

THE STATE OF NEW HAMPSHIRE

MERRIMACK, SS.

SUPERIOR COURT

BEFORE THE COURT-APPOINTED REFEREE  
IN THE LIQUIDATION OF THE HOME INSURANCE COMPANY  
DISPUTED CLAIMS DOCKET

In Re Liquidator Number: 2009-HICIL-46  
Proof of Claim Number: CLMN380502-01  
Claimant Name: Mariana Lanc  
Claimant Number: 145-0100-105  
Policy or Contract \_\_\_\_\_  
Number: \_\_\_\_\_  
Date of loss: \_\_\_\_\_

CLAIMANT'S OBJECTION TO  
"LIQUIDATOR'S OBJECTION TO CLAIMANT'S  
MOTION REQUESTING DEFENDANTS' DISCOVERY"

I, Mariana Lanc, Claimant in this action, I am a lay, fully mentally disabled person since 1993 till present (Dec. 2010), as a result of a extreme emotional, mental, and financial stress intentionally inflicted on me by my divorce attorney, defendant Michael Donnelly Esq. who failed to defend me against false criminal charges made by my husband and over all, as recorded in Colloguy Dec. 3, 1985.

"THE COURT: "Any cross-examination? You don't wish to defend this action? "

MR. DONNELLY: Based upon our agreement of mutual divorces, I do not." (EXHIBIT "A")

Defendant M. Donnelly Esq. lied to court in final trial. Claimant refused and never asked or agreed to this divorce. After 20 years of marriage, the defendant M. Donnelly's defense left claimant homeless, jobless, penniless, taking her child away. (Claimant had very poor command of English-she came from Eastern Europe to seek American justice)

Since April 6, 1985 he refused to release claimant's matrimonial file, to cover up his wrongs.

By the order issued Sep.. 17, 1985 (EXHIBIT "B") the court directed the defendants to release claimant's matrimonial file to her substitute attorney S. Dranoff Esq. (matrimonial expert (EXHIBIT "BB", who have seen a big problem with defendant's legal representation during her divorce.

*(Defendants released claimant's matrimonial file on May 29, 1992 after legal malpractice and fraud actions against them were commenced, after claimant lost her legal representation and represented herself pro se, and after the statute of limitation to reopen her matrimonial action elapsed)*

**The released file didn't include any documents to support any defense or above concerns, but clearly indicated that defendants worked against claimant with the opposition in her former husband's best interest.**

1. The "STRUCTURING CONFERENCE ORDER" dated 8/4/2010, clearly stated:

Should Ms. Lanc believe discovery is necessary, she must file a motion including the documents which she seeks". On Claimant's request the Court issued order dated October 10, 2010 extending time for same till November 19, 2010. Claimant served this Motion for discovery on Liquidators attorney E. Smith Esq. timely electronically on November 19, 2010, and also the copy of same by first class mail to Liquidators' attorney E. Smith and to court.

2. Liquidators' attorney E. Smith Esq. argues that:

The motion makes 44 requests directed to "the defendants," most of which are for categories of requested documents and several of which are in form of interrogatories."

The Claimant is requesting a documents which should have been in her matrimonial file for purpose of claimant's defense against criminal charges filed against her, child custody hearing, and to present how defendants established bases for her a divorce settlement in 1984-1985, the very documents which defendants refused to produce for a legal malpractice action.

The legal malpractice action against the defendants was commenced on Dec. 17, 1987 in Rockland Co. NY under index number 478/88, due to defendants' refusal to obey court's order dated Sep. 17, 1985 (EXHIBIT "B") to release claimant's matrimonial file to her substitute attorneys. The defendants' refusal to discover and interrogatories were a root of legal malpractice action #478/88. On Dec. 24, 1990 claimant's attorneys Dranoff & Johnson Esq. commenced Fraud action against defendant's also in Rockland Co. NY under separate index number 6971/91.

3. Liquidator's attorney E. Smith Esq. also argues:

The 44 requests appear to concern the course of the Claimant's 1984-1985 divorce proceeding (the action in which Home's insureds allegedly committed malpractice).

The Liquidator's attorney E. Smith Esq. is ready to argue that "insureds allegedly committed malpractice). The word is "allegedly".

**This legal malpractice and fraud actions are old and complex due to defendants' and their HOME REM attorneys refusal to discover in order to obstruct the justice.**

Home Rem Insurance Co. attorneys "Drake, Sommers, Loeb, Tarshis & Catania, P.C. Attorneys and Counsellors at Law - One Corwin Court Post Office Box 1479, Newburgh, NY 12550 (914)565-1100" were representing defendants (insureds) in legal malpractice action since the beginning in 1988. Therefore these attorneys were representing defendants in front of court and were legally bonded to obey court orders to discover on defendants' behalf.

Dated November 9, 1990 Claimant's attorneys Dranoff & Johnson fully answered defendants' Home Rem attorneys' 64 (sixty four) question Interrogatory (EXHIBIT "C"). The defendants requested from claimant to produce all information they were supposed obtain from her prior to divorce settlement but never did. They requested to produce all claimant's personal data, all financial statements, bank records, photographs, all school records, her's and her husband's tax records and all earnings back 15 (fifteen) years prior to marriage, till present, and many others.

