

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

----- X

ETHAN MACIAS,

Plaintiff,

-against-

THE CITY OF NEW YORK, NYPD POLICE OFFICER  
MATTHEW BESSEN, Shield No. 14934, NYPD POLICE  
OFFICERS JOHN/JANE DOES NUMBERS ONE  
THROUGH TEN,

Defendants.

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**SUMMONS**

Index No.:

The Basis of Venue is:  
Location of Incident

Plaintiff designates Kings  
County as the place of trial.

**To the above named Defendants:**

**You are hereby summoned** to answer the Verified Complaint in this action, and to serve a copy of your Verified Answer to the Verified Complaint, or, if the Verified Complaint is not served with this Summons, to serve a notice of appearance on the Plaintiff's attorneys within twenty days after the service of this Summons, exclusive of the day of service, where service is made by delivery upon you personally within the state, or, within 30 days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

DATED: New York, New York  
August 2, 2022

Yours, etc.  
*Gabriella Orozco*  
Gabriella Orozco, Esq.  
Shulman-Hill, PLLC  
*Attorneys for Plaintiff*  
1 State Street Plaza  
15<sup>th</sup> Floor  
New York, New York 10004  
(212) 203-1090

TO: THE CITY OF NEW YORK, Corporation Counsel, 100 Church Street, NY, NY 10007

POLICE OFFICER MATTHEW BESSEN, Shield No. 14934, 1000 Sutter Avenue,  
Brooklyn, NY 11208

SUPREME COURT OF THE STATE OF NEW YORK  
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**INDEX NO.:**

VERIFIED COMPLAINT

**JURY TRIAL DEMANDED**

Plaintiff ETHAN MACIAS, by his attorneys, Shulman-Hill, PLLC, as and for his Verified Complaint herein, alleges upon information and belief as follows:

PRELIMINARY STATEMENT

1. This is a civil rights action to recover money damages arising out of defendants' violation of Plaintiff's rights as secured by the Civil Rights Act, 42 U.S.C. Sections 1983 and 1988, and of rights secured by the Fourth, Fifth and Fourteenth Amendments to the United States Constitution, and the common law and the laws of the State of New York. On January 23, 2022, at approximately 3:00 p.m., Plaintiff Ethan Macias, while lawfully present outside of 35 Sunnyside Avenue, County of Kings, State of New York, was subject to an unlawful arrest and detention by defendant Police Officers. Plaintiff was deprived of his rights under 2021 N.Y.C. Local Law No. 48, N.Y.C. Admin. Code §§ 8 – 802 and his constitutional, common law and statutory rights when the individual defendants unlawfully stopped, detained, passed along false accusations to prosecuting attorneys and engaged in the malicious prosecution of Plaintiff, in violation of the Fourth, Fifth and Fourteenth Amendments to the United States Constitution, the common law and the laws of the State of New York.

PARTIES

- 2. Plaintiff Ethan Macias is a resident of the state of New York.
- 3. New York City Police Officer Matthew Bessen, Shield No. 14934, is and was at all times relevant herein an Officer with the New York City Police Department.
- 4. New York City Police Officer Matthew Bessen, Shield No. 14934, is being sued in their individual and official capacity.

5. Currently and at all times relevant herein, New York City Police Officer Matthew Bessen, Shield No. 14934, was assigned to the 75<sup>th</sup> Police Precinct of the NYPD.

6. NYPD Police Officers John Does Numbers One Through Ten are and were at all times relevant herein officers, employees, and agents of the New York City Police Department.

7. NYPD Police Officers John Does Numbers One Through Ten are being sued in their individual and official capacities.

8. At all times relevant herein, the individual defendants were acting under color of state law in the course and scope of their duties and functions as agents, servants, employees and officers of the New York City Police Department, and otherwise performed and engaged in conduct incidental to the performance of their lawful functions in the course of their duties. They were acting for and on behalf of the New York City Police Department at all times relevant herein, with the power and authority vested in them as officers, agents and employees of the New York City Police Department and incidental to the lawful pursuit of their duties as officers, employees and agents of the New York City Police Department.

