

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ROCKLAND

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SABRAIL DAVENPORT, as Administrator of the
Estate of JARED CALVIN LLOYD a/k/a JARED LLOYD,

Index No.:

Petitioner,

-against -

**NOTICE OF PETITION
PURSUANT TO CPLR
ARTICLE 78**

New York State Division of Homeland Security and
Emergency Services (DHSES)

Respondents.

For a Judgment Pursuant to Article 78
of the Civil Practice Law and Rules

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TO THE ABOVE NAMED RESPONDENTS:

PLEASE TAKE NOTICE that upon the attached Verified Petition of SABRAIL DAVENPORT, as Administrator of the Estate of JARED CALVIN LLOYD, sworn to on July 15, 2022 and the exhibits thereto, dated July 15, 2022 Petitioner, at the Rockland County Supreme Court located at 1 South Main St., New City, NY 10956 will request that this Court issue a judgment pursuant to Article 78 of the Civil Practice Law and Rules (CPLR) on the 5th day of September, 2022 at 10:30 a.m., or as soon thereafter as counsel can be heard, granting the following relief to the Petitioner:

(a) Directing Respondents to comply with their duty under FOIL and produce the requested investigative materials, records, findings, inspections, statements, reports, notices, violations, photographs, and other documents related to the investigation of the fire incident that occurred on March 31, 2021 at the Evergreen Court Home for Adults in Rockland County;

(b) Ordering, in the alternative, an *in camera* review of the responsive investigative materials, records, findings, inspections, statements, reports, notices, violations, photographs, and other documents to determine the applicability of the claimed exemptions and to further determine whether any such documents, notes, records, files, are considered routine-checks and excepted from the exemption;

(c) Ordering, in the alternative, that the Respondents disclose and produce the responsive investigative materials, records, findings, inspections, statements, reports, notices, violations, photographs, and other documents related to the March 31, 2021 fire incident, once the criminal investigation has been concluded, or upon a verdict or a plea;

(d) Awarding Petitioner attorney's fees, costs, disbursements pursuant to Public Officers Law §89 et seq. in an amount to be determined at the end of this proceeding; and

(e) Granting such other and further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to CPLR 7804, Respondents' Answer and supporting affidavits, if any, are required to be served upon the undersigned on or before August 29, 2022 and Petitioner's reply and supporting affidavits, if any, will be filed and served on or before August 29, 2022. Pursuant to CPLR 78-4(b), this Court has exclusive jurisdiction over this Article 78 Petition, and pursuant to CPLR 7804(b) and CPLR 506(b) Petitioner states Rockland County is a proper venue for this proceeding.

DATED: New York, New York
July 15, 2022

Yours, etc.,

FRIEDMAN, LEVY, GOLDFARB & GREEN, P.C.
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By: 
CHARLES E. GREEN, ESQ.

TO:

New York State Division of Homeland Security and
Emergency Services (DHSES)

Respondents

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