For legal malpractice and fraud actions, the court issued order dated March 15, 1991 (EXHIBIT "D"), scheduled dates for:  
Respond to discovery demands: *on or before 8/15/91*,  
Conduct examination before trial : *12/15/91*,  
File certificate of readiness and trial note of issue: *3/14/92*

To satisfy same order dated March 15, 1991, Claimant's Law Firm Dranoff & Johnson served on defendants "Notice for discovery and inspection" dated May 23, 1991 (EXHIBIT "E") (claimant has no complete copy)

The defendants responded to it by letter dated July 2, 1991 (EXHIBIT "F") stating:  
"Please be advised that we will not comply with said notice to produce until the retaining lien of Michael Donnelly is discharged in full."

Claimant's attorneys Dranoff & Johnson responded to it with "Notice of Motion"

dated July 22, 1991 (EXHIBIT "G").

The Court issued order dated Oct. 3, 1991, (EXHIBIT "H")

" stay of plaintiff's deposition pending defendants' response to plaintiff's May 23, 1991 notice for discover an inspection." further stating: "the matrimonial case is concluded and there is no indication that it produce a fund from which the defendants' lien could be satisfied, and (3) under present circumstances, the plaintiff's right to disclosure takes presedence over any remaining right to a retaining lien."

The defendants' Home Rem attorneys didn't comply with the order dated Oct. 3, 1991 by responding to claimant attorney's notice for discovery and inspection dated May 23, 1991 nor they release matrimonial file.

Because defendants put lien on and still refused to release claimant's matrimonial file since May 1985, claimant's legal fees skyrocketed to tens of thousands dollars prior to order to discover October 3, 1991. The defendants never released claimant's matrimonial file to her attorneys Dranoff & Johnson.

Only after claimant's attorneys Dranoff & Johnson stopped representing claimant in October 1991 [*Law firm Dranoff & Johnson's professional liability insurance carrier was Home Rem Insurance Co.*]

Only than defendant's Home Rem attorneys released claimant's matrimonial file on May 29, 1992.

(The file content was shocking to all reviewing divorce attorneys.)

Claimant had no other choice than to represent herself pro se because defendants' Home Rem attorneys pushed for final trial while claimant was without a legal representation, but they still refused to comply with notice for discovery and inspection according to order dated Oct. 3, 1991 (EXHIBIT "H")

Due to extreme stress posed by insureds, by their defense Home Rem attorneys, by her own attorneys, job loss and financial stress caused by this action hardship, in April 1993 claimant, Mariana Lanc, became fully mentally disabled, poor person. She asked the court to appoint the legal counsel to represent her . The court recognized her as a poor person but refused to appoint the attorney.

Home Rem attorneys were pushing court to continue with legal proceedings. Claimant couldn't find attorney to represent her in legal malpractice pro bono, because they all had their professional liability with Home Rem Insurance Co. Fully mentally disabled claimant had no other choice than to

represent herself pro se with help of other lay people with English writing. (Claimant had and still have very poor English skills, she came to US to seek American justice and dream)

In June 1996 both legal malpractice and fraud actions were transferred to justice Bergerman's court. He wasn't familiar with the history, circumstances or previous proceedings of this action.

Since June 1996 till Oct. 2002, till dismissal of this action, Claimant requested a several times from the court to enforce the order dated Oct. 3, 1991 (EXHIBIT "H") for defendants' discovery.

Home Rem attorneys simply overmastered justice Bergerman, who didn't seem to be informed about this action. In all the confusion they intentionally created since 1991 till 2002, insureds and their Home Rem attorneys never discovered.

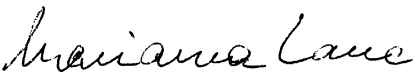
Clearly claimant legal malpractice action against defendants (insureds) has a strong merits if it was important enough for defendants (insureds) to refuse to discover 17 years and for Home Rem Insurance Co. to pay 14 years high legal fees to obstruct the justice by not complying with order to discover.

(All legal actions are filed in public records, anybody has access to it. Because defendants didn't challenge the criminal charges against claimant, they were never dropped.

So far claimant's still believes that his mother was guilty of all the criminal charges made against her by his father, since 1984 he doesn't want nothing to do with her. He just told her recently that "she should be behind the bars for what she did". Additionally to everything else the defendants totally destroyed claimant's relationship with her son. By not challenging these criminal charges, claimant is so far "lucky criminal". However these charges may be used against her anytime in future because they are still on her record, while defendant's (insureds) are unpunished, representing other clients and possibly destroying their lives as well, because they need not to worry, their professional liability carrier will protect them.

WHEREFORE, it is respectfully requested that claimant's "Objection to Liquidator's Objection To Claimant's Motion Requesting Defendant's Discovery" be granted and

"Claimant's Motion Requesting Defendants' Discovery" be granted in its entirety and or Liquidators to be directed to fully answer attorneys' Dranoff & Johnson Esq. "Notice for Discovery and inspection" dated May 23, 1991 (EXHIBIT "E") to comply with order dated October 3, 1991(EXHIBIT "H") in legal malpractice action, which would proof that the charges in this legal malpractice action against defendants (insureds) are just, it is further requested that "Liquidator's Objection To Claimant's Motion Requesting Defendant's Discovery " is denied in its entirety and for such other, further and different relief as to the Court seems just and proper.