9. Defendant City of New York is a municipal entity created and authorized under the laws of the State of New York. It is authorized by law to maintain a police department, which acts as its agent in the area of law enforcement and for which it is ultimately responsible. The defendant City of New York assumes the risks incidental to the maintenance of a police force and the employment of police officers as said risks attach to the public consumers of the services provided by the New York City Police Department.

10. Plaintiff in furtherance of his causes of action brought pursuant to New York State law filed a timely Notice of Claim against the City of New York in compliance with the Municipal Law Section 50 and in accordance with New York State law.

11. In accordance with New York State law and General Municipal Law Section 50, Plaintiff testified at a hearing held pursuant to General Municipal Law Section 50-H on June 13, 2022.

12. More than thirty (30) days have elapsed since service of said Notice of Claim was filed and the City of New York has failed to pay or adjust the claims.

13. This action falls within one or more of the exceptions as set forth in CPLR Section 1602, involving intentional actions, as well as the defendant, and/or defendants, having acted in reckless disregard for the safety of others, as well as having performed intentional acts.

14. Plaintiff has sustained damages in an amount in excess of the jurisdictional limits of all the lower Courts of the State of New York.

### STATEMENT OF FACTS

15. On January 23, 2022, at or around 2:40 p.m., Plaintiff arrived at what he presumed to be the home of Salasi Bryant, located at located at 35 Sunnyside Avenue, County of Kings, State of New York.

16. Plaintiff was there to hang out with Salasi Bryant and Mr. Bryant invited him inside of the house.

17. There were approximately 10 other individuals inside the house, all strangers to Plaintiff.

18. Shortly after arriving, as Plaintiff was walking up the stairs from the basement, on his way to use the restroom, approximately 5-10 Defendant NYPD Officers kicked down the front door and screamed “police, freeze” with guns drawn.

19. Plaintiff held his hands up and said “I’m coming up the stairs. Don’t shoot.”

20. The defendant NYPD Officers forcefully pulled Plaintiff up the stairs, handcuffed him and arrested him in the absence of probable cause.

21. Plaintiff was thrown into the back of a van and despite his inquiries, the Defendant officers failed to inform him why he was being handcuffed.

22. When Plaintiff arrived at the 75<sup>th</sup> Precinct he was unlawfully searched, fingerprinted, photographed and placed in a holding cell.

23. Plaintiff was in unlawful custody for approximately 72 hours before seeing a judge and being released on his own recognizance on June 25<sup>th</sup> at approximately 11:00 a.m.

24. As a result of the incident, Plaintiff missed approximately a month and a half of work, resulting in approximately \$5,000 in lost wages.

25. Plaintiff’s case was adjourned in contemplation of dismissal on March 3, 2022.

26. At no time relevant herein did Plaintiff commit a crime or violate the law in any way, nor did the police officers have an objective reason to accuse Plaintiff of committing a crime or violating the law in any way.

27. At no point did Defendant Officers recover any drugs, weapons, graffiti instruments, or other illegal contraband from Plaintiff or from a location that was in Plaintiff’s possession, custody, or control.

28. Nevertheless, Plaintiff was unlawfully arrested and handcuffed by defendant officers without legal justification or probable cause, unlawfully fingerprinted, photographed and searched, and unlawfully detained.

29. Some of the police officer defendants observed the violation of Plaintiff's rights under the Constitution of the United States and New York State Law and did nothing to prevent their fellow officers from unjustifiably assaulting, battering, and using excessive force against Plaintiff.

30. The unlawful arrest by the individually named defendants caused Plaintiff to sustain physical, psychological and emotional trauma.

**FIRST CAUSE OF ACTION**  
**Unlawful Stop, Question, and Search**

31. The Plaintiff repeats and realleges the foregoing paragraphs as if the same were fully set forth at length herein.

32. The illegal approach, stop and grab employed by defendants herein terminated Plaintiff's freedom of movement through means intentionally applied.

33. The conduct of defendants in approaching, stopping, and grabbing Plaintiff was performed under color of law and without any reasonable suspicion of criminality or other constitutionally required grounds.

34. As a direct and proximate result of such acts, defendants deprived Plaintiff of his rights under the laws of the State of New York.

35. Defendants were at all times agents, servants, and employees acting within the scope of their employment by the City of New York and the New York City Police Department, which are therefore responsible for their conduct.

