

050

MISC

5/16/08

NEW YORK SUPREME COURT - COUNTY OF BRONX

PART STP

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX:

Case Disposed	<input type="checkbox"/>
Settle Order	<input type="checkbox"/>
Schedule Appearance	<input type="checkbox"/>

-----X
Andrew Morales
 -against-
Ronald L. Blatt
 -----X

Index No. 13093/03
 Hon. HOWARD R. SILVER

Justice.

The following papers numbered 1 to _____ Read on this motion,
 Noticed on _____ and duly submitted as No. _____ on the Motion Calendar of _____

	PAPERS NUMBERED	
Notice of Motion - Order to Show Cause - Exhibits and Affidavits Annexed		
Answering Affidavit and Exhibits		
Replying Affidavit and Exhibits		
_____ Affidavits and Exhibits		
Pleadings - Exhibit		
Stipulation(s) - Referee's Report - Minutes		
Filed Papers		
Memoranda of Law		

Upon the foregoing papers this *Motion granted order signed*

Motion is Respectfully Referred to:
 Justice: _____
 Dated: _____

RECEIVED
 BRONX COUNTY CLERK'S OFFICE
 MAY 1 0 2008
 PAID NO FEE

Dated: 5/16/08

Hon. *[Signature]*
 J.S.C.

FAX (718) 892-0033

At STP Part of the Supreme Court of the State of New York to be held in and for the County of Bronx, State of New York at the Courthouse located at 851 Grand Concourse, Bronx, New York on the 10 day of April, 2008

P R E S E N T:

Applicant's Tel. #: 718-892-0400
Applicant's Fax #: 718-892-0033

Honorable Justice Howard Silver

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
ANDREW MORALES, As Administrator of the Estate of
CYNTHIA QUINTANA MORALES,

ORDER TO SHOW CAUSE

Plaintiff,

-against-

Index No. 13093/03

RONALD D. BLATT, M.D. RONALD D. BLATT, M.D., P.C.,
EASTSIDE GYNECOLOGY, P.C., and FRANK HALCOND, RN,

RECEIVED
BRONX COUNTY CLERK'S OFFICE
MAY 19 2008

Defendant.

PAID X

NO FEE

S I R S:

PLEASE TAKE NOTICE that upon the reading and filing of the Affirmation of Louis G. Solimano, Esq., dated the 9th day of April, 2008, with Exhibits annexed thereto, and all prior pleadings and proceedings heretofore had herein,

LET, the defendants show cause before this Court at the Supreme Court of The State of New York, Bronx County, at the Courthouse located at 851 Grand Concourse, Bronx, New York, at the STP Part on the 16 day of May, 2008, at 3⁰⁰ o'clock on the forenoon of that day or soon thereafter as counsel can be heard, why an Order should not be issued granting the following items of relief pursuant to the coordinate jurisdiction of the

Supreme Court established by Estates Powers and Trust Law §5-4.6:

- a) Approving the \$1,250,000.00 proposed settlement of this action;
- b) Modifying the limitations contained in the Limited Letters of Administration, restricting the Administrator, ANDREW MORALES from executing a general release in favor of the defendants to permit the Administrator to execute a general release, and any other papers necessary to effectuate the settlement of the action against the defendants;
- c) Authorizing the law firm of William A. Gallina to execute stipulations of discontinuance with prejudice, of the above-entitled action;
- d) Approving the return of disbursements in the amount of \$9,786.45 advanced by the Law Office of William A. Gallina for the prosecution of the within personal injury action;
- e) Approving, after deduction of the approved disbursements from the gross recovery, combined attorneys' fees in the amount of \$273,532.02 for the Law Office of William A. Gallina and for all legal services rendered in connection with ancillary Surrogate's proceedings previously performed and for any remaining proceedings to be performed in furtherance of the protection of the pecuniary beneficiaries of the Estate of CYNTHIA QUINTANA MORALES;
- f) Appointing the Law Offices of William A. Gallina as escrow agent for the purpose of establishing an interest-bearing escrow account to receive the net settlement proceeds of the above referenced settlement fund in the amount of \$936,940.44 in order that interest promptly accrue to the benefit of the pecuniary beneficiaries prior to the issuance of a further order or decree of distribution of the net settlement proceeds;
- g) That a check be issued to ACS Recovery Services to satisfy their lien in the sum of \$29,741.12 for their client CIGNA Healthcare against the settlement proceeds due the Estate of Cynthia Quintana Morales;

