

FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF ROCKLAND

----- x
GR, Docket No. F-1893-09
Petitioner,
-against- FU #14360
ER, Respondent.
----- x

1 South Main Street, Suite 300
New City, New York 10956
December 7, 2009

B E F O R E:

HON. CATHERINE MIKLITSCH
Support Magistrate

A P P E A R A N C E S:

GR
Appearing Pro Se

ER
Appearing pro Se

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1 COURT OFFICER: Your Honor, this is number 2
2 on the calendar in the matter of 6. The docket number
3 is F-1893-09; 14360.

4 Ms. Martorelli, please?

5 MS. MARTORELLI: Corie Martorelli, Child
6 Support.

7 COURT OFFICER: Thank you. At this time,
8 ma'am, sir, please raise your right hands. Do you both
9 solemnly swear to tell the truth, the whole truth and
10 nothing but the truth, so help you God? Ma'am, do you?

11 GR: Yes.

12 ER: I do.

13 COURT OFFICER: Thank you. Be seated.
14 Ma'am, your name and address, please.

15 GR: GR, 12 (Address Sanitized), Unit I,
16 Orangeburg, New York 10962.

17 COURT OFFICER: Thank you. Sir, your name-

18 THE COURT: I'm sorry. 12? I didn't-

19 GR: 12 (Address Sanitized), Unit I,
20 Orangeburg, New York 10962.

21 COURT OFFICER: And sir, your name and
22 address, please?

23 ER: ER, P.O. Box 13, Orangeburg, New York.

24 THE COURT: P.O. Box what?

25 ER: 1-3.

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THE COURT: 1-3?

ER: Yes.

THE COURT: And where is that?

ER: Orangeburg, New York 10962.

THE COURT: And what is your residential address?

ER: None at the time.

THE COURT: Where did you sleep last night and the night before?

ER: In a motel.

THE COURT: Which motel?

ER: It's not my motel. That's where I slept last night.

THE COURT: Okay. You've got to write it down for me. I have to know what your residence is.

ER: I just sold my house. I haven't established a residence yet.

THE COURT: Okay. Wherever you're staying temporarily, you're got to write it down for me, sir. I need to have your residence. And then when you get a permanent residence, you'll notify the court. Please just write wherever you stayed the last two nights. If you want it confidential, we'll give you a form. Just write it down.

ER: I don't remember it. I'm sorry, I

1 don't remember it at the moment.

2 THE COURT: What city was it in?

3 ER: New York City.

4 THE COURT: Okay. Put as much as you
5 remember where it was.

6 Petitioner's financial affidavit marked as 1,
7 Respondent's financial affidavit marked A, for
8 identification. Her financial is sworn to 7/20 and his
9 is sworn to 7/20.

10 ER: I would like to apply for a court-
11 appointed attorney.

12 THE COURT: You're not entitled to a court-
13 appointed attorney. Nobody is entitled to a court-
14 appointed attorney. And it's a brand-new support case.

15 Marked as 2-1, 2-2 and 2-3, which is two
16 pages, are pay stubs for the petitioner.

17 I just want to show you these. Ms. Galina,
18 just tell me if these are all the medical bills that you
19 had.

20 GR: Yes. There are actually more.

21 THE COURT: I'm sorry, I didn't hear you?

22 GR: There are more medical bills because
23 Daniel, he had to have physical therapy.

24 THE COURT: Okay. So do you have them with
25 you?

1 GR: No. No, I didn't bring them.

2 THE COURT: Okay. I'll mark the Y document
3 as 3.

4 GR: And Daniel, he's getting counsel, and it
5 was court ordered, counsel, and he's seen at-

6 THE COURT: All right. Well-

7 GR: -social worker. It's also-

8 THE COURT: This is- SCU wasn't charging
9 anything. Let me just see.

10 GR: It's \$30 co-payment.

11 THE COURT: All right. Well, the only thing
12 is, since it's a brand-new petition I only would be
13 doing medial bills back to June 1. So if you have any
14 others from June 1, you can give them to me. And do you
15 have a 2008 tax return? If you could-

16 GR: No. I gave it to you.

17 THE COURT: You did submit it?

18 GR: Yeah.

19 THE COURT: Do you know when you submitted
20 it?

21 GR: When we first showed up.

22 THE COURT: I don't seem to see it in here.
23 Okay. I'll mark these medical bills as 4-1, 4-2, 4-3,
24 4-4, 4-5, 4-6 and 4-7. Officer, if you could give that
25 to Mr. R.

1 GR: Your Honor, I got the order of custody
2 and visitation from the Family Court.

3 THE COURT: You got, I'm sorry, what?

4 GR: It's order of custody and visitation
5 from Family Court. I got full physical, legal custody,
6 and the last paragraph says that, or the mother should
7 commence therapy for child immediately, and it is
8 further ordered that co-payments for therapy will be in
9 accordance with the order of support. So, I don't know.

10 THE COURT: Okay. And who gave you that
11 order, Judge Christopher?

12 GR: Yes.

13 THE COURT: Okay. So do you have any other
14 co-pay... Do you have any of the therapy bills?

15 GR: I didn't bring, but I started the
16 therapy actually back in September even before I
17 received the signed order.

18 THE COURT: All right. Well-

19 GR: As long as the trial was over, I started
20 the therapy for the kid.

21 THE COURT: All right. The problem... You
22 might- But I can only award it back to June. So, I
23 mean, that might be part of visitation; the part from
24 June won't be.

25 All right. Now, you don't have a 2008 tax

1 return with you?

2 GR: I don't have it with me, but I did
3 submit it to you. It's somewhere.

4 THE COURT: All right. Now, do either one of
5 you have any objection to those documents? Do you have
6 any objection, sir, to her financial, pay stubs, the Y
7 document or the medical?

8 ER: No.

9 THE COURT: Okay. And ma'am, do you have any
10 objection to his financial affidavit?

11 GR: I think some numbers are way too high.
12 For example, this, the month, 250, I commute to
13 Westchester, and I have business commute. My business
14 expense is... they give us one hundred per month. Two
15 fifty, it should be all over the state.