  
Mariana Lanc, Claimant

Fremont, California December 10, 2010

MARIANA LANC - claimant  
45245 Lynx Dr. Fremont, CA 94539

copy to: Eric A. Smith  
NH Bar ID No. 16952  
Sawyer & Rackemann,  
Brewster P.C  
160 Federal Street  
Boston, MA 02110-1700

also mailed and E-mailed to Court and defendant's attorney

Respectfully submitted ,

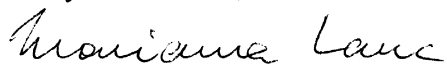
by Mariana Lanc  
claimant



45245 Lynx Drive  
Fremont, CA 94539  
(510) 770-0160  
mavala67@yahoo.com

**Certificate of Service**

I hereby certify that a copy of the forgoing was sent to the Eric Smith, attorney for defendants and to Court by email and by first class mail, postage prepaid, this 10th day of October , 2010.

  
Mariana Lanc -claimant

1 SUPREME COURT OF THE STATE OF NEW YORK  
2 COUNTY OF ORANGE

3 -----X  
4 JOHN LANC,

5 Plaintiff,

6 -against-

S-303-M-84-C

7 MARIANA LANC,

8 Defendant.  
9 -----X

10  
11 Orange County Government Center  
12 Goshen, New York 10924  
13 December 3, 1984

FINAL TRIAL

14 B e f o r e: HON. ABRAHAM ISSEKS, Supreme Court Justice

15 Appearances:

16 DI NARDO & GILMARTIN, ESQS.  
17 Attorneys for Plaintiff  
18 90 East Main Street, Box 1000  
19 Washingtonville, New York 10992

20 BY: ROBERT DI NARDO, ESQ., of Counsel

21 CLINE, MAC VEAN, LEWIS & SHERWIN, ESQS.  
22 Attorneys for Defendant  
23 180 Main Street

24 Goshen, New York 10924  
25 BY: MICHAEL DONNELLY, ESQ., of Counsel

Plaintiff & Defendant Present

24 COPY OF COLLOQUY  
25 WAS NOT IN  
MATRIMONIAL FILE

Sheila Foster  
Senior Court Reporter

M-L ASKED FOR COPY AT ...

RECEIVED DRAKES' OFFICE

EXHIBIT "A"

JUDGEMENT DIFFERS FROM STIPULATION

- Colloquy -

A That's correct.

Q One child of the marriage, Jan Renee Lanc, born August 27th, 1973?

A August 28th.

Q August 28th.

THE COURT: Do you have any questions?

\* MR. DONNELLY: No questions, no. (PROVE OF GUNS PURCHASING 2)

\* THE COURT: Any cross-examination? You don't wish to defend this action? - WHY NOT?

\* MR. DONNELLY: Based upon our agreement of mutual divorces, I do not. WIFE REFUSED DIVORCE

WAS NOT

THE COURT: Do you move for a divorce?

MR. DI NARDO: Move for a divorce, Your Honor.

THE COURT: Divorce is hereby granted by the Court. You may step down.

(PLAINTIFF EXCUSED.)

(DEFENDANT TAKES WITNESS STAND.)

THE CLERK: Please raise your right hand.

(DEFENDANT COMPLIED.)

M A R I A N A L A N C, the Defendant herein, having been called as a witness and having been duly sworn, was examined and testified as follows:

BY MR. DONNELLY:

Q Mrs. Lanc, I show you an amended verified answer

EXHIBIT 4A



- Colloquy -

1  
2 settlement when it was read before by Mr. Donnelly and  
3 myself; is that correct? DONNELLY DID NOT LET ME  
4 ANSWER ↓

5 MR. DONNELLY: I object to this as beyond the  
6 scope of direct.

7 THE COURT: The Court usually asks anyway.  
8 You stated to the Court before that you understood the  
9 stipulation then, that you didn't have any more  
10 questions. Did anybody force you into signing these  
11 papers? (DONNELLY LET ME SIGN BLANK PAPER)

12 THE DEFENDANT: No. - (DONNELLY FORCED ME  
13 TO SAY IT)

14 THE COURT: You understand everything mentally  
15 and physically and all of that?

16 THE DEFENDANT: Yes.

17 THE COURT: Tell me, what was your maiden name?

18 THE DEFENDANT: Wagner.

19 MR. DONNELLY: Your Honor, Mrs. Lanc has  
20 informed me she does not wish to use -- regain the  
21 use of her maiden name.

22 THE COURT: Do you have any questions?

23 MR. DI NARDO: No, Your Honor. Thank you.

24 MR. DONNELLY: I move for a judgment of divorce  
25 in favor of the Defendant. WHAT DOES IT MEAN?

THE COURT: Judgment of divorce granted. Good  
luck to both of you.

JUDGE, DINARDO AND DONNELLY WERE ALWAYS  
THAT I DO NOT UNDERSTAND WHAT IS READ.

EXHIBIT 4A<sup>4</sup>

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ORANGE

---

JOHN LANC

Plaintiff

- against -

AFFIDAVIT

MARIANA LANC

Defendant

---

STATE OF NEW YORK     )  
                                  )     SS:  
COUNTY OF ORANGE     )

ROBERT E. DiNARDO, being duly sworn, deposes and says:

1. I am an attorney duly licensed to practice law in the State of New York and attorney for the plaintiff herein.
2. That we have complied with the rules pertaining to financial disclosure statements in the above captioned matter and we have no interest in that of the defendant.

  
\_\_\_\_\_  
ROBERT E. DiNARDO, Esq.

