

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SCHOHARIE

Cavalry SPV I, LLC, as assignee of
Citibank, N.A.

Index No. 2021-2

Plaintiff

-against-

AFFIDAVIT OF NON-
MILITARY SERVICE

JOSEPH POLIZZI SR

Defendant(s)

STATE OF NEW YORK
COUNTY OF WESTCHESTER

Kimberly Velardo, being duly sworn says:

1. I am not a party to the action, am over the age of 18 years, and reside in the County of Westchester, State of New York.

2. I make this Affidavit in support of Plaintiff's attorney, Portnoy Schneck, L.L.C. who has requested me to make an investigation pursuant to the United States Soldiers and Sailor's Relief Act of 1940, as amended, 50 U.S.C.A. App. Secs 501 et seq. and New York State Military Law, Article XIII, Soldier and Sailors Civil Relief Act, Section 300 et seq for the purpose of the entry of a judgment against JOSEPH POLIZZI SR Defendant(s) in the above entitled action.

3. I provided the Department of Defense Human Resources Activity Defense Manpower Data Center (DMDC) with the pertinent identification information about the defendant, which consists of the defendant's name and social security number which was provided by our client and/or obtained and confirmed through investigation performed by me at the request of Plaintiff's attorney. I requested a military investigation be conducted.

4. Based upon the response I received from the Department of Defense Manpower Data Center dated 5-25-21, which was based upon the aforesaid data supplied, I am convinced that Defendant is not in any branch of the United States military.

Dated: 5/26/21

Kimberly Velardo

Sworn to before me this 26th day
of May, 2021

[Signature]
Notary Public

DIANA M. THOMPSON
NOTARY PUBLIC-STATE OF NEW YORK
No. 01TH6290907

Department of Defense Manpower Data Center

Results as of: May-25-2021 11:13:54 AM

SCRA 5.8



Status Report
Pursuant to Servicemembers Civil Relief Act

SSN: XXX-XX-[REDACTED]
 Birth Date:
 Last Name: POLIZZI SR
 First Name: JOSEPH
 Middle Name:
 Status As Of: May-25-2021
 Certificate ID: 6K2FMKVH72YXZBW

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individuals' active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date			

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA
This response reflects whether the individual or his/her unit has received early notification to report for active duty			

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty.

Michael V. Sorrento, Director
 Department of Defense - Manpower Data Center
 400 Gigling Rd.
 Seaside, CA 93955

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense (DoD) that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Servicemembers Civil Relief Act (50 USC App. § 3901 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced only a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual was on active duty for the active duty status date, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service. Service contact information can be found on the SCRA website's FAQ page (Q35) via this URL: <https://scra.dmdc.osd.mil/scra/#faqs>. If you have evidence the person was on active duty for the active duty status date and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. § 3921(c).

This response reflects the following information: (1) The individual's Active Duty status on the Active Duty Status Date (2) Whether the individual left Active Duty status within 367 days preceding the Active Duty Status Date (3) Whether the individual or his/her unit received early notification to report for active duty on the Active Duty Status Date.

More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d) (1). Prior to 2010 only some of the active duty periods less than 30 consecutive days in length were available. In the case of a member of the National Guard, this includes service under a call to active service authorized by the President or the Secretary of Defense under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy Training and Administration of the Reserves (TARs), Marine Corps Active Reserve (ARs) and Coast Guard Reserve Program Administrator (RPAs). Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps).

Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate. SCRA protections are for Title 10 and Title 14 active duty records for all the Uniformed Services periods. Title 32 periods of Active Duty are not covered by SCRA, as defined in accordance with 10 USC § 101(d)(1).

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of the SCRA extend beyond the last dates of active duty.

Those who could rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected

WARNING: This certificate was provided based on a last name, SSN/date of birth, and active duty status date provided by the requester. Providing erroneous information will cause an erroneous certificate to be provided.