16 THE COURT: Okay. So subject to your right
17 to question him, I'll mark it in evidence.

18 Now, the way I'm going to conduct the hearing
19 is, I'm going to take the testimony... I'm going to
20 take judicial notice of my temporary order. I'm going
21 to ask the questions first of Ms. Morterelli. Ms. R,
22 then, after I finish, you can ask her questions, then
23 Mr. R, you can ask her questions. Then Ms. R, I'll ask
24 you questions. Anything you want to add, you may; then,
25 Mr. R, you can ask her questions. I'll reverse it. Mr.

1 R, then I'm going to ask you questions; anything you
2 want to add, you may. Then Ms. R, you may ask him
3 questions.

4 Ms. Martorelli, will you raise your right
5 hand. Do you solemnly swear or affirm to tell the whole
6 truth and nothing but the truth?

7 MS. MARTORELLI: I do.

8 DIRECT EXAMINATION OF MS. MARTORELLI

9 BY THE COURT:

10 Q Can you please tell the court where you are
11 employed and what your title and duties are.

12 A My name is Corin Martorelli. I'm a support
13 investigator for Rockland County Child Support. The duties
14 of the Support Collection Unit are to maintain and monitor
15 the accounts and records of the unit in regard to Family
16 Court orders and matters.

17 Q Is it the obligation of Support Collection, as part
18 of its ordinary course of business, to maintain records of
19 court orders payable through Support Collection Unit for
20 spousal and child support?

21 A Yes, Your Honor.

22 Q Has Support Collection, in the ordinary course of
23 business, maintained such records on a contemporaneous basis
24 in the ordinary course of business in the case of GR and
25 ER?

1 A Yes, Your Honor.

2 Q Do you have those records with you today?

3 A I do.

4 Q Can you please tell the court what if any payments
5 have been on the account?

6 A On 8/13/09 \$637.50; 9/4/09, \$212.50; 11/9/09,
7 \$637.59; for a total of \$1,487.50.

8 Q And were all of those paid by check or money order?

9 A Yes, Your Honor.

10 Q So it was \$1487.50?

11 A Correct, Your Honor.

12 Q Now, does Support Collection, as part of its
13 ordinary course of business, maintain records of temporary
14 assistance and medical assistance?

15 A Yes, Your Honor.

16 Q Is there any temporary assistance or medical
17 assistance open for Daniel?

18 A No.

19 Q Now, does Support Collection, as part of it's
20 ordinary course of business, maintain records of reported
21 earnings of payors, if available?

22 A Yes, Your Honor.

23 Q Does Support Collection, as part of it's ordinary
24 course of business, maintain such records in this case?

25 A The only thing I have is, I have the annual for '08

1 and the second quarter of '08. I have nothing for '09.

2 Q The name of the employer that you had on income for
3 Mr. R?

4 A Same employer, is Citigroup.

5 Q Citigroup?

6 A Global Markets, Inc.

7 Q All right, wait. Is Citigroup one word?

8 A Yes.

9 Q Global Markets?

10 A Yes.

11 Q And what did you have for 2008?

12 A The annual, \$16,764.45.

13 Q And you had which quarter of 2008?

14 A The second.

15 Q And what was the sum?

16 A \$5,285.

17 Q And is there any rate of pay?

18 A No.

19 Q Did Support Collection send any income execution
20 out?

21 A That was the income execution that we sent out, and
22 it came back that he was terminated from that job on 4/23/08.

23 Q And does it give a reason for the termination?

24 A It just says, no longer employed.

25 THE COURT: Ms. R, do you have any questions

1 you want to ask Ms. Martorelli?

2 CR-EXAMINATION OF MS. MARTORELLI

3 BY GR:

4 Q How much does he owe me?

5 A He owes you \$637.50.

6 THE COURT: Mr. R, do you want to ask any
7 questions of Ms. Martorelli?

8 ER: I have a receipt that says that I don't
9 owe. I have a receipt for \$637 sent out.

10 THE COURT: And when did you send that out?

11 ER: On the 5th of December.

12 THE COURT: So you sent it out Friday?

13 ER: Correct.

14 THE COURT: Or Saturday?

15 ER: Maybe.

16 THE COURT: Has SCU received that?

17 MS. MARTORELLI: No.

18 THE COURT: Do you want to ask her any other
19 questions about what she testified to?

20 ER: No.

21 THE COURT: Okay, you're excused. So Ms. R,
22 I'm going to start with you.

23 DIRECT EXAMINATION OF GR

24 BY THE COURT:

25 Q Has Mr. R given you any money directly since June

GR, Direct by the Court

1 1, 2009?

2 A No.

3 Q Other than what he gave to SCU?

4 A No.

5 Q Now, you are employed with JPMorgan?

6 A Yes.

7 Q And what is your position?

8 A I am a personal banker.

9 Q And what is your current income now?

10 A It's \$40,000 a year.

11 Q And are you paid twice a month?

12 A Yes.

13 Q First and fifteenth, or...?

14 A Yes.

15 Q Do you get any bonuses?

16 A Branch incentives, but to get them you have to
17 be... you have to make a certain amount of... it's called
18 PVCs.

19 Q PVCs?

20 A Yes, they're called PVCs.

21 Q Do you expect that you're going to get a bonus this
22 year?

23 A No.

24 Q What hours do you work?

25 A They vary. I'm supposed to open the branch at 8:00

1 in the morning and the other days I'm supposed to close the
2 branch at 6:30, and I work every other Saturday.