Sworn to before me this  
8th day of June, 1984

  
\_\_\_\_\_  
Notary Public - State of New York  
My Commission Expires

GAIL F. EPSTEIN  
NOTARY PUBLIC, State of New York  
No. 480 1746  
Qualified in Orange County  
Commission Expires March 30, 1985

EXHIBIT 7A4

6/10/84

COPY

PREME COURT OF THE STATE OF NEW YORK  
JUNTY OF ORANGE

-----x

JOHN LANC,

Plaintiff,

ORDER TO SHOW CAUSE

- against -

Index No.: 3218/84

MARIANA LANC,

Defendant.

-----x

UPON READING AND FILING the annexed affidavit of  
MARIANA LANC, duly sworn to on the 1st day of July, 1985, the  
annexed affirmation of SHERI A. YODOWITZ, ESQ., dated the 28th day  
of June, 1985, the consent to change attorneys form, dated the 16th  
of April, 1985, and upon all of the pleadings and proceedings here-  
tofore had and filed herein,

LET, the plaintiff, JOHN LANC, or his attorneys, DiNARDO  
& GILMARTIN, ESQS., and MacVEAN, LEWIS, SHERWIN, McDERMOTT & ROSENSTEIN,  
P.C., defendant's prior attorneys, show cause before this Court at a  
Special Term Part thereof, to be held at the County Courthouse, located  
at 255 Main Street, Goshen, New York 10924, on the 15th day of July,  
1985 at 9:30 o'clock in the forenoon of that day or as soon thereafter  
as counsel can be heard, why an order should not be made and entered  
as follows:

A) Substituting the law firm of FERRARO, ROGERS,  
DRANOFF, GREENBAUM, CODY, GOLDSTEIN & MILLER, P.C., One Blue Hill Plaza,  
Suite 900, Pearl River, New York 10965, in place and in stead of

EXHIBIT 4B4

MacVEAN, LEWIS, SHERWIN, McDERMOTT & ROSENSTEIN, P.C., 34 Grove Street, Box 310, Middletown, New York 10940, as counsel for defendant, MARIANA LANC, herein; and

\* B) Directing the outgoing attorney to turn over defendant's file to defendant's new attorney, FERRARO, ROGERS, DRANOFF, GREENBAUM, CODY, GOLDSTEIN & MILLER, P.C.; and

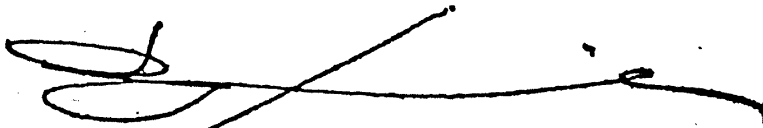
C) Granting defendant such other, further and different relief as to this Court may seem, just and proper.

PENDING THE <sup>hearing</sup> ~~DETERMINATION~~ of the within Order to Show Cause,

LET, the defendant's present attorney, FERRARO, ROGERS, DRANOFF, GREENBAUM, CODY, GOLDSTEIN & MILLER, P.C., represent the defendant, MARIANA LANC, for the purposes of all proceedings in the within matrimonial action and other related actions.

SUFFICIENT REASON APPEARING THEREFOR, LET service of a copy of the instant Order to Show Cause, together with all of the papers upon which it is granted upon the plaintiff's attorney, DiNARDO & GILMARTIN, ESQS., 90 East Main Street, P.O. Box 1000, Washingtonville, New York 10992, and upon plaintiff's outgoing attorney, MacVEAN, LEWIS, SHERWIN, McDERMOTT & ROSENSTEIN, P.C., 34 Grove Street, Box 310, Middletown, New York 10940, by certified mail, return receipt requested, on or before the <sup>5th</sup> day of July, 1985 to be deemed good and sufficient service.

Dated:

  
HON. ROBERT C. J. STOLARIK  
Justice Supreme Court

EME COURT - STATE OF NEW YORK  
SPECIAL TERM, PART WESTCHESTER

ORANGE COUNTY

Present:

HON. CARMINE C. MARASCO,  
A. J. S. C.

To commence the statutory time period for appeals as of right (CPLR 5513 [a]), you are advised to serve a copy of this order, with notice of entry, upon all parties.

JOHN LANC,

Plaintiff,

- against -

MARIANA LANC,

Defendant.

INDEX NUMBER 3218 19 84

MOTION DATE July 22nd 19 85

MOTION CAL. NUMBER Matrimonial #10

TRIAL CAL. NUMBER \_\_\_\_\_

SEE DECREE - NO DATE PG. #C

The following papers numbered 1 to 16 read on this motion by defendant for an order substituting counsel and directing the turnover of the file maintained by original counsel and the cross-motion of defendant's original counsel for an order determining the lien for services rendered.

	PAPERS NUMBERED
<del>Notice of Motion</del> Order to Show Cause - Affidavits	1 - 3
Notice of Cross-Motion - Petition - Affidavits	8 - 10
Answering Affidavits	15 - 16
Replying Affidavits	
Affidavits	
Filed Papers	
Memorandum of law in support of cross-motion	14
Pleadings - Exhibits - Stipulations - Minutes	4-7, 11-13

Upon the foregoing papers it is ordered that this motion and cross-motion are determined as follows: Substitution of counsel has apparently been accomplished. That portion of the motion is accordingly moot. In opposition to the cross-motion, defendant asserts that she is indigent and disputes the amount stated by original counsel as the fee for their services. The defendant does not specify in what way she disputes the asserted fee and disbursements. Nor does the defendant provide the Court with a complete picture of her financial condition. Defendant merely lists certain income without stating any additional assets and with no statement of liabilities.