- h) Directing defendants to issue drafts from Dr. Blatt's insurance company, Medical Liability Mutual Insurance Company for \$1,000,000.00 and for Dr. Blatt's excess coverage, Hospitals Insurance Company, Inc. for \$250,000.00 to the Law Office of William A. Gallina for its legal fees and disbursements in the amount of \$283,318.47, and to the Law Office of William A. Gallina as escrow agent with respect to the balance of the settlement proceeds \$936,940.44;
- i) An Order transferring this matter to the Surrogate's Court of Bronx County for allocation and distribution of the net settlement funds in accordance with a final Decree of said Surrogate's Court; and

For such other and further relief as this Court may deem just and proper.

Sufficient reasoning therefore, a copy of this Order, together with the papers upon which it was granted be made upon defendants' and third-party defendant's attorney via regular mail by the 14 day of *April*, 2008, and that said service shall be sufficient and adequate under the circumstances.

RECEIVED
BRONX COUNTY CLERK'S OFFICE

MAY 1 0 2008

PAID

NO FEE

E N T E R,

HS

J.S.C.

HOWARD R. SILVER

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
ANDREW MORALES, As Administrator of the Estate of
CYNTHIA QUINTANA MORALES,,

Plaintiffs,

AFFIRMATION

-against-

Index No. 13093/03

RONALD D. BLATT, M.D. RONALD D. BLATT, M.D., P.C.,
EASTSIDE GYNECOLOGY, P.C., and FRANK HALCOND, RN

Defendant.
-----X

LOUIS G. SOLIMANO, ESQ., an attorney duly submitted to practice law in the
State of New York, affirms the following to be true under the penalties of perjury:

1. I am Of Counsel to the firm of **WILLIAM A. GALLINA, ESQ.**, the
attorney for the plaintiff herein, and as such I am fully familiar with the facts and circumstances of
the within matter, having in my possession the file containing the investigative materials as well as
the pleadings and proceedings heretofore had herein.

2. This affirmation is submitted in support of the instant application seeking an
Order:

- a) Approving the \$1,250,000.00 proposed settlement of this
action;
- b) Modifying the limitations contained in the Limited Letters of
Administration, which currently prohibit Administrator,
Andrew Morales from executing general releases in this
matter, to permit the Administrator to execute general
releases, and any other papers necessary to effectuate the
settlement of the action against the defendants;
- c) Authorizing the law firm of William A. Gallina to execute
stipulations of discontinuance with prejudice, of the above-
entitled action;

- d) Approving the return of disbursements in the amount of \$9,786.45 advanced by the Law Office of William A. Gallina for the prosecution of the within personal injury action;
- e) Approving, after deduction of the approved disbursements from the gross recovery, combined attorneys' fees in the amount of \$273,532.02 for the Law Office of William A. Gallina and for all legal services rendered in connection with ancillary Surrogate's proceedings previously performed and for any remaining proceedings to be performed in furtherance of the protection of the pecuniary beneficiaries of the Estate of Cynthia Quintana Morales;
- f) Directing defendants, and their insurance companies Medical Liability Mutual Insurance Company and Hospitals Insurance Company, Inc. to issue separate settlement drafts to the Law Office of William A. Gallina for its legal fees and disbursements in the amount of \$283,318.47, and to the Law Office of William A. Gallina as escrow agent with respect to the balance of the settlement proceeds in the sum of \$936,940.44;
- g) That a check be issued to ACS Recovery Services to satisfy their lien in the sum of \$29,741.12 for their client CIGNA Healthcare against the settlement proceeds due the Estate of Cynthia Quintana Morales;
- h) Appointing the Law Offices of William A. Gallina as escrow agent for the purpose of establishing an interest-bearing escrow account to receive the net settlement proceeds of the above referenced settlement fund in the amount of \$936,940.44 in order that interest promptly accrue to the benefit of the pecuniary beneficiaries prior to the issuance of a further order or decree of distribution of the net settlement proceeds by the Surrogate's Court;
- i) An Order transferring this matter to the Surrogate's Court of Bronx County for allocation and distribution of the net settlement funds in accordance with a final Decree of said Surrogate's Court;
- j) That the filing of a bond be dispensed with; and

For such other and further relief as this Court may deem just and proper.

