

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: SUBMISSIONS PART

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THEO CHINO :
 :
 Plaintiff-Petitioner, : **Index No.: 101880/2015**
 : **Hon. Lucy Billings**
 -against- :
 :
 THE DEPARTMENT OF FINANCIAL :
 SERVICES; ANTHONY J. ALBANESE, :
 In his Official Capacity as the Acting :
 Superintendent of the Department of Financial :
 Services. :
 :
 Defendants-Respondents. :
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**AFFIRMATION OF ANTHONY J. TOMARI
IN SUPPORT OF THE STATE DEFENDANT'S MOTION TO
DISMISS THE COMPLAINT**

1. I am an Assistant Attorney General in the Office of ERIC T. SCHNEIDERMAN, Attorney General of the State of New York, attorney for respondents the New York State Department of Financial Services (hereinafter "DFS" or "the Department") in this matter. I submit this affirmation in support of State Defendant's Motion to Dismiss this action pursuant to Civil Practice Law and Rules §§ 3211 7804.
2. I make this affirmation based upon personal knowledge of the events described herein based upon my review of the documents attached hereto.
3. Annexed hereto as Exhibit "A" is the Petition and Declaratory Judgment complaint, with all exhibits annexed thereto.

WHEREFORE, for the reasons stated in their cross-motion to dismiss, Respondents respectfully requests that the complaint be dismissed and for such other relief as this Court may deem appropriate.

Dated: New York, New York
April 22, 2016



Anthony J. Tomari
Assistant Attorney General
Office of the Attorney General
120 Broadway - 24th Floor
New York, New York 10271
(212) 416 - 8553