



## COUNTY OF ERIE

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DEPARTMENT OF LAW

March 2, 2023

United States Court of Appeals  
Second Circuit  
Thurgood Marshall U.S. Courthouse  
40 Foley Square  
New York, N.Y. 10007

**Re: Hardaway, Jimmie, Jr., et al. Plaintiff-Appellees v. Steven A. Nigrelli,  
Defendant-Appellant and Brian D. Seaman and John J. Flynn, Defendants  
*United States Court of Appeals, Second Circuit*  
Case No.: 22-2933**

**Hardaway, Jimmie, Jr., et al. v. Steven A. Nigrelli, et al.  
*United States District Court, Western District of New York*  
Case No.: 1:22-cv-00771-JLS**

Dear Sir or Madam:

Our office represents defendant, John J. Flynn, in his official capacity as District Attorney for the County of Erie, New York in an action filed in the United States District Court for the Western District of New York, Civil Action No. 1:22-cv-00771-JLS. In this action our office took no position. At this time our office will not be filing a brief and will not be attending oral arguments.

Thank you for your attention to the above.

Very truly yours,

JEREMY C. TOTH  
Erie County Attorney

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