



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

BARBARA D. UNDERWOOD
SOLICITOR GENERAL
DIVISION OF APPEALS & OPINIONS

October 31, 2022

Hon. Catherine O'Hagan Wolfe, Clerk of Court
United States Court of Appeals for the Second Circuit
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, New York 10007

Re: **Malek v. New York State Unified Court System**
Docket No. 22-2682
Attachment to Acknowledgement

Dear Ms. Wolfe:

I represent a number of the State defendants in the above-referenced appeal. The appeal purports to appeal from, among other things, a partial judgment dismissing a number of the State defendants from the action, including the New York State Unified Court System, the New York State Office of Children and Family Services, Janet DiFiore and Shelia Poole. To the extent plaintiff seeks to appeal the dismissal of these defendants, I represent them on this appeal.

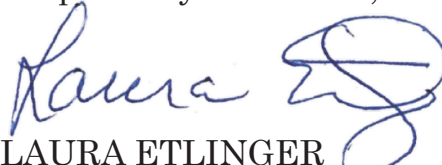
The New York State Attorney General's Office, however, does not currently represent defendants New York State Office of the Inspector General and the Excellence Initiative. *See* N.Y. Pub. Officers Law § 17(4) (requiring proper service of "summons, complaint, process, notice, demand or pleading" before defendant may request representation from the Office); N.Y. Exec. Law § 63(1). The Office of the Inspector General and the Excellence Initiative were not served with the complaint/amended complaint and thus are not parties to the litigation, notwithstanding that the district court sua sponte dismissed the claims against them. Therefore, this Court lacks

personal jurisdiction over the defendants-appellees and it cannot rule adversely to them.

THE ATTORNEY GENERAL IS ABOVE ALL LAW.....
SHOCKING. NOTE MY REPLY...

Thank you for your assistance.

Respectfully submitted,


LAURA ETLINGER
Assistant Solicitor General

Cc: Robert Malek
(via mail)
All counsel
(via ECF)

**THE REASON WHY MY FIRST NOTICE OF APPEARANCE
WAS NOT ACCEPTED WAS BECAUSE I WAS TOLD I DIDNT SERVE THE
DEFENDANT ATTORNEYS.
HOWEVER, AS YOU CAN SEE HERE,
THE DEFENDANT ATTORNEYS ARE AUTOMATICALLY SERVED VIA ECF....**

CERTIFICATE OF SERVICE

I hereby certify that I have, on November 1, 2022, served or caused to be served 1 copy/copies of the Acknowledgment and Notice of Appearance with attached letter by United States Postal Service first class/priority mail upon the following named persons:

Robert Malek
1936 Hempstead Turnpike
#109
East Meadow, NY 11554

/s/ Laura Etlinger