1. Cynthia Quintana Morales, the decedent died on May 18, 2001.

2. On the 3rd day of April, 2002, Limited Letters of Testamentary of the Estate of Cynthia Quintana Morales, deceased, were issued to her husband, Andrew Morales by the Surrogate's Court of Bronx County. These letters were limited in that they restrained the Administrator from compromising or collecting upon said claim for personal injuries and wrongful death until further order of the Surrogate's Court. To date, said letters have not been revoked and are presently in full force and effect. No bond was required of the Administrator to cover any probable amount to be realized from said action.

3. Ms. Quintana Morales was employed at the time of her death.

4. Ms. Quintana Morales was 30 years of age at the time of her death, having been born on August 16, 1971.

5. That the facts relating to decedent's death are as Follows: Cynthia Quintana Morales, went to the defendants for a termination of pregnancy. She was administered an anesthetic agent called Brevital and never regained consciousness. She was taken to Lennox Hill Hospital where she remained until her death on May 18, 2001 never having regained consciousness. She died of anoxic encephalopathy due to cardio respiratory arrest of unknown etiology.

6. A cause of action for Cynthia Quintana Morales' pain and suffering and wrongful death was commenced against defendants, in Supreme Court, Bronx County. After a lengthy course of discovery proceedings in this claim. the matter was placed on the Court's trial calendar in September 2006. Thereafter, extensive negotiations were entered into with the representatives of the defendants and their excess carrier, Hospitals Insurance Company, Inc., and on the eve of trial a tentative settlement was reached with the approval of the Administrator. The terms of the settlement were reached before the Honorable Howard Silver, and the defendants agreed

to collectively pay the sum of \$1,250,000.00.

7. The details of the proposed settlement offer of \$1,250,000.00 by the defendants, if approved will be full satisfaction of the personal injury and wrongful death claim by the pecuniary beneficiaries of decedent Cynthia Quintana Morales are as follows: defendants RONALD D. BLATT, M.D. RONALD D. BLATT, M.D., P.C., EASTSIDE GYNECOLOGY, P.C., through their insurance company, Medical Liability Mutual Insurance Compay shall pay \$1,000,000.00 and the same defendants through their excess carrier, Hospitals Insurance Company, Inc. shall pay \$250,000.00.

8. Your Affirmant believes that it is in the best interests of the distributees and the estate of the decedent and those interested therein to accept the settlement so offered and that this is the largest amount that can be obtained without further litigation. The Law Office of William A. Gallina, through various representatives have counseled both the Administrator about the inherent problems and risks of proceeding further to trial. Upon the conclusion of numerous telephone conference calls, all agreed that accepting the aforementioned offer was the prudent decision under the circumstances.

9. The grounds of Your Affirmant's belief is that the sum offered in settlement is fair, reasonable as was discussed before the Honorable Howard Silver and should be accepted. There is no reason to believe that a significantly greater sum could be recovered by jury verdict had this matter proceeded to trial and there is always the possibility the sum recovered after trial could be substantially less. In fact, should the case be brought to trial, there is the possibility that a jury could render a defense verdict leaving the Administrator and distributees with nothing.

10. The decedent at the time of death left the following survivors:

Name	Relationship	Present Age
Andrew Morales	husband	Over 18
Aaron Morales	son	16
Amanda Morales	daughter	10

11. On December 4, 2001, Andrew Morales retained William A. Gallina, Esq., as his attorney. In view of the results achieved, as well as the extensive amount of work done by this office during the course of this claim, petitioner would request the Court to approve a fee as follows: That the attorney's disbursements in the sum of \$9,786.45 first be deducted from the gross settlement of \$1,250,000.00, that a fee of \$273,532.02, representing medical malpractice sliding scale of the settlement proceeds after the deduction of disbursements, which together with said disbursements would amount to a total compensation of \$283,318.47.

12. Attached hereto as Exhibit "A" is a list of disbursements that were incurred during the pendency of this litigation.

13. No previous application has been made for the relief sought herein.

14. Your affirmant desires leave of this Court to allow the Administrator, Andrew Morales, to compromise and settle a cause of action for decedent's personal injuries and wrongful death commenced against the defendants, granting him the power to execute general releases, to fix reasonable attorney's fees and to reimburse the Law Office of William A. Gallina for disbursements out of the settlement proceeds and thereafter proceed with the Surrogate's Court for the distribution of the estate's assets.

