

# CUSTODIAN DECLARATION TEMPLATE

**Purpose.** *Per-batch certification accompanying any PDF / native-file production we put on the platform, deliver to opposing counsel, or submit to the court. NY state rules apply (case is in Kings County Supreme Court, Index 524343/2025, Hon. Brian L. Gotlieb, J.S.C., reassigned from Hon. Lawrence Knipel / Maslow Part 2). Designed to satisfy:*

- **CPLR 2106** — Affirmation in lieu of affidavit. As amended effective 1/1/2024, CPLR 2106 permits any person (not only NY-licensed attorneys / physicians) to affirm under penalty of perjury, in lieu of a notarized affidavit. Use this for the custodian's signature.
- **CPLR 3122-a** — Certification of business records produced in response to subpoena (NY analog to FRE 902(11)). Establishes admissibility of business records on certification rather than testimony.
- **CPLR 4518(a)** — Business-records exception to hearsay; the foundation our certifications are establishing.
- **CPLR 4540** — Authentication of public documents (used for the USPTO variant).
- **22 NYCRR 202.5-b** — NYSCEF e-filing requirements (PDF format, OCR text layer, file-naming, exhibit-tab conventions for documents filed via NYSCEF).
- **Part 2 / individual-part rules** of the assigned justice — verify the current Part rules for any motion-related production (motion exhibit tabbing, page limits, courtesy copies). The case originated under Justice Maslow's Part 2 rules and was reassigned to Justice Gotlieb at the 02/19/2026 PC; check the current NYSCEF rules-link before serving any motion exhibits.

*(Federal rules of evidence cited in any prior version of this template — FRE 902(13)/(14), FRE 406, FRE 803(6), 28 U.S.C. § 1746 — do not apply; this case is in NY State court.)*

**Three variants** below — pick the one that matches the source of the batch: 1. **Variant A — NGM-produced material** (Bates `LITMAN#####`) 2. **Variant B — USPTO-pulled public records** (filing receipts, NOAs, POAs, Office Actions, IFW) 3. **Variant C — Plaintiff's own files** (Gmail extract, iCloud photos, personal documents)

Companion file: `scripts/build_hash_manifest.py` produces the SHA-256 hash list referenced as Exhibit 1 to this declaration.



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## VARIANT A – NGM-PRODUCED MATERIAL

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AFFIRMATION OF [DECLARANT NAME] PURSUANT TO CPLR 2106  
AND CPLR 3122-a / 4518(a)

I, [DECLARANT NAME], affirm under penalty of perjury under  
the laws of the State of New York that the following is true  
and correct:

1. I am [TITLE / RELATIONSHIP TO PLAINTIFF, e.g., "an investigator retained by Plaintiff Richard C. Litman to organize and produce documents in the above-captioned action"]. I am over the age of eighteen and competent to make this declaration. The facts stated herein are within my personal knowledge.
2. I have personal knowledge of the manner in which the documents contained in Production Batch [###] (the "Batch") were received, processed, and produced.
3. The Batch was originally produced by Defendants in this action on [DATE] in [FORMAT – e.g., "Concordance load file with native files and OCR-rendered PDFs"]. The original production volume(s) were [VOLUME LABEL / DELIVERY METHOD – e.g., "Volume 003, delivered via secure FTP transfer at sftp.[host]/litman\_v\_goldberg/ on [DATE]"].
4. The documents bear sequential Bates numbers in the range [LITMAN##### – LITMAN#####]. Each document carries the original Bates endorsement applied by the producing party.
5. No alteration has been made to the substantive content of any document in the Batch. The only modifications applied are [LIST EXACTLY – e.g., "(a) sequential exhibit numbering applied to the lower-right footer of cover pages, (b) OCR text layer re-applied where the producing party's OCR was incomplete; (c) no other modifications"].
6. Attached as Exhibit 1 is a true and correct copy of the SHA-256 hash manifest for the Batch, generated by the program build\_hash\_manifest.py on [DATE] at [TIME UTC]. The manifest lists each file in the Batch by relative path, file size, and SHA-256 hash. Any party may verify the integrity of any file by independently computing its SHA-256 hash and comparing it to the value listed in the manifest.
7. The Batch is a true and correct copy of records made and kept by Defendants in the regular course of their business as a law firm, made at or near the time of the events recorded by persons with knowledge, satisfying the foundation requirements of CPLR 4518(a) (business-records exception). This affirmation is also offered to satisfy CPLR 3122-a as a certification of business records produced in response to discovery demand.
8. I am authorized by Plaintiff to make this affirmation.