3 Q Every other Saturday that you work what are your
4 hours?

5 A 8:30 till 2:30.

6 Q Now, when you work— Let's say you open. If you
7 open, what time do you leave?

8 A I leave 7:10.

9 Q 7:10?

10 A 7:10 in the morning.

11 Q Oh, okay, you leave at 7:10 in the morning. Now,
12 when you start work at eight, when does your work day end?

13 A It's eight hours plus half an hour lunch break, so—

14 Q 4:30?

15 A —like 5:00.

16 Q 5:00?

17 A 4:30.

18 Q 4:30, 5:00. And what time would you get home?

19 A Around six.

20 Q Now let's say if you're closing it, what time do
21 you start?

22 A 9:30.

23 Q And then you would close at 6:30?

24 A 6:30, yeah, out of the branch already. We start
25 the closing procedure six sharp, closing the vaults.

1 Q And what time- If you start work at 9:30 what time
2 would you leave?

3 A If I start at 9:30, I leave at 6:30.

4 Q So you still-

5 A Oh, what time I leave the house?

6 Q Yes.

7 A I leave, I would say, 8:20.

8 Q And when you work till 6, 6:30, what time do you
9 get home?

10 A 7, 7:15.

11 Q Now, how many days in a week, Monday through
12 Friday, how many days do you open?

13 A Three days... one week three days.

14 Q So let's say week one.

15 A Three days.

16 Q Open three days, close-

17 A Two days.

18 Q -two days. Week two, open two, close three?

19 A Three, uh-huh.

20 Q Now, Daniel is eleven?

21 A Yes.

22 Q During the school year where does he go to school?

23 A South Orangetown Middle School.

24 Q What child-care arrangements do you have for him?

25 A It was after-school program.

1 Q When did you have after-school... When did you
2 have an after-school program?

3 A From 3:00 till 6:30.

4 Q And was that... Is that still going on?

5 A I stopped it. I can't afford it.

6 Q What months did you have it?

7 A I had it from the beginning of the school year. I
8 stopped it on the first of December.

9 Q So you had the YMCA program September, October and
10 November 2009; it stopped December 1, 2009?

11 A Uh-huh.

12 Q In June, the last month of the school year, what
13 arrangement did you have?

14 A After-school program.

15 Q And how much did that cost?

16 A 275.

17 Q And the one this year, how much did it cost?

18 A 275.

19 Q What did you do for the summer, July and August?

20 A It was a baby-sitter. My son had surgery, major
21 surgery, had anesthesia, and after the surgery I had to hire
22 a baby-sitter who stayed like for twelve hours, bring him
23 ice, bring him food, taking him-

24 Q For how many weeks?

25 A It went through the middle of August.

1 Q If you look—

2 COURT OFFICER: Ma'am. Ma'am.

3 Q Just don't go further than that, you just... But
4 if you're going to look at this calendar, this is July and
5 August. Approximately how many weeks did you have the
6 private baby-sitter?

7 A Four.

8 Q Four weeks?

9 A Yes.

10 Q Who took care of him the rest of the weeks?

11 A In August he was with his friend's family, another
12 baby-sitter.

13 Q So in August he was with a family?

14 A With another baby-sitter. It was a new baby-
15 sitter's family in New Jersey.

16 Q So the first four weeks you paid how much?

17 A It was 250.

18 Q 250 per week. And in August how many weeks did you
19 pay?

20 A It was, I think, three weeks.

21 Q And how much did that cost?

22 A I think it was 175.

23 Q And did you have any other weeks?

24 A That's it.

25 Q Do you pay anything now?

1 A I'm paying two baby-sitters picking up Daniel from
2 after-school program when I couldn't pick him up. It was
3 when I was closing the branch, that was like-

4 Q So for- You could be seated. So in September,
5 October, November-

6 A Every time when I had late shift, it was a baby-
7 sitter.

8 Q How much did that cost?

9 A It was \$10 per hour, so it was two hours, and they
10 covered his (inaudible) expenses.

11 Q So would that be approximately five times in a two-
12 week period?

13 A Yes.

14 Q Now, do you have any day care now in this month?

15 A No, there is no day care. It's my older son and my
16 friend who help me.

17 Q Older son and friend help out?

18 A Yes.

19 Q Do you pay the friend anything?

20 A No. No.

21 Q Now, what kind of surgery did Daniel have in the
22 summer?

23 A It was a meniscus. Part of his meniscus was
24 removed because he injured his knee and it was sticking out.

25 Q And was he bedridden for a period of time?

1 A What? What does it mean?

2 Q Was there a period of time when he could not walk-

3 A Yes.

4 Q -very well-

5 A Yes.

6 Q -and had to basically be off his feet?

7 A Yes. It was for ten days. It was just keeping the
8 foot lifted. I carried him to the bathroom.

9 Q Now I'm going to show you these medical bills, and
10 if you can look here, it should say 4-1, 4-2. Can you
11 explain just what each one was for? What's 4-1?

12 A It's the surgeon who performed the surgery, was Dr.
13 Touchi (phonetic).

14 Q And that was \$30?

15 A It's a co-payment, every time we came to see him.

16 Q All right. What was 4-2? The next page.

17 A The next one was, I took Daniel on vacation with me
18 to New Hampshire and he twisted a little bit his knee.

19 Q So is that an emergency-room visit?

20 A Yes, it was an emergency.

21 Q And how much was that?

22 A Huh?

23 Q How much was that?

24 A It was 100. And they took him just to be sure
25 because it's the same knee and it was swollen, so...

1 Q 4/3?

2 A Again, Dr. Deutsch. It was the original
3 orthopedist who saw Daniel and who couldn't diagnose. That's
4 why he referred us to- Dr. Touchi (phonetic) is a child
5 orthopedist. This one is seeing both adults and-

6 Q So how much was that?

7 A Also thirty-

8 Q Thirty?

9 A \$30.

10 Q 4/4?

11 A Then we had physical therapy after the surgery.

12 Q So how many physical therapy appointments were
13 there?

14 A It was \$30 co-payment.

15 Q And what was the total cost?

16 A I see 120, but it was more. It was more.

17 Q It looks like then- If you're saying it was 120,
18 there was only four of them?

19 A Yeah, it's \$30 each visit, and we had at least six.
20 It was-

21 Q So you there were two more?

22 A I think, yeah. I need to find it.

23 Q Now, 4-5?

24 A I brought Daniel to see the pediatrician. He had
25 an allergy. He was coughing.

1 Q And how much did that cost?

2 A It's \$25.

3 Q And who was the pediatrician?

4 A It was Dr. Bloom in Haverstraw.

5 Q 4-6?

6 A It's his... not CAT scan. What's the name of the
7 procedure when they're screening the muscles?

8 ER: MRI.

9 A MRI.

10 Q He had an MRI?

11 A It's for Daniel's MRI.

12 Q And how much did that cost?

13 A \$30, and we had another MRI actually.

14 Q Is that what 4-7 is, a second MRI?

15 A Yes. Yes.

16 Q And how much was that?

17 A Also \$30.

18 THE COURT: Officer, may I have that back,
19 please?

20 Q Now you said the judge ordered— Does Daniel see
21 his father?

22 A He hasn't seen him since, I think, August.

23 Q And is there a court order that stops him from
24 seeing, or his father just doesn't see him?

25 A Well, seen him through Big Brother and Sisters. I

1 think it has to be a written, a signed court order.