15. Your Affirmant has not become interested in the within matter at the instance of the decedent's behalf, directly or indirectly.

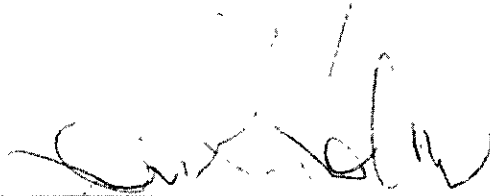
WHEREFORE, Your Affirmant prays that an Order be granted providing for the following relief:

- a) Approving the \$1,250,000.00 proposed settlement of this action;
- b) Modifying the limitations contained in the Limited Letters of Administration, which currently prohibit Administrator, Andrew Morales from executing general releases in this matter, to permit the Administrator to execute general releases, and any other papers necessary to effectuate the settlement of the action against the defendants;
- c) Authorizing the law firm of William A. Gallina to execute stipulations of discontinuance with prejudice, of the above-entitled action;
- d) Approving the return of disbursements in the amount of \$9,786.45 advanced by the Law Office of William A. Gallina for the prosecution of the within personal injury action;
- e) Approving, after deduction of the approved disbursements from the gross recovery, combined attorneys' fees in the amount of \$273,532.02 for the Law Office of William A. Gallina and for all legal services rendered in connection with ancillary Surrogate's proceedings previously performed and for any remaining proceedings to be performed in furtherance of the protection of the pecuniary beneficiaries of the Estate of Cynthia Quintana Morales;
- f) Directing defendants, to issue separate settlement drafts to the Law Office of William A. Gallina for its legal fees and disbursements in the amount of \$283,318.47, and to the Law Office of William A. Gallina as escrow agent with respect to the balance of the settlement proceeds (\$936,940.44);
- g) That ACS Recovery Services holds a lien in the sum of \$29,741.12 for their client CIGNA Healthcare against the settlement proceeds due the Estate of Cynthia Quintana Morales;
- h) Appointing the Law Offices of William A. Gallina as escrow agent for the purpose of establishing an interest-bearing escrow account to receive the net settlement proceeds of the above referenced settlement fund in the amount of \$936,940.44 in order that interest promptly accrue to the benefit of the pecuniary beneficiaries prior to the issuance of a further order or decree of distribution of the net settlement proceeds by the Surrogate's Court;

- i) An Order transferring this matter to the Surrogate's Court of Bronx County for allocation and distribution of the net settlement funds in accordance with a final Decree of said Surrogate's Court;
- j) That the filing of a bond be dispensed with; and

For such other and further relief as this Court may deem just and proper.

Dated: Bronx, New York
April 9, 2008



LOUIS G. SOLIMANO

04/03/2008 02:39 PM

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Value Code Report

Value Code	Dates of Service	Provider Of Service	Total Amount
DTF	11/15/2002 - 11/15/2002	Law Office of William A. Gallina Weingarden, Dr. Edward; Certificate of Merit Revi	2,500.00
DTF	02/10/2003 - 02/10/2003	Law Office of William A. Gallina Clerk of the Court - Bronx; Index Number	185.00
DTF	04/15/2003 - 04/15/2003	Law Office of William A. Gallina Paragon Process Service; serve Eastside Gynecology	35.00
DTF	04/15/2003 - 04/15/2003	Law Office of William A. Gallina Paragon Process Service; serve Ronald Blatt MD	37.96
DTF	04/15/2003 - 04/15/2003	Law Office of William A. Gallina Paragon Process Service; serve Dr. Blatt MD PC	37.96
DTF	04/15/2003 - 04/15/2003	Law Office of William A. Gallina Paragon Process Service; serve Eastside Gynecology	38.00
DTF	04/15/2003 - 04/15/2003	Law Office of William A. Gallina Paragon Process Service; serve Ronald Blatt MD	38.00
DTF	04/15/2003 - 04/15/2003	Law Office of William A. Gallina Paragon Process Service; serve Ronald Blatt MDPC	38.00
DTF	04/15/2003 - 04/15/2003	Law Office of William A. Gallina Paragon Process Service; serve Frank Halcond RN	38.00
DTF	06/18/2003 - 06/18/2003	Law Office of William A. Gallina Clerk of the Court - Bronx; RJI fee	75.00
DTF	01/12/2005 - 01/12/2005	Law Office of William A. Gallina The Jack D Weiler - Einstein Hospital;	76.40
DTF	11/30/2005 - 11/30/2005	Law Office of William A. Gallina Solimano, Esq., Louis G.; travel expense	17.25
DTF	11/30/2005 - 11/30/2005	Law Office of William A. Gallina Solimano, Esq., Louis G.; travel expense	4.96
DTF	03/08/2006 - 03/08/2006	Law Office of William A. Gallina Sandy Saunders Court Reporting; Invoice No.: 31562	445.25
DTF	04/03/2006 - 04/03/2006	Law Office of William A. Gallina Chief Medical Examiner;	25.00
DTF	04/03/2006 - 04/03/2006	Law Office of William A. Gallina Clerk of the Court - Bronx; motion fee	45.00

