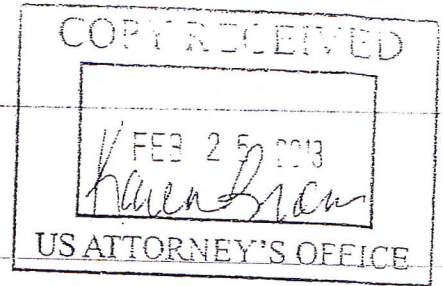


AFFIDAVIT



DANIEL A. EIGERMAN, being duly sworn, deposes and says:

1. I am an attorney admitted to practice in the United States District Courts for the Southern and Eastern Districts of New York, the United States Court of Appeals for the Second Circuit, and the United States Supreme Court, as well as the Uniform Court System of New York State.

2. I maintain an office for the practice of law at 260 Madison Avenue, New York, New York, and my telephone number and email address are (212) 213-6866 and eigercases@gmail.com.

3. In 2009 and this year I represented plaintiff-appellant Benjamin Cunningham in two appeals arising out of his Southern District lawsuit, *Cunningham v. DUSM McCluskey*, *DUSM Ballard*, *DUSM Ricigliano*, *DUSM Purl*, *DUSM Sanseverino*, and *NYPD Detective Halpin*, S.D.N.Y. 05 Civ. 10169.

4. The docket numbers assigned the appeals by the Second Circuit were respectively, 07-4007 and 11-3597.

5. In the course of this representation I had occasion thoroughly and in fact repeatedly to review the record in the Southern District.

6. I did not encounter in the record any document identifying by name any unidentified informant and certainly no evidence that such informant or informants had been presented to the Court.

Daniel A. Eigerman

Daniel A. Eigerman

Sworn to before me this
26th day of November 2012

Alina Levina