2 Q So Big Brothers and Sisters. It's a monitored
3 visitation?

4 A Yes, but they allowed him to see through private
5 supervisor, and-

6 Q So a supervisor has to be there.

7 A Yeah.

8 Q Now, Daniel is seeing a therapist?

9 A Yes.

10 Q What therapist does he see?

11 A The name of the therapist is Sharon Foreman.

12 Q And is Foreman, F-O-R-E-M-A-N?

13 A Yes. Uh-huh.

14 Q Now, in November, how many times did Daniel see
15 Sharon Foreman?

16 A It was- I started the therapy in October. He saw
17 Foreman four times in October.

18 Q You mean October '09?

19 A Yeah, without even the signed court order.

20 Q Okay, four times in October. How much did each
21 visit cost?

22 A Thirty.

23 Q Thirty?

24 A Uh-huh.

25 Q How many times last month?

GR, Direct by the Court

1 A Two.

2 Q So altogether there have been six visits?

3 A Yes.

4 Q Thirty each?

5 A Uh-huh. And I stopped because I didn't receive any
6 child support for October. I told her let's wait till
7 December 7. I need (inaudible). It's \$120 per month. I
8 can't do it. I had to cut off after-school program and the
9 therapy.

10 Q Now I'd like to show you your financial affidavit,
11 and you filled it out in July, so other than the therapy,
12 which you just told me about and the change in day care, I'd
13 like you to look at this and tell me if there's been any
14 changes.

15 THE COURT: Officer, would you be so kind to
16 give this to her, please?

17 A Your Honor, there has been a dramatic change.

18 Q All right, tell me what your change is.

19 A I moved. I moved and now I pay the rent, and it's
20 1250 per month.

21 Q And where were you living before?

22 A Piermont.

23 Q And were you paying rent?

24 A No, Mr. R paid.

25 Q All right, so now you have to pay rent of 1250?

GR, Direct by the Court

- 1 A Yes. Yes.
- 2 Q Do you have another child?
- 3 A I have, but he is an adult, and he moved on his
- 4 own.
- 5 Q So does he live with you?
- 6 A No.
- 7 Q So you have an older child and he's an adult?
- 8 A Uh-huh.
- 9 Q Does anybody live there besides you and Daniel?
- 10 A No.
- 11 Q Just the two of you?
- 12 A Uh-huh.
- 13 Q Now, how much do utilities cost, Orange & Rockland?
- 14 A Sixty.
- 15 Q At your new place?
- 16 A Uh-huh.
- 17 Q Do you have to pay for water?
- 18 A No. Heat and water are included.
- 19 Q Electric?
- 20 A Yeah.
- 21 Q Heat's included?
- 22 A Uh-huh.
- 23 Q Has anything else there changed?
- 24 A No.
- 25 Q I forgot to ask you. Could you give me your date

1 of birth?

2 A It's April 25, 1957.

3 Q And social security number?

4 A 111-88-5692.

5 Q So nothing else has changed.

6 A No.

7 THE COURT: Can I have that back, Officer?

8 Q Is there anything that you want to say today to the
9 court about your support petition that I haven't asked you
10 about?

11 A My kid hasn't received even a birthday card from
12 his dad on September 26. I'm not talking about the gift. At
13 least a card. And the kid has been asking several times.

14 ER: Oh, spare me.

15 A How could you—

16 Q Don't speak with him. Talk to the court. Just
17 talk to the court.

18 A And it's tough, you know. They live in an affluent
19 area, you know. I enrolled my kid in baseball, 275. His
20 friends are enrolled in karate. I can see my kid's eyes when
21 he looks at them. I can't afford it, \$99 a month.

22 Q How long were you married to Mr. R?

23 A Three years.

24 Q And what kind of work did he do?

25 A He was a consultant. He did a consultant job, the

1 computer.

2 Q Anything else that you want to say to the court?

3 A Please help me.

4 THE COURT: Now, Mr. R, do you want to ask
5 her any questions?

6 ER: Yes, I do. I do.

7 THE COURT: Go ahead.

8 CR-EXAMINATION OF GR

9 BY ER:

10 Q Ms. R, you testified that your base salary is
11 40,000 a year. Is it 40,000 plus or 40,000 exactly?

12 A Base salary is forty.

13 Q Forty. You submitted to the Family Court a
14 spreadsheet of your work schedule. On that spreadsheet your
15 weekly hours were stated as thirty-five hours a week. You
16 seem to have testified here that your hours are much longer.
17 Which is it, thirty-five or...? How many hours a week do you
18 work?

19 A Forty hours.

20 Q Forty?

21 A It was thirty-five, then there was (inaudible),
22 plus (inaudible) training date. You didn't read the
23 spreadsheet correctly. We work on a forty-hour basis.

24 Q Now you testified that Daniel was in care of baby-
25 sitter. Do you have canceled checks?

GR, CR by ER

1 A I paid cash.

2 Q You paid cash.

3 A Uh-huh.

4 Q Now you also testified that in August Daniel stayed
5 with another baby-sitter, whom I know very well, with whom I
6 spoke and who is my friend and her children are Daniel's
7 friends, and she said that she didn't take any money. So
8 which is it? Do you have canceled checks or you paid by
9 cash?

10 A Cash.

11 Q Now, if I obtain her testimony to the contrary you
12 would still maintain that you paid her by cash?

13 A Yes.

14 Q Now, you spend your vacations often times in Cape
15 Cod, correct?

16 A Yes.

17 Q And sometimes in New Jersey?

18 A Uh-huh.

19 Q With whom?

20 A With my boyfriend.

21 Q He owns those houses, correct?

22 A I don't know if he owns or there is-

23 Q And you've known him since?

24 A Is it relevant?

25 Q It is.

1 THE COURT: What's the relevance?

2 ER: The relevance is that Mrs. R has a
3 millionaire, multi-millionaire boyfriend.

4 THE COURT: Just, what's the relevance about
5 these vacations?

6 ER: She presents a picture of a poor,
7 overworked woman, and she has been a personal banker and
8 before that a financial advisor and fully employed since
9 the year 2001.