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Value Code Report

Value Code	Dates of Service	Provider Of Service	Total Amount
DTF	04/03/2006 - 04/03/2006	Law Office of William A. Gallina Surrogate Court Bronx County;	35.00
DTF	04/03/2006 - 04/03/2006	Law Office of William A. Gallina Chief Medical Examiner;	10.00
DTF	04/03/2006 - 04/03/2006	Law Office of William A. Gallina Solimano, Esq , Louis G., travel expense	7.00
DTF	04/13/2006 - 04/13/2006	Law Office of William A. Gallina Diamond Court Reporting, Inc.; ebt of Dr. Blatt	286.87
DTF	07/26/2006 - 07/26/2006	Law Office of William A. Gallina FYI Investigations; p/u material at ME office	152.00
DTF	09/29/2006 - 09/29/2006	Law Office of William A. Gallina Clerk of the Court - Bronx; note of issue	95.00
DTF	02/20/2007 - 02/20/2007	Law Office of William A. Gallina Solimano, Esq , Louis; travel expenses	7.00
DTF	05/14/2007 - 05/14/2007	Law Office of William A. Gallina Solimano, Esq., Louis G.; parking	7.00
DTF	05/14/2007 - 05/14/2007	Law Office of William A. Gallina Solimano, Esq., Louis G.;	7.00
DTF	07/13/2007 - 07/13/2007	Law Office of William A. Gallina Solimano, Esq., Louis G.; travel expense	7.00
DTF	10/10/2007 - 10/10/2007	Law Office of William A. Gallina Solimano, Esq., Louis G.; travel	7.00
DTF	12/07/2007 - 12/07/2007	Law Office of William A. Gallina FYI Investigations; trial - investigation	1,196.50
DTF	12/20/2007 - 12/20/2007	Law Office of William A. Gallina Solimano, Esq., Louis G.; travel expense	7.00
DTF	01/04/2008 - 01/04/2008	Law Office of William A. Gallina Fitzgerald, Ph D., Thomas; economist expert	1,062.50
DTF	01/24/2008 - 01/24/2008	Law Office of William A. Gallina Luciani, EXPERT Richard L.;	1,750.00
DTF	02/21/2008 - 02/21/2008	Law Office of William A. Gallina Solimano, Esq., Louis G.; parking	7.00

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Value Code Report

<u>Value Code</u>	<u>Dates of Service</u>	<u>Provider Of Service</u>	<u>Total Amount</u>
DTF	02/21/2008 - 02/21/2008	Law Office of William A. Gallina Solimano, Esq., Louis G., parking	7.00
DTF	04/03/2008 - 04/03/2008	Law Office of William A. Gallina Law Office of William A. Gallina; copies and postage	248.80
DTF	04/03/2008 - 04/03/2008	Law Office of William A. Gallina Luciani, EXPERT Richard L.;	1,250.00
<u>SUBTOTAL FOR DTF</u>			<u>\$ 9,786.45</u>

Totals for all value codes

\$ 9,786.45

Report Criteria:

Value codes = DTF
Value notes are included
Sorted by: party, value code, start date, provider name

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

ANDREW MORALES as Administrator of the Estate of CYNTHIA QUINTANA-MORALES

Plaintiff,

-against-

RONALD D. BLATT, M.D. RONALD D. BLATT, M D., P.C., EASTSIDE GYNECOLOGY, P.C.,
and FRANK HALCOND. RN

Defendants.