36. The City, as the employer of the officer defendants, is responsible for their wrongdoing under the doctrine of *respondeat superior*.

**SECOND CAUSE OF ACTION**  
**Violation of Fourth and Fourteenth Amendment Rights:**  
**Unlawful Seizure and Deprivation of Liberty**

37. The Plaintiff repeats and realleges the foregoing paragraphs as if the same were fully set forth at length herein.

38. The individually named police officer defendants, while acting in concert and within the scope of their authority, caused Plaintiff to be seized, unlawfully searched, falsely arrested, and falsely imprisoned, and maliciously prosecuted without reasonable suspicion and/or probable cause, in violation of Plaintiff's right to be free of an unreasonable seizure under the Fourth Amendment of the Constitution of the United States and to be free of a deprivation of liberty under the Fourteenth Amendment to the Constitution of the United States.

39. As a result of the aforementioned conduct of defendants, Plaintiff sustained injuries, including but not limited to physical, emotional and psychological injuries.

**THIRD CAUSE OF ACTION**

**False Imprisonment**

40. The Plaintiff repeats and realleges the foregoing paragraphs as if the same were fully set forth at length herein.

41. The acts and conduct of the defendants constitute false arrest and false imprisonment under the laws of the State of New York. Defendants intended to confine Plaintiff and, in fact, confined Plaintiff, and Plaintiff was conscious of the confinement. In addition, Plaintiff did not consent to the confinement and the confinement was not otherwise privileged.

42. As a direct and proximate result of such acts, defendants deprived Plaintiff of his rights under the laws of the State of New York and the United States Constitution.

43. Defendants were at all times agents, servants, and employees acting within the scope of their employment by the City of New York and the New York City Police Department, which are therefore responsible for their conduct.

44. The City, as the employer of the officer defendants, is responsible for their wrongdoing under the doctrine of *respondeat superior*.

45. As a result of the aforementioned conduct of defendants, Plaintiff sustained injuries, including but not limited to loss of liberty, emotional and psychological injuries.

**FOURTH CAUSE OF ACTION**

**Violation of Plaintiff's Fourth And Fourteenth Amendment Rights:  
Excessive Force**

46. The Plaintiff repeats, reiterates and realleges each and every allegation contained in the foregoing paragraphs with the same force and effect as if more fully set forth at length herein.

47. The use of excessive force by defendants by, amongst other things, roughly handcuffing, grabbing and throwing Plaintiff into a vehicle constituted objectively unreasonable physical seizures of Plaintiff in violation of his rights under the Fourth and Fourteenth Amendments to the Constitution of the United States and to be free of a deprivation of liberty under the Fourteenth Amendment to the Constitution of the United States.

48. Defendants were at all times agents, servants, and employees acting within the scope of his employment by the City of New York and the New York City Police Department, which are therefore responsible for their conduct.

**FIFTH CAUSE OF ACTION**  
**Negligent Infliction of Emotional Distress**

49. The Plaintiff repeats, reiterates and realleges each and every allegation contained in the foregoing paragraphs with the same force and effect as if more fully set forth at length herein.

50. By the actions described herein, defendants, each acting individually and in concert with each other, engaged in extreme and outrageous conduct, conduct utterly intolerable in a civilized community, which negligently caused severe emotional distress to Plaintiff. The acts and conduct of the defendants were the direct and proximate cause of injury and damage to Plaintiff and violated Plaintiff's statutory and common law rights as guaranteed by the laws and Constitution of the State of New York.

51. The acts and conduct of the defendants were the direct and proximate cause of injury and damage to Plaintiff and violated Plaintiff's statutory and common law rights as guaranteed Plaintiff by the laws and Constitution of the State of New York.

52. As a direct and proximate result of such acts, defendants deprived Plaintiff of his rights under the laws of the State of New York.

53. Defendants were at all times agents, servants, and employees acting within the scope of their employment by the City of New York and the New York City Police Department, which are therefore responsible for their conduct.

54. The City, as the employer of the officer defendants, is responsible for their wrongdoing under the doctrine of *respondeat superior*.

55. As a result of the aforementioned conduct of defendants, Plaintiff sustained injuries, including but not limited to emotional and psychological injuries.

