

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ALFRED G. OSTERWEIL,

Plaintiff,

AFFIRMATION

-against-

09-CV-0825

GEORGE R. BARTLETT, III, et al.,

MAD/DRH

Defendants.

Adrienne J. Kerwin, an attorney admitted to practice in the State of New York, affirms under penalty of perjury:

1. I am an Assistant Attorney General of counsel in this matter to Eric T. Schneiderman, Attorney General of the State of New York, attorney for the defendant.

2. I make this affirmation in opposition to plaintiff's motion for attorneys' fees pursuant to 42 USC §1988.

3. A copy of the Second Circuit docket sheet for plaintiff's appeal is annexed hereto at **Exhibit A.**

4. A copy of plaintiff's brief to the Second Circuit is annexed hereto at **Exhibit B.**

5. A copy of defendant's brief to the Second Circuit is annexed hereto at **Exhibit C.**

6. A copy of plaintiff's reply brief to the Second Circuit is annexed hereto at **Exhibit D.**

7. A copy of the non-dispositive opinion of the Second Circuit is annexed hereto at **Exhibit E**.

8. A copy of plaintiff's brief to the New York State Court of Appeals is annexed hereto at **Exhibit F**.

9. A copy of defendant's brief to the New York State Court of Appeals is annexed hereto at **Exhibit G**.

10. A copy of plaintiff's reply brief to the New York State Court of Appeals is annexed hereto at **Exhibit H**.

11. A copy of the opinion of the New York State Court of Appeals is annexed hereto at **Exhibit I**.

12. A copy of the opinion of the Second Circuit is annexed hereto at Exhibit J.

WHEREFORE, the defendant respectfully requests that the court issue an order (1) denying plaintiff's motion for attorneys' fees and costs or, in the alternative, (2) reducing the amount of attorneys' fees sought by the plaintiff and (3) granting the defendant any further relief that the court deems just, proper and equitable.

Dated: Albany, New York
April 7, 2014

s/ Adrienne J. Kerwin
Adrienne J. Kerwin
Bar Roll No. 105154