



- An employee subject to such litigation must actively participate in his/her defense throughout the course of the case in order to be eligible for indemnification.
- An employee must submit to the head of the department, commission, division, office, or agency in which he or she is employed, any proposed settlement which may be the subject of indemnification or payment by the State before it is accepted.
- Upon entry of a final judgment or settlement of a claim, the employee must serve, personally or by certified or registered mail, a copy of the judgment or settlement within thirty (30) days of entry, upon the head of the department, commission, division, office, or agency in which he is employed.

**Conflicts:** There are times when the Attorney General believes there is a conflict or, for some reason, cannot represent one or more members. The Attorney General will advise the member by letter that it will certify that the member is entitled to be represented by private counsel under Public Officers Law § 17. This means that the member may retain their own individual counsel to represent him or her in the pending lawsuit.

If the member is unable to find an attorney, we will be happy to represent the member or assist the member in ascertaining appropriate counsel. Our attorneys have extensive litigation experience on issues involving prisoner excessive force, failure to protect, and various civil rights and constitutional law claims, including:

Keesh v. Smith, 2007 U.S. Dist. LEXIS 71165 (USDC) (NDNY) - Successfully defended several CO's at Shawangunk CF against claimed First Amendment freedom of religion violations claimed by inmates practicing self-created religion of "Tulukeesh."

Gonzales-Cifuentes v. Torres, 2007 U.S. Dist. LEXIS 10553 (USDC) (NDNY) - Successfully defended several CO's at Great Meadow CF against claimed constitutional and civil rights violations regarding alleged false misbehavior reports, confiscation of property, denial of access to the courts and retaliation.

Heath v. Saddlemire, 2002 U.S. Dist. LEXIS 19615 (USDC) (NDNY) - Successfully defended several CO's at Coxsackie CF against claimed constitutional violations regarding deliberate indifference to serious medical needs, excessive force and failure to protect; also asserted counterclaims against inmate for assault and battery against CO's.

Estes-El v. Town of Indian Lake, 1998 U.S. Dist. LEXIS 7163 (USDC) (NDNY) - Successfully defended State Police against claimed constitutional violations for false arrest, malicious prosecution, retaliation and civil rights.

Sims v. Bowen, 1998 U.S. Dist. LEXIS 3856 and Foster v Resty, 1998 U.S. Dist. LEXIS 5434 (USDC) (NDNY) - Successfully defended CO at Great Meadow CF and CO at Auburn CF, respectively, against Eighth Amendment failure to protect claims.

Cerrone v. Brown, 246 F.3d 194 (2d Cir 2001) represented NYS Trooper in Section 1983 involving wrongful detention of Trooper by Internal Affairs.

Amador v. Superintendents of the Department of Correctional Services, 2007 U.S. Dist. LEXIS 89648 (SDNY 2007) represented Correction Officer in Section 1983 case accused of unlawful sexual contact with inmate; Claim against Officer dismissed on Summary Judgment.

Thomas v. Andrews, 2006 U.S. Dist. LEXIS 71709 (WDNY 2006), represented Correction Officer in section 1983 case in which plaintiff alleged violation of her First and Fourteenth Amendment rights; Claim dismissed on Summary Judgment.

Rounds v. Thompson, 9:12-cv-953 (2013) representing Correction Officer accused of excessive use of force, in violation of the inmate's Eighth Amendment rights. Case dismissed.

Jamison v. Zulko. (United States District Court for the Northern District of New York). We defended a NYSCOPBA vice-president and business agent who were sued by a former SHTA who contended that they discriminated against him by reason of race and violated his civil rights. We were able to get the court to dismiss case on motion.

Mercado v. Woodward, et al. (United States District Court for the Southern District of New York). We represented a sergeant and three correction officers who were sued by an SHU inmate who claimed a violation of his civil rights as the result of a use of force. After five days of trial this matter was settled and the State fully indemnified the sergeant and officers involved.

Morales v. State of New York, et al. (United States District Court for the Eastern District of New York). We represented a SSO2 (sergeant) who was sued by a former SSO1 claiming that the sergeant discriminated against her on the basis of her gender and that her employment was terminated on the basis of her gender. She also alleged that the sergeant violated her civil rights. The court granted our summary judgment motion dismissing the complaint.

Thomas v. Andrews, et al. (United States District Court Western District of New York). We represented two sergeants who were sued by a female inmate who claimed she was sexually assaulted by a male correction officer. The sergeants allegedly violated the Plaintiff's civil rights by failing to supervise the officer. The Plaintiff also claimed direct civil rights violations against the officers such as refusing to allow her to use the library and destroying her legal papers. The court granted our motion for summary judgment dismissing the complaint as to the sergeants.

Doe v. ABC, (United States District Court for the Southern District of New York). We represented two parole officers accused of depriving family visits with father, a convicted pedophile. Case is ongoing.