10 THE COURT: But, sir, that has nothing to do
11 with that. I'm going to strike that. Just, what does
12 this question about her boyfriend owning these houses
13 have anything to do with this case?

14 ER: She has free vacations basically.

15 THE COURT: Okay. Well, you've asked her
16 that and she said that, or... You didn't ask her
17 whether or not she paid anything, so ask those questions
18 and then we'll move on to the next area.

19 Q Do you pay for those vacations?

20 A No.

21 Q Mrs. R, another question, if I may.

22 A I'm not misses.

23 Q Miss. Miss R, you testified that you live in
24 Piermont and you did not pay anything towards the rent or...
25 you did not pay anything basically other than electrical

GR, CR by ER

1 bill.

2 A I've been paying common charges for 2001, 2002,
3 three, four, five, six, seven. I stopped paying common
4 charges only in 2008 because I couldn't afford it.

5 Q And how much were those common charges?

6 A Almost 500.

7 Q The last I paid was 461, and that was—

8 THE COURT: Sir, you can't testify. Just ask
9 her the question.

10 ER: Okay. She said almost 500.

11 Q And who was paying the remainder?

12 THE COURT: Who was paying what?

13 Q Who was paying the rest? Do you know how much it
14 was? I'll withdraw the question.

15 THE COURT: Wait, wait, wait. You asked two
16 questions. So, who paid the rest. By the rest what do
17 you mean the mortgage?

18 ER: The mortgage.

19 THE COURT: Okay. Are you able to answer
20 that?

21 A Yeah, Mr. R paid, and it was a court order. Judge
22 Weiner ordered.

23 THE COURT: All right. And your second
24 question, I think, sir, you wanted to ask her how much
25 was the mortgage?

GR, CR by ER

1 A It was 1200.

2 THE COURT: Okay, next question.

3 Q It was not 1500?

4 THE COURT: Sir. Okay. Ask it in a
5 question.

6 Q Was it the 1500?

7 A The last statement that I saw it was 1200.

8 Q And when did you see that last?

9 A I don't remember.

10 Q And why do you say that it was Judge Weiner's
11 order? It is not in the order.

12 A It was Judge Weiner's order, the Supreme Court
13 order, that I stay in Lawrence Park-

14 THE COURT: Just one second.

15 A -and you pay.

16 ER: Please take judicial notice of that
17 order. There is nothing in it about me paying it.

18 GR: Your Honor, there was-

19 THE COURT: Just one second. Okay. I don't
20 think it says who was supposed to- I can't see anything
21 in here that says who is supposed to pay the mortgage.

22 ER: There is nothing there that she should
23 stay in it either.

24 THE COURT: I don't see anything that says
25 it. Let me just look.

1 ER: It says both properties to be sold.

2 THE COURT: Okay.

3 GR: The order before.

4 THE COURT: Well, the judgment takes over the
5 orders before. The judgment— Okay. Go ahead, next
6 question, sir.

7 Q Mrs. R, you filed for bankruptcy in 2004, correct?

8 A Yes.

9 Q Did you disclose your interest in the real estate
10 that was titled to me in the bankruptcy?

11 A No, I didn't, because—

12 Q Thank you.

13 A —my name—

14 Q Thank you.

15 A —wasn't mentioned in any titles. The lawyer asked
16 me, do you own anything.

17 Q Mrs. R, you answered the question. Thank you.

18 THE COURT: Okay, next question.

19 Q Did you disclose your bankruptcy in the divorce
20 court?

21 A Yes, I did.

22 Q No, you didn't.

23 THE COURT: Sir, you can't answer, you can't
24 make a statement. That's struck.

25 Q Did the trustee in the bankruptcy court repossess

GR, CR by ER

1 your interest in said real estate?

2 A Yes, he did.

3 Q Did he also take over control of the real-estate
4 properties from me?

5 GR: Your Honor, I don't understand these
6 questions.

7 THE COURT: Okay. Sir, just rephrase it.

8 ER: Okay, I'll rephrase. I will rephrase.

9 Q Could I sell those properties without his
10 permission?

11 THE COURT: Could you sell the properties
12 without?

13 ER: Without the permission of the trustee.

14 THE COURT: All right. Are you able to
15 answer that?

16 A I assume.

17 THE COURT: Do you know the answer?

18 GR: No.

19 THE COURT: Then you just answer, I don't
20 know.

21 A I don't know.

22 THE COURT: Fine. Next question.

23 Q When did the trustee put the properties for sale?

24 A I don't remember.

25 Q When were the properties— Did you receive

GR, CR by ER

1 correspondence from the trustee-

2 A No.

3 Q -lately-

4 A No.

5 Q -in December?

6 A No.

7 ER: Your Honor, I move to submit to the
8 court-

9 THE COURT: Sir, you can't submit. When it's
10 your turn you can submit documents, unless there's
11 something you want me to show her now. Do you have a
12 document?

13 ER: Not on me.

14 THE COURT: Well, sir, if it's not here...
15 Today is the hearing. Next question.

16 Q When will these properties- When did you move out?

17 A On November 1.

18 Q On November 1. So you stayed in that property
19 without a court order since 2004 through November of 2009?
20 Yes or no, did you stay?

21 A I don't know.

22 THE COURT: Through October 2009, sir?

23 ER: She said she moved in November, no?

24 THE COURT: She said she moved November 1.
25 You said through November, so obviously it wasn't

GR, CR by ER

1 through November. You're saying through October 31 to
2 November 1? Then ask that question.

3 Q Was there a court order directing me to pay for
4 your stay in that property?

5 THE COURT: The court already read the
6 judgment and does not see anything to that effect, sir.

7 ER: Okay. Thank you.

8 Q Now, during the forensic investigation—

9 THE COURT: Wait. No, no, no, no. I don't
10 have anything to do with the forensic investigation.
11 I'm not going to hear anything about that. Next
12 question.

13 Q Mrs. R, did you state to anyone that my educational
14 credentials were false and that there were other people
15 qualified for the job I held?

