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Brett Wynkoop
Petitioner,

**Verified Rejection
of
Unverified Pleadings**

-against-

Judge Marcia J. Sikowitz, Judge David Alan Harris,

Respondents
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1. Brett Wynkoop (Petitioner) initiated the instant action with a verified petition for Writ of Mandamus and Writ of Prohibition dated 5 November 2018.

2. On 16 November 2018 Monica Hanna, on behalf of Barbara D. Underwood, Attorney General of the State of New York, representing Respondents served copies of the attached alleged responsive papers.

3. Petitioner has not waived his right to verified pleadings in the instant matter.

4. Respondents pleadings are unverified, or improperly verified and are hereby rejected under both common law and NY CPLR 3022, which states:

“A defectively verified pleading shall be treated as an unverified pleading. Where a pleading is served without a sufficient verification in a case where the adverse party is entitled to a verified pleading, he may treat it as a nullity, provided he gives notice with due diligence to the attorney of the adverse party that he elects so to do.”

5. The alleged verification is not notarized. Having made search of the rolls of Notaries in the state of New York Carly Weinreb is not a notary. Ms. Weinreb does appear to be a Licensed New York State Attorney, which means her attempt to mislead is covered under Judicial Law 487.

6. Ms. Hanna swore to nothing. While Hanna is quick to point out the non-Verification complies with CPLR 3020(d)(2) she has totally ignored CPLR 3020(a), which states:

“A verification is a statement under oath that the pleading is true to the knowledge of the deponent, except as to matters alleged on information and belief, and that as to those matters he believes it to be true. Unless otherwise specified by law, where a pleading is verified, each subsequent pleading shall also be verified, except the answer of an

infant and except as to matter in the pleading concerning which the party would be privileged from testifying as a witness. Where the complaint is not verified, a counterclaim, cross-claim or third-party claim in the answer may be separately verified in the same manner and with the same effect as if it were a separate pleading."

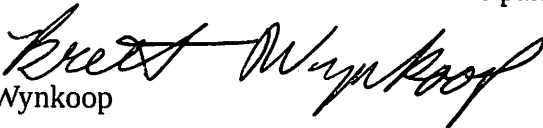
7. Hanna swore the statements were ".....true to the best of my knowledge". She has sworn to exactly nothing. CPLR 3020 is clear on it's face, and those things Hanna does not know to be true she must submit "upon information and belief".

8. As the alleged verification is not notarized and is defective according to CPLR 3020. Petitioner is treating the pleading as a nullity under both common law and CPLR 3022.

9. The opposition papers are defective on their face for lack of certified transcripts from all proceedings in the lower court (§ 7804). **Respondents papers are rejected for this failure** as well.

10. Given the above **there is no opposition before the court with respect to the instant matter.**

11. It is no wonder that the Attorney General fails to recognize that the Housing Court is moving without jurisdiction, as the very same facial defect of pleadings that prevented jurisdiction of the court over Petitioner is parroted by Hanna on behalf of her clients.

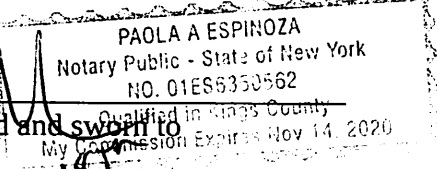

Brett Wynkoop

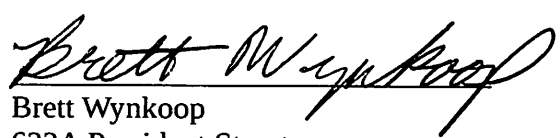
AFFIDAVIT OF VERIFICATION

STATE OF NEW YORK:

COUNTY OF Kings: :ss.

Brett Wynkoop being duly sworn deposes and says that he is the Petitioner in this proceeding; that he has written the annexed rejection and knows the contents thereof; that the same is true to the knowledge of deponent except as to the matters therein stated to be alleged upon information and belief, and as to those matters he believes them to be true.


Subscribed and sworn to
before me this 16 day of
November 20 18


Brett Wynkoop
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Brooklyn, NY 11215
917-642-6925