**SIXTH CAUSE OF ACTION**  
**Negligent Hiring, Retention, Training and Supervision**

56. The Plaintiff repeats, reiterates and realleges each and every allegation contained in the foregoing paragraphs with the same force and effect as if more fully set forth at length herein.

57. The City of New York and its employees, servants and/or agents acting within the scope of their employment did negligently hire, retain, train and supervise defendants, individuals who were unfit for the performance of police duties on the aforementioned dates at the aforementioned locations.

58. As a result of the aforementioned conduct of defendants, Plaintiff sustained injuries, including but not limited to physical, emotional and psychological injuries.

## SEVENTH CAUSE OF ACTION

### **Failure to Intervene**

59. The Plaintiff repeats, reiterates and realleges each and every allegation contained in the foregoing paragraphs with the same force and effect as if more fully set forth at length herein.

60. The defendants that did not physically touch Plaintiff, but were present when other officers violated Plaintiff's Constitutional Rights had an affirmative duty to intervene on behalf of Plaintiff, whose constitutional rights were being violated in their presence by other officers.

61. Defendants failed to intervene to prevent the unlawful conduct described herein.

62. As a direct and proximate result of such acts, defendants deprived Plaintiff of his rights under the laws of the State of New York.

63. Defendants were at all times agents, servants, and employees acting within the scope of their employment by the City of New York and the New York City Police Department, which are therefore responsible for their conduct.

64. The City, as the employer of the officer defendants, is responsible for their wrongdoing under the doctrine of *respondeat superior*.

65. As a result of the aforementioned conduct of defendants, Plaintiff sustained injuries, including but not limited to emotional and psychological injuries.

## EIGHTH CAUSE OF ACTION

### **Violation of Fourth And Fourteenth Amendment Rights: Denial of Right to Fair Trial/Due Process**

66. The Plaintiff repeats and realleges the foregoing paragraphs as if the same were fully set forth at length herein.

67. Defendants, individually and collectively, manufactured and/or withheld false evidence and forwarded this false evidence to prosecutors in the Kings County District Attorney's Office.

68. Defendants filled out false and misleading police reports and forwarded them to prosecutors in the Kings County District Attorney's Office.

69. Defendants signed false and misleading criminal court affidavits and forwarded them to prosecutors in the Kings County District Attorney's Office.



70. In withholding/creating false evidence against Plaintiff, and in providing/withholding information with respect thereto, Defendants violated Plaintiff's constitutional right to due process and fair trial under the New York State Constitution and under the Due Process Clause of the Fifth Amendment to the Constitution of the United States and to be free to deprivation of liberty under the Fourteenth Amendment to the United States Constitution.

71. As a result of the foregoing, Plaintiff sustained, inter alia, loss of the right to due process and a fair trial, loss of liberty, emotional distress, embarrassment and humiliation, and deprivation of his constitutional rights.

72. Defendants were at all times agents, servants, and employees acting within the scope of their employment by the City of New York and the New York City Police Department, which are therefore responsible for their conduct.

73. The City, as the employer of the officer Defendants, is responsible for their wrongdoing under the doctrine of *respondeat superior*.

74. As a result of the aforementioned conduct of Defendants, Plaintiff sustained injuries including, but not limited to: economic, emotional and psychological injuries.

### NINTH CAUSE OF ACTION

#### **Malicious Prosecution**

75. The Plaintiff repeats and realleges the foregoing paragraphs as if the same were fully set forth at length herein.

76. The acts and conduct of the Defendants constitute malicious prosecution under the United States Constitution.

77. Defendants commenced and continued a criminal proceeding against Plaintiff.

78. There was actual malice and an absence of probable cause for the criminal proceeding against Plaintiff and for each of the charges for which they were prosecuted.

79. The prosecution and criminal proceedings terminated in Plaintiff's favor on the aforementioned dates.

### TENTH CAUSE OF ACTION

#### **Individual Defendant Officer's Violation of Plaintiff's AC 8-802 Rights**

80. The Plaintiff repeats and realleges the foregoing paragraphs as if the same were fully set forth at length herein.

81. The acts of Defendant Officers constituted conduct under color of any law, ordinance, rule, regulation, custom or usage.