I affirm the foregoing under penalty of perjury under the laws of  
the State of New York pursuant to CPLR 2106.

Executed on [DATE], at [CITY, STATE].

\_\_\_\_\_  
[DECLARANT NAME]

[TITLE]

EXHIBITS:

- Exhibit 1 – SHA-256 Hash Manifest for Production Batch [###]
- Exhibit 2 – Production Log (date received, format, volume)
- Exhibit 3 – Bates-range index of contents

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## VARIANT B – USPTO-PULLED PUBLIC RECORDS

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AFFIRMATION OF [DECLARANT NAME] PURSUANT TO CPLR 2106 AND CPLR 4540 (AUTHENTICATION OF PUBLIC DOCUMENTS)

I, [DECLARANT NAME], affirm under penalty of perjury under the laws of the State of New York that the following is true and correct:

1. I am [TITLE]. I am over the age of eighteen and competent to make this declaration.
2. I have personal knowledge of the manner in which the documents contained in USPTO Records Batch [###] (the "Batch") were obtained from the United States Patent and Trademark Office.
3. The documents in the Batch are public records of the USPTO, obtained from the USPTO Open Data Portal at <https://api.uspto.gov> and from the USPTO Patent Center at <https://patentcenter.uspto.gov> on [DATE(S)]. The Image File Wrapper (IFW) JSON metadata was retrieved by HTTPS GET requests to:

`https://api.uspto.gov/api/v1/patent/applications/{appNum}/documents`

using a USPTO-issued API key, in accordance with the USPTO ODP Terms of Service. PDF source documents were downloaded from the document-download URLs returned by the same API.

4. The documents in the Batch are true and correct copies of the public records as they existed in USPTO systems on the dates of retrieval. No content modification has been made.
5. The Batch covers [N] application files, listed in Exhibit 2 by application number, patent number, applicant, and retrieval date. Each file is named according to the convention [DESCRIBE: e.g., "{appNum}\_{docCode}\_{docDate}.pdf"] and is indexed in Exhibit 3.
6. Attached as Exhibit 1 is the SHA-256 hash manifest for the Batch, generated by `build_hash_manifest.py` on [DATE] at [TIME UTC]. Any party may independently verify file integrity by re-computing the hashes.
7. As public records of an agency of the United States Patent and Trademark Office, these documents are admissible as authenticated public documents under CPLR 4540 (records of officers of the United States), and are admissible under the public-records foundation of CPLR 4518(c). This affirmation confirms chain of custody from agency systems to production.

I affirm the foregoing under penalty of perjury under the laws of the State of New York pursuant to CPLR 2106.

Executed on [DATE], at [CITY, STATE].

\_\_\_\_\_  
[DECLARANT NAME]  
[TITLE]

EXHIBITS:

Exhibit 1 – SHA-256 Hash Manifest

Exhibit 2 – Application-file index (appNum, patentNum, retrieval date)

Exhibit 3 – File-naming convention key

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## VARIANT C – PLAINTIFF’S OWN FILES

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AFFIRMATION OF RICHARD C. LITMAN PURSUANT TO CPLR 2106  
AND CPLR 4518(a) (CUSTODIAN OF RECORDS)

I, Richard C. Litman, affirm under penalty of perjury under the laws of the State of New York that the following is true and correct:

1. I am the Plaintiff in the above-captioned action. I am over the age of eighteen and competent to make this declaration.
2. The documents contained in Plaintiff's Production Batch [###] (the "Batch") are my own records, kept by me in the ordinary course of my personal and professional affairs, and were collected from my own electronic accounts and devices as described below.
3. Source(s) of the Batch:

[CHECK ALL THAT APPLY]

My personal Gmail account, rclitman@gmail.com, exported via Google Takeout on [DATE]. The export comprises [N] messages with [N] attachments covering the date range [DATE – DATE].

