

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF _____

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MARY JONES,

Plaintiff,

Index No. _____/____

-against-

**AFFIDAVIT IN SUPPORT OF
MOTION TO PRECLUDE**

JOHN JONES,

Defendant.

-----X

STATE OF NEW YORK)

)ss.:

COUNTY OF _____)

_____, being duly sworn, deposes and says:

1. I am a member of Attorney & Attorney LLP, attorneys for the plaintiff in the above-entitled action, am personally and fully familiar with all of the facts and circumstances hereof and make this affidavit in support of the plaintiff's motion to preclude the defendant, unconditionally, from presenting any evidence whatsoever in support of his claims or in opposition to the plaintiff's claims and directing that all issues, financial or otherwise, be deemed resolved for the purposes of this action in accordance with the claims of the plaintiff because of the defendant's willful and inexcusable refusal to appear for the oral deposition in this action and for an award of counsel fees to the plaintiff for the costs of this motion.

2. This is an action for a divorce and related relief which was commenced on October 21, 20__, by the filing of a summons in the office of the _____ County Clerk. A copy of the summons was served upon the defendant personally on November 29, 20__.

3. On January 17, 20__, a notice to take the deposition upon oral examination of the defendant on February 14, 20__, was served upon the defendant's attorney, George G. Adversary, Esq. (see Exhibit "A"). On January 23, 20__, the defendant served a notice to take the deposition of the plaintiff on February 17, 20__ (see Exhibit "B").

THE DEFENDANT'S REFUSAL TO BE DEPOSED

[State facts specifying the manner in which the defendant refused to appear]

SERVICES RENDERED AND TO BE RENDERED

[Adapt the following to the facts of the case.]