the receipt of summonses and complaints that were forwarded to this office with requests for representation from agencies, officers or employees of the State.

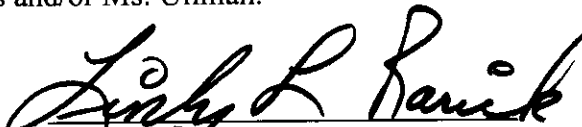
5. One of the responsibilities of the clerk who enters the receipt of a federal summons and complaint is to calculate the date when a response is due to the complaint and to enter that deadline into the database. The database records the name of the clerk who enters the data.

6. These deadlines are generated in hard-copy on a weekly basis for each attorney and appear on "pink sheets", which are distributed to the attorneys weekly. A deadline will automatically appear on the attorney's pink sheet if and only if it was entered into the database. Once a deadline passes, the deadline will remain visible in the database, although it will not be highlighted as it is before the deadline passes.

7. On July 26, 2004, at the request of Assistant Attorney General Lisa Ullman, I searched the Office of the Attorney General's computer database to see if any deadlines had been entered into the database for the above-captioned case.

8. The database entry for this case shows that a complaint and exhibits were received from plaintiff on May 5, 2004 and a summons was received from Ulster County Family Court on May 19, 2004. No other papers are listed as having been received. For reasons that I cannot explain, the database does not contain any deadlines that may have been entered by the clerk who entered the case data (this clerk is no longer employed by the Office of the Attorney General).

9. The database shows that this case was assigned to Assistant Attorney General Roberts on May 7, 2004 and was transferred to Assistant Attorney General Lisa Ullman on June 28, 2004. Because no deadline was entered in the database, the deadline would not have appeared on the deadline sheets distributed to Mr. Roberts and/or Ms. Ullman.


LINLY RAVICK

Sworn to before me this
26th day of July, 2004



Notary Public
LISA ULLMAN
Notary Public, State of New York
No. 02UL5056756
Qualified in Albany County
Commission Expires March 11, 2006