

UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

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 :  
 CHRISTINE C. ANDERSON,  
 :  
 Plaintiff,  
 :  
 -against- :  
 THE STATE OF NEW YORK, et al., :  
 :  
 Defendants.  
 -----X

07 Civ. 9599 (SAS)

**DECLARATION OF PRESIDING  
 JUSTICE JONATHAN LIPPMAN**

JONATHAN LIPPMAN declares under penalty of perjury that the following is true and correct, in accordance with 28 U.S.C. § 1746:

1. I am the Presiding Justice of the Appellate Division of the New York State Supreme Court for the First Judicial Department (“First Department;” the “Court”). I submit this declaration, based upon my personal knowledge and recollection, in support of defendants’ motion for summary judgment.

2. I have served as Presiding Justice of the First Department from May 23, 2007 to the present. As Presiding Justice I am responsible, in consultation with other justices, for the administration of the Appellate Division.

3. As a general matter, Appellate Division attorney employees, including employees of the First Department’s Departmental Disciplinary Committee (“DDC”) are designated exempt-confidential and serve at the pleasure of the Court. In the event that the Court, acting through its Presiding Justice, determines that an exempt-confidential employee’s services are no longer required, that person’s employment may be terminated.

4. Shortly after I commenced my duties as Presiding Justice in May 2007, the Clerk of the Court, Catherine O'Hagan Wolfe, apprised me of an employment situation at the DDC concerning plaintiff Christine Anderson. I was also provided with copies of memoranda on that subject written by Deputy Clerk David Spokony, with multiple exhibits. One memorandum, dated April 12, 2007, contained a recommendation that Ms. Anderson's employment with the Court be terminated in light of her ongoing resistance to supervisory oversight by Ms. Sherry Cohen, the Deputy Counsel of the DDC and her assigned DDC superior. The exhibit to that memorandum included a letter dated October 24, 2006, from then-Presiding Justice John T. Buckley to Gary Phelan, Ms. Anderson's attorney, rejecting Ms. Anderson's request to avoid supervision by Ms. Cohen.

5. I thereafter discussed the Anderson matter with Mr. Spokony in some detail. I was made aware that Mr. Spokony had earlier discussed the matter with other justices of the Court's DDC Liaison Committee, and had provided additional material to the Committee at its request. I also learned that no objection had been raised by any Committee member to the proposed termination.

6. Finally, I discussed the matter with Justice Peter Tom, who served as Acting Presiding Justice of the Appellate Division prior to my arrival.

7. Based on these discussions and this documentation, I concluded that the matter had been satisfactorily investigated. Moreover, I concurred with Mr. Spokony's recommendation that Ms. Anderson's ongoing resistance to the instructions of Presiding Justice Buckley and other Court management and supervisory personnel constituted insubordination warranting her dismissal.

8. Consequently, I authorized Mr. Spokony to terminate Ms. Anderson's employment in June 2007.

Dated: December 18, 2008



JONATHAN LIPPMAN