16 A I went to Clarkstown Police, I think, in 2002
17 testifying that you have a fake Ph.D. You never had Ph.D.
18 Your Ph.D. certificate is a copy of your sister's Ph.D. You
19 took it in my presence to Brooklyn where you created a fake
20 Ph.D. I can testify anywhere.

21 Q Did you or did you not tell the management of the
22 department in which I worked at Mercy College that my Ph.D.
23 was fake?

24 A No.

25 Q You did not?

1 A Don't recollect.

2 THE COURT: Okay. Any other questions, sir?

3 ER: No.

4 THE COURT: Okay. Now, I did find your 2008
5 tax return. I'm going to mark this as Exhibit 5.

6 Eleven pages. Sir, tell me— And I also found his. I
7 apologize. These were just... I had put them aside.
8 I'm going to mark his as Exhibit B.

9 ER: This is not my tax return, this is GR'.

10 THE COURT: Thirteen pages was hers. Let me
11 just see it for a minute, sir. Is his. I'm sorry.
12 Obviously I give you hers to look at. She had some
13 additional documents, so I'm just going to add those.
14 I'm not giving your documents to you to look at. I
15 didn't the first time. I'm doing it just as I did.

16 ER: Your Honor—

17 THE COURT: Sir, don't talk.

18 ER: She did not submit one of her W2s.

19 THE COURT: Sir. Sir, I have them right
20 here, okay? Just be quiet for a minute. Twenty-two
21 pages with W2s and 1099s.

22 Ma'am, any objection to his document subject
23 to direct and cR-examination?

24 GR: No.

25 THE COURT: Okay, B in evidence. Now, sir,

GR, Redirect by the Court

1 any objection to her document?

2 ER: Yes. There is a W2 here which is
3 illegible.

4 THE COURT: Sir, look at the back.

5 ER: Huh?

6 THE COURT: Look at the back.

7 ER: The back of what?

8 THE COURT: The back pages. You'll see
9 additional documents toward the end of it. While you're
10 looking at that I'm going to ask her questions.

11 REDIRECT EXAMINATION OF GR

12 BY THE COURT:

13 Q Now, did you receive any monies from the sale of
14 the property?

15 A No. I was told it can take up to three years.

16 Q Now in June, July, August, September, October, do
17 you know if he paid the mortgage?

18 A I assume he did.

19 Q You assume, but do you know?

20 A I don't know. I don't know.

21 Q And do you know if he had a Ph.D.?

22 A Your Honor—

23 Q I'm asking you if you knew if he had a Ph.D.

24 A No, I know that he doesn't have a Ph.D.

25 THE COURT: Sir, any objection to her

1 documents... her document?

2 ER: It would take me much longer to
3 understand them. The only thing I know is that she had
4 two employers, not one.

5 THE COURT: Okay.

6 ER: And if it lists just one, I believe it's
7 David Lerner, then it's not true because she worked for
8 two.

9 THE COURT: May I have that?

10 ER: She worked for David Lerner and for
11 JPMorgan Chase.

12 THE COURT: Well, you see Chase Investment on
13 the front and David Lerner on the front. David Lerner
14 on the front shows 13,767.06, and Chase shows 22,988.75.

15 ER: Thank you.

16 THE COURT: So the court will mark this in
17 over your objection since those are the only two you
18 claimed.

19 Now, any other questions you want to ask her,
20 sir? All right, you didn't have any questions.

21 DIRECT EXAMINATION OF ER

22 BY THE COURT:

23 Q Mr. R, did you pay the mortgage on the place in
24 Piermont in June 2009?

25 A Yes.

1 Q What amount did you pay in June '09?

2 A \$1500.

3 Q And do you have any receipt for that with you or a
4 canceled check?

5 A No, I do not.

6 Q In July '09 did you pay the mortgage?

7 A I did.

8 Q And what sum did you pay?

9 A The same amount.

10 Q And do you have any canceled check or—

11 A No, I don't have any canceled checks.

12 Q In August 2009 did you pay the mortgage in
13 Piermont?

14 A Yes.

15 Q And what sum did you pay?

16 A The same amount.

17 Q And do you have any canceled check or proof?

18 A No, not right now.

19 Q September '09 did you pay the mortgage?

20 A I did not.

21 Q In October '09 did you pay the mortgage?

22 A I actually don't remember when I stopped paying, in
23 October or in September. It was probably in October, once I
24 was notified that the trustee put the property on sale.

25 Q And has the property been sold?

ER, Direct by the Court

1 A It's in contract.

2 Q It's in contract?

3 A Yes.

4 Q Have you received any money yet from it yourself?

5 A No, I don't think I will see any of it any time
6 soon.

7 Q Now, are you currently employed?

8 A No.

9 Q And what kind of work do you do?

10 A Job searching.

11 GR: Your Honor—

12 THE COURT: Ma'am, I'm talking. Just like I
13 said he couldn't, you can't. All right.

14 Q Job searching. I'm asking what kind of work have
15 you done in the past. What is your field of employment?

16 A I have a Ph.D. in computer engineering and I have—

17 Q Where is your Ph.D. in computer engineering from?

18 A From Moscow Scientific Research Institute of
19 Digital Computing.

20 Q Moscow Scientific?

21 A Research Institute of Digital Computing.

22 Q And when did you get that degree?

23 A '87.

24 Q Now, when did you start working in the United
25 States?

1 A '82.

2 Q And where did you work?

3 A I worked in a (inaudible) of different places.

4 Q Well, starting in 1982 where did you work?

5 A I worked for a digital equipment corporation.

6 Q And how much did you earn?

7 A At that time probably about 40,000.

8 Q After that where did you work?

9 A I worked for ADP Broker Services.

10 Q And what did you earn?

11 A About 75k.

12 Q And after that where did you work?

13 A I worked as a consultant at different places, you
14 know, I was independent.

15 Q When did you become an independent consultant or
16 contractor?

17 A In '87... I'm sorry, in '97.

18 Q And how much did you earn?

19 A Between zero and 160,000.

20 Q And what was the year or years that you earned
21 160,000?

22 A In '97.

23 Q One year?

24 A Yes.

25 Q What did you do for Citigroup?

ER, Direct by the Court

1 A I had a contract, eleven-months contract with
2 Citigroup as a financial advisor associate.

3 Q And what was your salary with them?

4 A I did not have a salary.

5 Q What was your contract agreement with them? You
6 said you were hired for eleven months. What was your rate of
7 pay or contract that they gave you for that period?