The motion and cross-motion cannot be determined upon the papers submitted. A hearing is necessary to determine both motions. Prior to the hearing, defendant shall serve upon her original counsel a line-by-line response to the statement of services rendered and disbursements made, exhibit A to the cross-motion, specifying those items she disputes. Defendant shall additionally serve and file a current financial disclosure affidavit. After service of the response and the financial affidavit, the hearing shall be held upon the filing of a hearing note of issue and the payment of the appropriate fee by defendant.

Dated Sept 17, 1985 Entered \_\_\_\_\_

*Carmine Marasco*

A. J. S. C.

Briefs: Plaintiffs - Defendants - Petitioners - Respondents

EXHIBIT "B" 4

# The Best Divorce Lawyers

THE FOLLOWING is a list of 43 of the nation's top divorce lawyers. The National Law Journal asked a dozen highly respected family law attorneys to name the best in their business around the country; this sampler contains the names of those who most often received high marks from their colleagues.



**Michael S.J. Albano, 43.**

Independence, Mo.'s Paden, Welch, Martin & Albano.

Mr. Albano was the youngest lawyer to chair the American Bar Association's Section of Family Law and the youngest to chair the Missouri Bar Association's Family Law Section. A founding member of the International Academy of Matrimonial Lawyers, Mr.

Albano is being sought out by colleagues for copies of a custody questionnaire he uses to determine whether potential clients can succeed in a custody battle. Subspecialty: adoption.



**Paul J. Buser, 40.**

Boise, Idaho's Givens, McDevitt, Pursley, Webb & Buser.

Although located in a rural state where most attorneys have general practices, Mr. Buser not only has managed to specialize in family law, but also has gained a national reputation — handling clients from as far away as New York, Canada and Japan. A nine-

year member of the editorial board of Family Advocate, the ABA Family Law Section's magazine, and editor since 1984 of the section's newsletter, Mr. Buser also has been an active lobbyist in his state for legislation on such family law matters as child kidnapping and reform of Idaho's divorce code. Subspecialty: estate planning.



**Sanford S. Dranoff, 54.**

Pearl River, N.Y.'s Ferraro Rogers Dranoff Greenbaum Cody Goldstein & Miller, P.C.

Mr. Dranoff, vice president of the U.S. chapter of the International Academy of Matrimonial Lawyers, has been the secretary of the American Academy of Matrimonial Lawyers since 1982. Described by a colleague

as a "Jewish sumo wrestler" for his formidable and aggressive courtroom ability, Mr. Dranoff recently won a threshold case in the burgeoning field of international family law: *Braunstein v. Braunstein*, 497 N.Y.S.2d 58 (2d Dept. 1985), which helped establish the right of a foreign resident, divorced abroad, to receive equitable distribution of marital

REPRESENTING PLAINT. 4/1985.  
 → 12/1985 (OBTAIN DIVORCE FILE)  
 SECOND TIME 4/1990 → 4/1991  
 FILED FRAUD ACTION  
 AGAINST DEFEND.  
 & COMPLETED FULLY DISCOVERY  
 FOR LEGAL MALPRACTICE,  
 REOPENED MALPRACTICE ACTION.

EXHIBIT 4BB6

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ROCKLAND

-----X  
MARIANA LANC,

Plaintiff,

ANSWERS TO  
INTERROGATORIES

-against-

MICHAEL DONNELLY and CLINE, MacVEAN,  
LEWIS and SHERWIN, P.C.,

Defendant.  
-----X

1. September 25, 1943
2. September 6, 1941
3. October 24, 1967. Copy of marriage license annexed hereto.
4. Jan Rene Lanc, born August 28, 1973, male.

5. I was suffering from a stress disorder due to my ex-husband's actions against her prior to and during the divorce proceeding and my highly stressful job. Other physical ailments include a bad back due to housework, landscaping and building walls around the house.

6. Yes.

7. Institute of Technology in Havlickuv Brod, Czechoslovakia. 4 years, B.S. degree 1964. Architecture only - not civil engineering.

8. Employment History -

1964 - 1965      Konstruktiva, Retenice, Czechoslovakia  
Supervisor of construction jobs on  
commercial project. Duties included:  
supervision, structure related surveying,  
material orders, safety responsibilities  
and payroll. Salary: 50,000 Crowns.

1965 - 1968      Konstruktiva in Prague. Duties included:  
Design of high-rise level family complex  
buildings. Salary: 35,000 Crowns.

Sports Club.      Duties included:  
renovations and additions.      Salary:  
17,000 Crowns. (In addition to  
Konstruktiva position).

2-1462-0004

①

INTERROGATORY #49

Mariana Lanc requested custody of son because she was the primary care giver of son and it was in child's best interests that she be awarded custody. Mariana Lanc was promised custody of Rene Lanc by Mr. Donnelly. Mariana Lanc never agreed to John Lanc having custody of parties' son.

There was no proof that Mariana Lanc was not the proper custodial parent. Mariana Lanc was fully involved with son since 1973, when he was born, until the action for divorce in 1984. The father, John Lanc, had out of house activities, didn't have time to spend with his son or on his son's education. John Lanc complained to Mariana Lanc during the marriage that the son was in the way of their lives. John Lanc never proved false allegations about alleged gun purchased by Mariana Lanc. Mr. Donnelly never had forensic evaluations performed. Mr. Donnelly never discussed with Mariana Lanc the terms of custody. Mr. Donnelly refused to carry out Mariana Lanc's wishes. Mr. Donnelly did not require John Lanc to prove his allegations. Mr. Donnelly did not oppose the false allegations asserted against Mariana Lanc.