82. The acts of Defendant Officers caused Plaintiff to be deprived of his rights under 2021 N.Y.C. Local Law No. 48, N.Y.C. Admin. Code §§ 8 – 802, to wit: to be secure in his person, house, papers, and effects against unreasonable searches and seizures, and to be secure against the use of excessive force regardless of whether such force is used in connection with a search or seizure.

83. The Defendant Officers, while in uniform, unlawfully seized, frisked, and searched the Plaintiff, before detaining plaintiff and further causing his detention for approximately 72 hours in total.

84. The Defendant Officers, while in uniform, unlawfully used excessive force against Plaintiff in effectuating an unlawful arrest of Plaintiff.

85. By reason of the acts and omissions by Defendants described above, Plaintiff has endured physical and emotional injuries and was otherwise damaged and injured.

#### ELEVENTH CAUSE OF ACTION

#### **Individual Defendant Officer's Failure to Intervene in Violation of Plaintiff's AC 8-802 Rights**

86. The Plaintiff repeats and realleges the foregoing paragraphs as if the same were fully set forth at length herein.

87. The acts of Defendant Officers constituted conduct under color of any law, ordinance, rule, regulation, custom or usage.

88. Defendant Officers had a duty to protect Plaintiff from violations of his rights under 2021 N.Y.C. Local Law No. 48, N.Y.C. Admin. Code §§ 8 – 802, to wit: to be secure in his person, house, papers, and effects against unreasonable searches and seizures, and to be secure against the use of excessive force regardless of whether such force is used in connection with a search or seizure.

89. The Defendants that did not physically touch Plaintiff, but were present when other officers violated Plaintiff's AC 8-802 right against unreasonable search and seizure and excessive force had an affirmative duty to intervene on behalf of Plaintiff, whose constitutional rights were being violated in their presence by other officers.

90. Defendants failed to intervene to prevent the unlawful conduct described herein, and thereby failed in their duty to intervene to protect Plaintiff from violation of his rights.

91. By reason of the acts and omissions by Defendants described above, Plaintiff has endured physical and emotional injuries and was otherwise damaged and injured.

**TWELFTH CAUSE OF ACTION**

**City-Employer's Liability for Defendant Officer's Violation of Plaintiff's AC 8-802 Rights**

126. The Plaintiff repeats and realleges the foregoing paragraphs as if the same were fully set forth at length herein.

127. Defendant Officers are "covered individuals" as defined in 2021 N.Y.C. Local Law No. 48, N.Y.C. Admin. Code §§ 8 - 801 in that they are employees of the Police Department or persons appointed by the Police Commissioner as a Special Patrolmen.

128. The City of New York, as the employer of the covered individual Defendant Officers, is liable to the Plaintiff for the wrongdoing of the covered individual Defendant Officers.

129. The acts of Defendant Officers constituted conduct under color of any law, ordinance, rule, regulation, custom or usage.

130. The acts of Defendant Officers caused Plaintiff to be deprived of his rights under 2021 N.Y.C. Local Law No. 48, N.Y.C. Admin. Code §§ 8 – 802, to wit: to be secure in his person, house, papers, and effects against unreasonable searches and seizures, and to be secure against the use of excessive force regardless of whether such force is used in connection with a search or seizure.

131. The Defendant Officers, while in uniform, unlawfully seized, frisked, and searched the Plaintiff, before detaining plaintiff and further causing his detention for approximately 72 hours.

132. By reason of the acts and omissions by Defendants described above, Plaintiff has endured physical and emotional injuries and was otherwise damaged and injured.

**THIRTEENTH CAUSE OF ACTION**

**City-Employer's Liability for Defendant Officer's Failure to Intervene in Violation of Plaintiff's AC 8-802 Rights**

133. The Plaintiff repeats and realleges the foregoing paragraphs as if the same were fully set forth at length herein.

134. Defendant Officers are "covered individuals" as defined in 2021 N.Y.C. Local Law No. 48, N.Y.C. Admin. Code §§ 8 - 801 in that they are employees of the Police Department or persons appointed by the Police Commissioner as a Special Patrolmen.

135. The City of New York, as the employer of the covered individual Defendant Officers, is liable to the Plaintiff for the wrongdoing of the covered individual Defendant Officers.

136. The acts of Defendant Officers constituted conduct under color of any law, ordinance, rule, regulation, custom or usage.

