

DOCKET NUM.: AAN-CV-08-5004821 : SUPERIOR COURT
CITY OF DERBY : J. D. OF NSONIA/MILFORD
V. : AT MILFORD
MARC GAROFALO : DECEMBER 3, 2009

STATE OF CONNECTICUT) AFFIDAVIT
COUNTY OF NEW HAVEN) ss. DERBY

I, the undersigned, being duly sworn do depose and say:

1. I have been the Mayor for the City of Derby, Connecticut, since December 3, 2005.
2. On December 3, 2005, I entered Derby City Hall, 1 Elizabeth St., Derby, Conn., to commence my duties as the newly elected Mayor.
2. That, I have knowledge of the confidential and public information such as tax records, accounts, budgets, personnel records, payroll records and other data that is electronically stored on the "back up" tapes for the City of Derby.
3. That, on December 3, 2005, I discovered that the back up system had failed and did not store the back up data from some time before my arrival.
4. That, on December 3, 2005, I discovered that a number of computers where not functioning.
5. That, on December 3, 2005, I could not locate ten (10) additional computer data back up tapes and could not reinstate the back up process.
6. That, I immediately engaged the services of staff to locate the data tapes.

7. That, on a date after December 3, 2005, I was informed that the back up tapes were in the possession of the former Mayor, Marc Garofalo.

BY:


Anthony Staffieri

Subscribed and sworn to before me this December 3, 2009.



Joseph T. Coppola
Comm. Of the Sup. Ct.