ORDER TO SHOW CAUSE

LAW OFFICES OF

WILLIAM A. GALLINA


Attorney for Plaintiff

1180 MORRIS PARK AVENUE
BRONX, NEW YORK 10461
TEL: (718) 892-0400
FAX (718) 892-0033

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous

Dated April 9, 2008

Signature



Print Signer's Name: LOUIS G. SOLIMANO

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

ANDREW MORALES as Administrator of the Estate of
of CYNTHIA QUINTANA-MORALES,

Index No. 13093/03

Plaintiff,

**AFFIRMATION IN
LIMITED OPPOSITION**

-against-

RONALD D. BLATT, M.D., RONALD D. BLATT,
M.D., P.C., EASTSIDE GYNECOLOGY, P.C., and
FRANK HALCOND, R.N.,

Defendants.

COREY L. WISHNER, an attorney admitted to practice before the Courts of this State, hereby affirms the following to be true under the penalties of perjury and Rule 2106 of the CPLR:

1. I am a Member of the law firm of McALOON & FRIEDMAN, P.C., attorneys of record for defendants, RONALD D. BLATT, M.D., and RONALD D. BLATT, M.D., P.C., s/h a RONALD D. BLATT, M.D., RONALD D. BLATT, M.D., P.C. and EASTSIDE GYNECOLOGY, P.C. As such, and from a review of the file maintained in your affirmant's office, I amully familiar with the facts and circumstances existing herein.

2. I submit this Affirmation in Limited Opposition to the Plaintiff's Order To Show Cause approving the proposed settlement of this action, and for other relief as more fully described in plaintiff's papers.

3. The defendants represented by the undersigned do not object to any of the provisions requested by plaintiff, except that, pursuant to EPTL5-4.6, in order for the trial Court to approve a settlement in a death action prior to a Surrogate's Court Decree, the plaintiff must first have filed appropriate papers with the Surrogate's Court.

4. Your Affirmant has personally discussed this matter with plaintiff's counsel and it is my understanding that such filing is shortly to be made, if not already done by the time these papers are read by the Court. To the extent that the appropriate filing has not been made by the time that this Order To Show Cause is argued before the Court, then the defendants only Opposition is that, should the Court choose to grant plaintiff's Motion, then an Order should be issued permitting the settlement to be approved as requested by the plaintiff only after such filings are made.


5. If such filings have been made by the time that the Order to Show Cause is scheduled to be argued, then the defendants have no Opposition to the plaintiff's requests.

6. Finally, although not so stated in the Order To Show Cause, itself, but only in the plaintiff's Affirmation in Support of the Order to Show Cause, the settlement is being made on behalf of RONALD D. BLATT, M.D., only, and not on behalf of the his P.C. or EASTSIDE GYNECOLOGY, P.C. (incorrectly named in the caption). The two P.C.'s are not insured and are not contributing to the settlement.

7. Your Affirmant personally spoke with plaintiff's counsel, who raised no dissention to this during our conversation.

WHEREFORE, it is respectfully requested that this Affirmation be considered in response to plaintiff's application, along with such other and further relief as this Court deems just and proper.

Dated: New York, New York
May 8, 2008


COREY L. WISHNER, ESQ.

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
 (ss.:
COUNTY OF NEW YORK)

I, REBECCA J. MARKS, being duly sworn, say:

I am not a party to this action, am over 18 years of age and reside at Staten Island, New York.

On May 8, 2008, I served the within **AFFIRMATION IN LIMITED OPPOSITION** by depositing a true copy thereof in a post-paid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State, addressed to each of the following persons at the last known address set forth after each name:

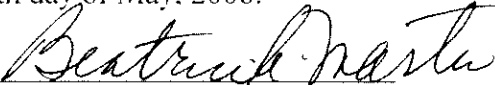
WILLIAM A. GALLINA, ESQ.
1180 Morris Park Avenue
Attorney for Plaintiff
Bronx, NY 10461

DePODWIN & MURPHY ,ESQS.
Attorneys for Defendant
FRANK HALCOND, R.N.
500 Airport Executive Park, Suite 502
Nanuet, NY 10954



REBECCA J. MARKS

Sworn to before me this
8th day of May, 2008.



NOTARY PUBLIC

NOTARY PUBLIC
STATE OF NEW YORK
2009