137. Defendant Officers had a duty to protect Plaintiff from violations of his rights under 2021 N.Y.C. Local Law No. 48, N.Y.C. Admin. Code §§ 8 – 802, to wit: to be secure in his person, house, papers, and effects against unreasonable searches and seizures, and to be secure against the use of excessive force regardless of whether such force is used in connection with a search or seizure.

138. The Defendants that did not physically touch Plaintiff but were present when other officers violated Plaintiff's AC 8 – 802 rights against unreasonable search and seizure and excessive force had an affirmative duty to intervene on behalf of Plaintiff, whose constitutional rights were being violated in their presence by other officers.

139. Defendants failed to intervene to prevent the unlawful conduct described herein, and thereby failed in their duty to intervene to protect Plaintiff from violation of his rights.

140. By reason of the acts and omissions by Defendants described above, Plaintiff has endured physical and emotional injuries and was otherwise damaged and injured.

#### FOURTEENTH CAUSE OF ACTION

##### **Violation of Article I, § 12 of the New York State Constitution**

92. Plaintiff repeats, reiterates, and re-alleges each and every allegation contained in the above paragraphs with the same force and effect as if fully set forth herein.

93. Such conduct breached the protections guaranteed to plaintiff by the New York State Constitution, including but not limited to, Article 1, §§ 1, 6, 8, 9, 11, and 12, and including the following rights:

- i. freedom from unreasonable search and seizure of her person and property;
- ii. freedom from arrest without probable cause;
- iii. freedom from false imprisonment, that being wrongfully detained without good faith, reasonable suspicion, or legal justification, and of which wrongful detention plaintiff was aware and did not consent;
- iv. freedom from the lodging of false charges against him by police officers and prosecutors, including on information and belief, by some or all of the individual defendants; and
- v. freedom from deprivation of liberty without due process of law.

94. As a direct and proximate result of defendants' deprivations of Plaintiff's rights, privileges, and immunities guaranteed by the New York State Constitution, Plaintiff suffered physical, economic and emotional injuries, as well as a deprivation of liberty.

95. As a result of the above tortious conduct, Plaintiff was caused to suffer physical, economic, and emotional injuries, as well as a deprivation of liberty.

96. As a result of the above unconstitutional conduct, the City of New York is liable for the conduct of the Individual Defendants and any damages they caused under the doctrine of *respondeat superior*.

### JURY DEMAND

141. Plaintiff hereby demands trial by jury of all issues properly triable thereby.

### PRAYER FOR RELIEF

**WHEREFORE**, Plaintiff ETHAN MACIAS demands judgment against the defendants on each cause of action in amounts to be determined upon the trial of this action which exceeds the jurisdiction of lower courts, inclusive of punitive damages and attorneys' fees inclusive of costs and disbursements of this action, interest and such other relief as is appropriate under the law, and that the Plaintiff recover the cost of the suit herein, including reasonable attorney's fees pursuant to 42 U.S.C. § 1988 and 2021 N.Y.C. Local Law No. 48, N.Y.C. Admin. Code §§ 8 – 801 *et seq.*.

Dated: New York, New York  
August 2, 2022

By: Gabriella Orozco  
Gabriella Orozco, Esq.  
Shulman-Hill, PLLC  
*Attorneys for Plaintiff*  
1 State Street Plaza  
15<sup>th</sup> Floor  
New York, New York 10004  
(212) 203-1090

TO: THE CITY OF NEW YORK, Corporation Counsel, 100 Church Street, NY, NY 10007

POLICE OFFICER MATTHEW BESSEN, Shield No. 14934, 1000 Sutter Avenue,  
Brooklyn, NY 11208

ATTORNEY'S VERIFICATION

I, GABRIELLA OROZCO, an attorney duly admitted to practice before the Courts of the State of New York, affirms the following to be true under the penalties of perjury:

I am an attorney at the law firm of **SHULMAN-HILL PLLC**, I have read the annexed **VERIFIED COMPLAINT** and know the contents thereof, and the same are true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon facts, records, and other pertinent information contained in my files. The reason this verification is made by me and not Plaintiff is because Plaintiff does not reside in the county wherein I maintain my office.

DATED: New York, New York  
August 2, 2022

*Gabriella Orozco*  
GABRIELLA OROZCO, ESQ.