

STATE OF NEW YORK COUNTY OF ORLEANS  
SUPREME COURT

---

AB 511 DOE,

Plaintiff

-vs.-

MOTION RESPONSE

LYNDONVILLE CENTRAL SCHOOL  
DISTRICT AND LYNDONVILLE  
ELEMENTARY SCHOOL,  
Defendants

---

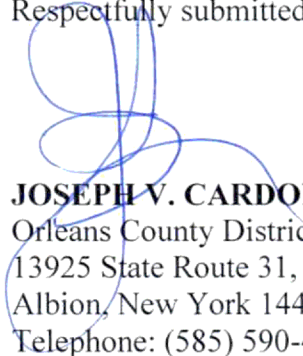
JOSEPH V. CARDONE, ESQ., affirms under penalty of perjury as follows:

1. I am an attorney duly licensed to practice in New York State, acting in my capacity as District Attorney for the County of Orleans. I make this Affirmation in response to the Defendant's Motion dated August 2, 2022.
2. On Friday, September 9, 2022, the attached document was served on the clerical staff of the Orleans County Sheriff's Department.
3. As is evident from reviewing the document, it is not clear as to what person or entity this Notice of Motion is directed at for a response.
4. Neither the Orleans County Sheriff's Department, the Orleans County District Attorney's Office, nor the Orleans County Legislature is a party to this action.
5. While the "Relief Requested" makes mention of compelling the Orleans County Sheriff's Department to provide certain records, the attached Judicial Subpoena is directed at the Orleans County District Attorney's Office.
6. As previously mentioned, this "Notice of Motion" was never served on the Orleans County District Attorney's Office and was merely provided to us by the Orleans County Sheriff's Department due to their confusion as to whom this motion is directed.
7. It is my understanding that the records being requested relates to a completely different "victim" or Plaintiff than is involved in the lawsuit before the Court.
8. Upon receipt of these papers today from my secretary, I contacted Leah Costanzo, Esq. of the Steve Boyd, P.C. law firm to get clarification regarding this motion, as there was no return date on the document, or a date set for filing of any response.
9. Ms. Costanzo advised that the motion was returnable on September 26, 2022 before this Court.

10. Nevertheless, it is still unclear as to whether this motion is directed at the Orleans County Sheriff's Department or Orleans County District Attorney's Office.
11. Our respective files on this matter, if they still exist, undoubtedly contain different information.
12. In any regard, much of the information contained in either of these files is extremely sensitive information, and should not be made available to counsel.
13. Further, Grand Jury information and Pre-Sentence Investigations cannot be released without a Court order.
14. If the Court does order the release of this information, it is uncertain as to who would be obligated to do whatever redactions are necessary, and how that should be determined.

Dated: September 13, 2022

Respectfully submitted,



**JOSEPH V. CARDONE**  
Orleans County District Attorney  
13925 State Route 31, Suite 300  
Albion, New York 14411  
Telephone: (585) 590-4130

TO: HON. DEBORAH A. CHIMES  
Acting Orleans County Supreme Court Judge

LEAH COSTANZO, Esq.  
Attorney for Plaintiff

SHANON O'NEILL, Esq.  
Webster Szanyi, LLP

KATHERINE BOGAN, Esq.  
Orleans County Attorney

CHRISTOPHER BOURKE,  
Orleans County Sheriff