EXHIBIT 4C4



55. I was never informed as to the disposition of this asset. I was never provided with any documentation regarding this asset.

56. Due to defendants' failure to obtain full financial disclosure I have no way to determine the proper disposition of assets.

57. Yes, I should have been awarded exclusive use and possession of the marital residence until our son attained (21) years of age or he finished college.

58. See 56. I also did not receive any funds until May, 1989! The divorce decree stated that the disposition was to occur (60) days after the divorce decree was entered.

59. See 56.

60. See 56. In addition, I gave John Lanc money (from my life insurance policy) to be deposited directly into the Circleville Management Company. The refund was \$5,000.00 and I received \$600.00. I would have received \$600.00 had I filed separately.

61. Yes, John Lanc was in a better financial position to absorb these costs. Moreover, the surgery resulted from John Lanc's treatment of me. I never received any paperwork or information regarding my interest therein.

62. Plaintiff is unable to do so due to defendant's failure to obtain full disclosure.

63. & 64. A reasonably competent attorney would have obtained full financial disclosure. A reasonably competent attorney would have obtained an interpreter. A reasonably competent attorney would have opposed false claims. A reasonably competent attorney would have prepared paperwork prior to Court dates. A reasonably competent attorney would have informed plaintiff of Court dates, conference dates and motion dates. A reasonably competent attorney would not have forced his client to sign Agreement that she did not understand or agree to. A reasonably competent attorney would not threaten his client. A reasonably competent attorney would not have sent plaintiff a copy of the Judgment of Divorce after the 30 day period to file a notice of appeal had run. A reasonably competent attorney would have had my ex-husband's licenses evaluated. A reasonably competent attorney would have determined that John Lanc was not the parent best fit to be custodial parent. A reasonably competent attorney would have evaluated the financial losses his client suffered due to providing services for her family and the loss of professional experience. A reasonably competent attorney would not make me sign blank papers and let her read them in the Court room 1/2 year later. A reasonably competent attorney would work with his client in his client's interest. A reasonably competent attorney would not tell his client that after 17 1/2 years of marriage that she doesn't deserve anything at all.

ORDER

MAR 15 1991

Mariana Larc,

Plaintiff

INDEX NO. 478/88

v.  
Cline, MacVean, Lewis & Sherwin, P.C.  
MacVean, Lewis, Sherwin & McDermott, P.C.  
and Michael Dannelly

Pursuant to the stipulation of the parties at a preliminary conference held on March 13, 1991, the following is the schedule for disclosure and for filing a certificate of readiness and trial note of issue/further conference in the above entitled matter:

1. Respond to demand for bill of particulars:

\* 2. Respond to discovery demands: <sup>on or before</sup> 8/15/91 \*  
serve by 6/1/91

3. Conduct examinations before trial: <sup>on or before</sup> 12/15/91

4. Physical examination of plaintiff (report of examining physician to be provided to plaintiff upon receipt by defendant):

5. File certificate of readiness and trial note of issue: 3/14/92  
~~and~~ by

6. Further conference:

7. Miscellaneous: Neither party waives any right to move against any discovery demands. Action commenced by summons dated 12/24/90 is consolidated with this action

SO ORDERED:

E N T E R

Dated: March 13 1991

By: Robert P. [Signature]

Robert P. [Signature]

EXHIBIT "D"

-----X  
MARIANA LANC,

Plaintiff

NOTICE FOR DISCOVERY  
AND INSPECTION

-against-

Index No. 478/88

MICHAEL DONNELLY, and  
CLINE, MacVEAN, LEWIS AND SHERWIN, P.C.

-----X  
Defendant  
-----X

S I R S :

PLEASE TAKE NOTICE that you are hereby required to produce for discovery and inspection, pursuant to the CPLR 3120 et seq., for copying by the representatives of the plaintiff, at their offices located at One Blue Hill Plaza, Suite 900, Pearl River, New York 10965, on the 28th day of June, 1991, at 10:00 a.m., the documents contained in the Rider annexed hereto.

Dated: Pearl River, New York  
May 23, 1991

Yours, etc.

DRANOFF & JOHNSON  
Attorneys for Plaintiff  
Office & P. O. Address  
One Blue Hill Plaza - Suite 900  
P. O. Box 1629  
Pearl River, New York 10965-8629  
914-735-6200

TO: DRAKE, SOMMERS, LOEG, TARSHIS & CATANIA  
Attorneys for Defendant  
Office & P. O. Address  
One Corwin Court  
Newburgh, New York 12550

EXHIBIT "E"

1. Any and all time sheets, records of billing, including originals prepared by each attorney, paralegal or other individual regarding Mariana Lanc, and/or Lanc v. Lanc.

2. Any and all attorney's notes and memoranda regarding Mariana Lanc and/or Lanc v. Lanc.

3. Any and all correspondence received by defendant(s) and/or sent by defendant(s) regarding Mariana Lanc and/or Lanc v. Lanc.

4. The entire file maintained by defendant(s) regarding Mariana Lanc and/or Lanc v. Lanc.

5. Any and all correspondence sent by defendant(s) to Mariana Lanc and by Mariana Lanc to defendant(s).

6. Copies of any and all notices of discovery and inspection served by defendant(s) on behalf of Mariana Lanc.

7. Copies of any and all pleadings prepared by defendant(s) on behalf of Mariana Lanc and/or regarding Lanc v. Lanc.

8. Copies of all interrogatories served by defendant(s) on behalf of Mariana Lanc and/or regarding Lanc v. Lanc and answers thereto received by defendant(s).