My iCloud Photos library, exported via the iOS / macOS Photos application "Export Originals" on [DATE]. The export comprises [N] images / videos covering the date range [DATE – DATE].

My iPhone Messages library, exported via [METHOD] on [DATE]. The export comprises [N] message threads covering the date range [DATE – DATE].

My personal records and files, located on [DEVICE DESCRIPTION], collected on [DATE].

4. The contents of the Batch are true and correct copies of my records as they existed at the time of export. I have not altered, edited, or selectively withheld content within the described date and source ranges; where I have intentionally excluded material as privileged, irrelevant, or outside the scope of production, that exclusion is logged in Exhibit 4.
5. The records were created or received by me in the ordinary course of my professional and personal affairs at or near the times reflected in their respective metadata, and the metadata has been preserved in the accompanying load file.
6. Attached as Exhibit 1 is the SHA-256 hash manifest for the Batch, generated by build\_hash\_manifest.py on [DATE] at [TIME UTC]. Any party may independently verify file integrity by re-computing the hashes.
7. I am the custodian of these records, and they were made and kept in the regular course of my personal and professional

affairs, at or near the time of the events recorded, by me or by persons under my direction with knowledge – satisfying the foundation requirements of CPLR 4518(a).

I affirm the foregoing under penalty of perjury under the laws of the State of New York pursuant to CPLR 2106.

Executed on [DATE], at [CITY, STATE].

\_\_\_\_\_  
RICHARD C. LITMAN  
Plaintiff, pro se / through counsel

EXHIBITS:

- Exhibit 1 – SHA-256 Hash Manifest
- Exhibit 2 – Source / collection-method log
- Exhibit 3 – Date-range and item-count by source
- Exhibit 4 – Withholding log (privilege / scope exclusions)

## ATTACHMENT FORMAT NOTES

- **Exhibit 1 (Hash Manifest)** – produced by `scripts/build_hash_manifest.py`. CSV with columns: `relative_path, file_name, size_bytes, sha256, modified_utc`. PDF version of the same CSV may also be attached for visual review.
- **Exhibit 2 (Production / collection log)** – one-page table per batch identifying source, date(s) of collection, collection tool, operator, and any deviations from standard pipeline.
- **Exhibit 3 (Index)** – Bates / appNum / source-id range, with a one-line description of the contents.
- **Exhibit 4 (Withholding log, Variant C only)** – required if anything was excluded from a represented date range; lists the basis (privilege, irrelevance, third-party, etc.) and a reference identifier sufficient to identify the withheld item.

## DEPLOYMENT CHECKLIST

When sealing a batch for production: 1. Run `python3 scripts/build_hash_manifest.py <batch_directory> --out <batch>_HASHES.csv` 2. Fill out the appropriate variant template above; save as `<batch>_AFFIRMATION.md` 3. Convert affirmation + manifest CSV to PDF; attach manifest CSV in raw form as well 4. For NYSCEF e-filing: PDFs must be text-searchable (OCR) per 22 NYCRR 202.5-b; verify the exhibit-tab convention against the assigned justice’s current Part rules before service. 5. Update `output/PRODUCTION_LOG.csv` with the new batch entry: batch ID, date sealed, recipient, hash-manifest filename, affirmation filename 6. Sign affirmation (CPLR 2106 affirmation is sufficient – no notary needed for any *person* under the 2024 amendment; wet ink or compliant electronic signature both acceptable) 7. Deliver via the production channel of record (sftp / encrypted USB / secure email / NYSCEF upload)

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**Version:** 1.1 (2026-04-25) — recast under NY rules per Plaintiff’s directive: this case is in Kings County Supreme Court (NY State), not federal; CPLR governs, FRE does not. **Owner:** Mike — keep in sync with any CPLR amendments, NYSCEF rule changes (22 NYCRR 202.5-b), and the assigned justice’s current Part rules (originally Maslow Part 2; now Hon. Brian L. Gotlieb).