8 A Amounting to about 50,000 a year.

9 Q And what happened to that job?

10 A It disappeared.

11 Q You worked for eleven months?

12 A I was laid off just like everyone else.

13 Q Why were you laid off?

14 A Because the contract called for me bringing in
15 twenty million dollars under management in one year, in
16 eleven months; I brought in about four million.

17 Q Before Citigroup where did you work?

18 A I have not been employed since 2001.

19 Q Well, you worked for Citigroup in 2007, 2008, is
20 that correct?

21 A Correct.

22 Q What did you do between 2001 and 2007?

23 A I have been part-time employed, making an average
24 from three to nine thousand a year as an adjunct faculty at
25 Mercy College and St. Thomas Aquinas College.

1 Q And what happened to those positions?

2 A I was told by the Department—

3 Q Well, you can't. That will be hearsay. You can't
4 testify as to what someone else said. So you're no longer
5 employed with them?

6 A Due to a report by Ms. R that my Ph.D. was fake—

7 Q Sir, how do you know that?

8 A The Department had told me.

9 Q Well, you can't tell me that, so that's excluded.
10 So when was the last time you taught in any one of those
11 places?

12 A 2006.

13 Q 2006.

14 A Correct.

15 Q Now in November, how many places did you...
16 November, last month, '09, how many places did you look for
17 work?

18 A I send out thousands of letters a year.

19 Q Sir, I'm only asking for November because I asked
20 you to give me a job search and I did not receive it from
21 you.

22 A I have it with me.

23 Q You have it with you?

24 A Yes.

25 Q Then give it to the court officer.

1 A It's an attachment to my petition for modification
2 of the temporary order of custody.

3 Q Is this your only copy?

4 A No, I have other two.

5 Q Well, is this your original to file with the court?

6 A Yes.

7 Q Well, then I don't want to take your original
8 because this will be marked as this document and not... You
9 have to submit it at the front.

10 A I have a copy.

11 Q Then give me the copy. You were supposed to have
12 it in here on October 31. You failed to do that. It was
13 told to you in writing, sir. I gave it to you in writing on
14 July 21, submit to the court by 10/31/09 a job search. I
15 don't want this. I don't want any of these documents, I just
16 want the places you looked for work. You were actually given
17 forms, sir, do you remember?

18 A No, I don't. I'm not sure I ever saw that form.

19 Q Just be careful. Those are not job search.

20 A Those are only personal contacts.

21 Q Are these actual contacts that you made?

22 A These are actual contacts with live people.

23 Q Fine.

24 THE COURT: Marked Exhibit C, a job search,
25 seventy-four pages. If you could show this to the

1 petitioner.

2 Q Now, while she's looking at that, there was... you
3 had an interview, correct?

4 A I had two.

5 Q And what happened during the... What happened to
6 the two interviews?

7 A I received a letter stating that someone else
8 filled that position, that the position was filled, that my
9 résumé will remain on file.

10 Q For both of them?

11 A For both of them.

12 Q Now was there any job offer that was made to you
13 that you declined?

14 A I wish there were job offers. There were none.

15 Q And in the job interviews was there a salary
16 request on your behalf? I mean, did they ask you what salary
17 you wanted?

18 A I knew what the salary was.

19 Q What was the salary?

20 A The same.

21 Q What?

22 A In the same position.

23 Q What?

24 A About... from thirty to forty-five to fifty.

25 Q Thirty to forty-five thousand a year?

ER, Direct by the Court

1 A Correct. Yes.

2 Q Other than those two interviews do you have any
3 other interviews set up for this month or January?

4 A I have no interviews set up.

5 Q And are you looking for a salaried position or a
6 consultant position or both?

7 A Anything, as evidenced in that printout.

8 Q And what fields are you looking at?

9 A I only look in the fields in which my résumé can
10 support my search, which is—

11 Q So just tell me what those fields are.

12 A Computer consulting or financial applications.

13 Q Computer consulting or financial applications?

14 A And education.

15 Q And education means teaching?

16 A Teaching.

17 THE COURT: Do you have any objection to his
18 document?

19 GR: Yes, I do.

20 THE COURT: What's your objection?

21 GR: Your Honor, he wasn't supposed to even
22 apply to JPMorgan Chase. He knows the policy. If the
23 (inaudible), they will never hire.

24 THE COURT: Okay. Well, that may be their
25 policy, but that in itself is not a reason to preclude

ER, Direct by the Court

1 him from submitting that.

2 ER: I don't think there is a policy like
3 this.

4 THE COURT: Sir.

5 GR: Yes. Yeah, there is.

6 THE COURT: All right. Anything else, ma'am?

7 GR: No.

8 THE COURT: Okay, then in evidence.

9 Q Anything else, sir, that you want to say? This is
10 your opportunity.

11 A Yes, ma'am. I do the search from six in the
12 morning until noon every day. I'm registered on all of the
13 web sites for job search.

14 Q What web sites are you registered on?

15 A Jobs.com, Monsterjobs.com, Dice.com-

16 Q One second. Dice?

17 A Dice.com.

18 Q How do you spell that?

19 A D-I-C-E. Localjobs.com. I'm registered on the web
20 sites of all of the local employers from Citigroup, JPMorgan,
21 Cablevision, all of the local... what are they called?
22 insurance companies, pharmaceutical companies, et cetera, et
23 cetera. They have my résumé. Not to mention all of the
24 headhunting companies that I have encountered.

25 Q What headhunting companies are you-

1 A I don't remember their names, ma'am. From
2 Algomode.com-

3 Q From what?

4 A Algomode.com

5 Q Spell it.

6 A A-L-G-O-M-O-D-E. To Bluewolf. There are hundreds
7 of them. I can't remember them. And it is my understanding
8 that they recycle the same job records from years ago
9 apparently that are fake, trying to create an impression that
10 there are jobs out there. It is my understanding, based on
11 the statistics by the Labor Department-

12 Q Wait, wait. They're not in evidence, sir. I don't
13 want you to give me any statistics by the Labor Department.
14 Unless you've got certified records from the Labor Department
15 you cannot refer to them, you cannot testify to them.