9. Copies of all notices to take oral examination before trial and annexed riders (if any) served on behalf of Mariana Lanc and/or regarding Lanc v. Lanc.

10. Copies of any and all notices to take examination before trial and annexed rider (if any) of Mariana Lanc and/or regarding Lanc v. Lanc.

11. Copies of any and appraisals including but not limited to real estate appraisals, personal property appraisals, professional license(s) appraisal(s), obtained on behalf of Mariana Lanc and/or regarding Lanc v. Lanc.

12. Copies of any and all pension evaluations performed on behalf of Mariana Lanc and/or regarding Lanc v. Lanc.

13. Copies of any and all documentation regarding John Lanc's interest, earnings, bonus(es), perquisites and/or salaries regarding Eustance-Hurowitz.

14. Copies of any and all waivers, Stipulations and/or agreements, including but not limited to discovery, custody and/or

EXHIBIT "E"

any aspect of the matrimonial action Lanc v. Lanc executed by Mariana Lanc.

15. Copies of any and all Stipulations of Settlement executed by Mariana Lanc regarding Lanc v. Lanc.

16. Copies of any and all retainer agreement(s) executed by and between Mariana Lanc and defendant(s).

17. Copies of any and all checks, money orders or other receipts of payment received by defendant(s) from Mariana Lanc or on her behalf.

↓ ETC

EXHIBIT 4E4

ATTORNEYS & COUNSELLORS AT LAW

RICHARD J. BRAKE  
STEVEN L. TARSHIS  
JOSEPH A. CATANIA, JR.  
RICHARD F. LIBERTH  
WALLACE H. MAHAN III\*

ONE CORWIN COURT  
POST OFFICE BOX 1479  
NEWBURGH, NEW YORK 12550  
(914) 565-1100  
FAX (914) 565-1999

MONROE OFFICE  
107 STAGE ROAD  
MONROE, NEW YORK 10950  
(914) 783-2600  
FAX (914) 782-6854

GLEN L. HELLER  
TODD A. KELSON  
RICHARD M. MAHON, JR. \*\*  
STEPHEN J. GABA  
ELLEN VILLAMIL  
ADAM L. RODD\*\*\*  
KEVIN T. DOWD  
CRAIG I. KARTIGANER\*\*\*\*  
ROBERT D. NIETO

OF COUNSEL  
DONALD H. MCCANN

\*N.Y. & FL. BARS  
\*\*N.Y. & D.C. BARS  
\*\*\*N.Y. & CT. BARS  
\*\*\*\*N.Y., FL. & TN. BARS

July 2, 1991

Dranoff and Johnson  
1 Bluehill Plaza, Suite 900  
P.O. Box 1629  
Pearl River, New York 10965-8629

Re: Lanc v. Donnelly and Klien, McVean, Lewis &  
Sherwin, P.C.  
Our File No.: 116.30751

Gentlemen:

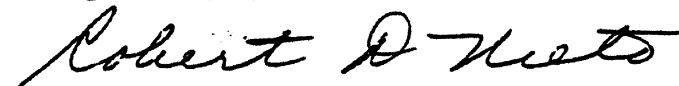
I am in receipt of your notice for discovery and inspection dated May 23, 1991, wherein you requested inspection and copying of various documents contained in the Lanc v. Lanc file of Michael Donnelly.

Please be advised that we will not comply with said notice to produce until the retaining lien of Michael Donnelly is discharged in full. On September 17, 1985, Judge Marasco denied plaintiff's motion for an order directing turnover of said file, pending a hearing which has never taken place. Until said motion is decided, it is our position that Mr. Donnelly has a retaining lien and that he is not obligated to turnover the file for inspection until the motion is decided.

Until, either Mrs. Lanc pays Mr. Donnelly the sum of \$1,294.55 plus interest at the rate of 9% per annum (which I believe to be the amount due and payable to Mr. Donnelly) or a court makes a determination that Mr. Donnelly is not entitled to a lien, this office will not comply with your notice to produce.

If you have any questions please do not hesitate to contact me.

Very truly yours,

  
ROBERT D. NIETO

RDN/cam  
D:N3075103.60

EXHIBIT "F"

MARIANA LANC

-against-

MICHALE DONNELLY, and  
CLINE, MACVEAN, LEWES and  
SHERWIN, P.C.

NOTICE OF MOTION

Index No. 478/88

S I R S :

PLEASE TAKE NOTICE that upon the annexed affirmation of SUSAN YELLEN, dated the 22<sup>nd</sup> day of July, 1991, the exhibits annexed thereto, and all of the papers and proceedings heretofore had herein, the undersigned will move this COURT, BEFORE THE HONORABLE ROBERT R MEEHAN, to be held at the County Courthouse, located at Main Street, New City, New York on the 9th day of August, 1991, at 9:30 o'clock in the forenoon of that day, or as soon thereafter as counsel can be heard, for an order as follows:

A. Compelling defendants to comply with plaintiff's notice for discovery and inspection to produce pursuant to CPLR Section 3124; and

B. Precluding defendants from asserting any defenses and granting plaintiff the relief requested in her complaint pursuant to CPLR 3126; and