16 A They're a matter of common knowledge. They're-

17 Q Sir, I'm not taking judicial notice of them. You
18 don't have certified records here, so just testify to what I
19 say you can testify to. You can't testify to that. Go
20 ahead, next statement.

21 A Most of my former colleagues are unemployed and
22 none of them is able to help me. They tried, and it is in
23 evidence there. They cycled my résumé through whatever puny
24 network is left, and to no avail. All of them are
25 unemployed.

1 Q I'm going to show you your financial affidavit and
2 I'm going to ask you to tell me what if any changes have
3 occurred.

4 A I'm no longer paying for any of the properties. I
5 settled part of my debt with the bank.

6 Q What part did you settle?

7 A I owed about \$10,000 to Bank of America - I settled
8 it for half - in credit-card debt. And my-

9 Q And where did that money come from?

10 A It came out of the remainder of my savings.

11 Q How much do you have in your savings now?

12 A Last I looked it was about \$12,000.

13 Q What did you have on June 1, approximately, in your
14 savings?

15 A I don't remember. About 26,000.

16 Q And where did that money for the savings come from?

17 A It came from my earnings ten years prior.

18 Q Okay, go ahead. I just want you to look at that
19 and tell me if there are any other changes.

20 A I don't expect any financial windfall from the sale
21 of the houses for either myself or Mrs. R because they were
22 sold at rock-bottom prices in the current environment. In my
23 current expenses I'm also behind because I stay in motel.

24 Q Your current expenses are what?

25 A I pay about \$100 a night for staying in a motel.

ER, CR by GR

1 Q Anything else?

2 A I don't think so.

3 THE COURT: Okay. Do you want to ask him any
4 questions?

5 GR: Yes.

6 CR-EXAMINATION OF ER

7 BY GR:

8 Q Why don't you take a job that is available?

9 A Oh, give it to me.

10 Q Well, Palisades Mall is always hiring. Do
11 something temporarily.

12 A No, they will not hire me. I'm sixty-three.

13 Q Well, I see elderly-

14 THE COURT: Wait, wait, wait. Ask the
15 question and give him a chance to answer it. Sir, you
16 said they won't hire you because I'm sixty-three. Was
17 there anything else you wanted to add to that? Just,
18 I'm giving you the chance to answer her question.

19 A Employers ask a question, what did you do before,
20 and when you answer that you were a professor at St. Thomas
21 Aquinas College, they don't want you to work in a mall.

22 THE COURT: Next question.

23 Q Mr. R, Hess Road was closed. There are new people
24 already living. Why did you say it's under the contract? It
25 was closed. The sale was closed.

1 THE COURT: What was closed?

2 Q Hess Road in Valley Cottage. And you received the
3 cash.

4 A Yes. I didn't say anything to that effect. The
5 Piermont—

6 THE COURT: All right. So there was a
7 property sold on Hess.

8 A Hess Road was sold.

9 THE COURT: When was Hess Road sold?

10 A About three weeks ago, two weeks ago.

11 THE COURT: And how much did you receive?

12 A Zero. It's all in escrow.

13 THE COURT: Did you receive any— What amount
14 is in escrow?

15 A I don't remember. I'm sorry.

16 THE COURT: Is it over 25,000?

17 A I think about 50,000, if that much.

18 THE COURT: And who is that money to go to?

19 A According to the order which is before you, it's to
20 be split in half.

21 THE COURT: It says... Okay.

22 A But it's subject to some applications in the
23 Federal Court that the trustee is supposed to make.

24 THE COURT: That property was located in
25 Valley Cottage?

ER, CR by GR

1 A Correct.

2 THE COURT: Go ahead. Next question.

3 A I want to answer her question. So I didn't lie
4 here, the other property is in the contract, but—

5 THE COURT: What other property, the one in
6 Piermont?

7 A The Piermont. But there hasn't been closing on it.
8 Hopefully there will be some in the coming weeks.

9 THE COURT: Next question.

10 Q Mr. R, don't you know there were two checks, and
11 the equity, I was told by the lawyer, was one hundred twenty
12 split into checks of sixty thousand each.

13 A Whose lawyer? Which lawyer?

14 Q Rosemarie Matera (phonetic).

15 A First, I don't remember the exact amount and I'm
16 not going to argue here. Second, I do believe that the
17 amount is about fifty thousand. And third, there was six
18 percent commission on the... not on the net amount, but on
19 the gR amount of sale by the real-estate agent, and there are
20 lawyer's fees.

21 THE COURT: Next question.

22 A There were many checks there during the closing
23 flying back and forth, not one or two. There were several
24 paid to many different entities, to the banks to the title
25 companies.

- R v. R -

1 GR: Your Honor, he didn't answer the
2 question. He was at the closing. I wasn't there.

3 THE COURT: Go ahead, ask him the question.

4 Q Mr. R, do you know that there was 120,000 and
5 you're entitled to 60,000?

6 A I am not going to argue without the numbers in
7 front of me about those numbers.

8 THE COURT: Next question.

9 Q Mr. R, did you forget about your son's birthday?

10 GR: This is all the question-

11 THE COURT: I don't think- That has to go
12 with custody and visitation. I don't want to get into
13 that.

14 GR: No more questions.

15 THE COURT: Anything else?

16 GR: That's it.

17 ER: Your Honor, I would love to answer it.

18 THE COURT: No, sir. It doesn't involve what
19 I have to deal with.

20 I'm going to reserve decision, the decision
21 will be sent to both of you. If either one or both of
22 you disagree with my decision, you have the right to
23 file objections.

24 Nothing further. The hearing is concluded
25 and you are both free to go.

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COURT OFFICER: Step out ladies and gentlemen.

(End of Proceeding)

* * *

STATE OF NEW YORK)

COUNTY OF ORANGE)ss:

I, Jeanette Carelli, certify that the foregoing transcript of the proceedings in the Family Court of R v. R, Docket No. F-1893-09, was prepared using digital transcription equipment and is a true and accurate record of the proceedings.

- R v. R -

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Jeanette Carelli for
SANDY SAUNDERS REPORTING
254 South Main St., 2nd Floor
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Dated: May 4, 2010