C. Staying all further proceedings in this action pursuant to CPLR Section 3126; and

D. Granting plaintiff, a protective order pursuant to CPLR Section 3103 regarding the defendant's cross motion for deposition; and

11  
JULY 22, 1991

EXHIBIT "G"

E. Granting plaintiff a protective order pursuant to CPLR Sections 3103 and 3123 regarding the defendant's demand for specified information; and

F. Granting plaintiff a protective order pursuant to CPLR Sections 3103 and 3122 regarding defendant's demand for medical reports and authorizations; and

G. Granting plaintiff a protective order pursuant to CPLR Sections 3103 and 3123 regarding defendant's demand for statements, witnesses and photographs; and

H. Awarding plaintiff attorneys fees in connection with the instant application; and

I. Awarding plaintiff such other, further and different relief as to the Court seems just and proper.

Pursuant to CPLR Section 2214 let service of answering papers, if any, be made upon the undersigned no less than seven (7) days prior to the return date of this motion.

Dated: Pearl River, New York  
July , 1991

Yours, etc.

DRANOFF & JOHNSON, ESQS.  
Attorneys for Plaintiff  
One Blue Hill Plaza  
Suite 900, P. O. Box 1629  
Pearl River, New York 10965-8629  
(914) 735-6200

TO: DRAKE, SOMMERS, LOEB,  
TARSHIS & CATANIA, P.C.  
Attorneys for Defendants  
P. O. Box 1479  
One Corwin Court  
Newburgh, New York 12550  
(914) 565-1100



-----X  
MARIANA LANC

-against-

MICHAEL DONNELLY, and  
CLINE, MACVEAN, LEWES and  
SHERWIN, P.C.

AFFIRMATION IN  
SUPPORT

Index No. 478/88

-----X  
SUSAN YELLEN, an attorney duly licensed to practice law in the  
State of New York hereby affirms the following under the penalties  
of perjury:

1. Affirmant is an associate of the firm DRANOFF & JOHNSON,  
ESQS., attorneys for the plaintiff in the above-captioned action,  
is fully familiar with all of the facts, circumstances and  
proceedings heretofore had herein, and submits this affirmation in  
support of the relief requested in the annexed Notice of Motion.  
The instant action is one sounding in legal malpractice.

2. On May 23, 1991, affirmant served defendants' counsel  
with a notice for discovery and inspection (see Exhibit "A" annexed  
hereto). On June 28, 1991, the date in which the documents were  
required to be produced affirmant received a telephone call from  
Robert D. Nieto, Esq., attorney for defendants. Mr. Nieto  
requested a two week adjournment to send such documents asserting  
that he was unable to compile the documents prior to that date.  
Affirmant granted Mr. Nieto a two (2) week adjournment. At no time  
did Mr. Nieto disclose that he had no intention of complying with  
plaintiff's discovery request. Upon information and belief, he has  
never submitted a motion for a protective order. On July 8, 1991,

(11a)  
July 22, 1991

EXHIBIT "G"

affirmant received a letter dated July 2, 1991 from Mr. Nieto informing affirmant that he had no intention of complying with plaintiff's discovery request due to defendants' alleged retaining lien against plaintiff (see exhibit "B" annexed hereto).

3. Defendant's objection is not a proper basis upon which to deny compliance with an otherwise proper Discovery and Inspection Notice. A retaining lien is not relevant to the action at bar. A retaining only has relevancy to the case for which it was issued. Moreover, as demonstrated by Mr. Nieto's letter, defendants have not moved to enforce their rights in over six (6) years. It appears that they have abandoned any claim they may have had to a retaining lien. Defendants should be barred by laches to assert such a claim at this late date. The action at bar is for malpractice. This is not a case in which an attorney is being substituted thus entitling defendants to assert a retaining lien. Plaintiff is unable to proceed in her action against defendants without reviewing the contents of defendants' files.

4. Furthermore, where an attorney is discharged for cause or misconduct he has no right to the payment of fees and no retaining lien on his client's papers, see e.g. Williams v. Hertz Corp., 75 A.D.2d 766, 427 N.Y.S.2d 825 (1st Dept. 1980).

5. Affirmant acted in good faith granting defendants' counsel an adjournment. Affirmant was surprised to receive Mr. Nieto's letter which demonstrated that any further discussions with him regarding this issue without Court intervention would probably be futile. However, in a further attempt to resolve this dispute

without resulting to Court intervention, Mr. Block sent Mr. Nieto another letter by telefax and regular mail on July 16, 1991, requesting that he reconsider his position (see exhibit "C" annexed hereto). On July 18, 1991, upon information and belief, Mr. Nieto telephoned Mr. Block and requested an adjournment of the deposition scheduled for July 19, because they "had no attorneys available."

6. Pursuant to CPLR Section 3124 defendants should be compelled to respond to plaintiff's discovery request. No motion for protective order having been made, defendants have waived their right to object to the information requested. Caveney v. Sorrano, 84 A.D.2d 557, 443 N.Y.S.2d 275 (2nd. Dept. 1981); Brewer v. The Jamaica Hospital, 73 A.D.2d 851, 423 N.Y.S.2d 188 (1st Dept. 1980). Plaintiff will be greatly prejudiced without this information.

7. Plaintiff is entitled to a preclusion order by virtue of defendants' failure to comply with the plaintiff's discovery request which was issued pursuant to the Court's preliminary conference order (see Exhibit "D" annexed hereto).

8. In addition, it is respectfully requested that all further procedures in this action be stayed pursuant to CPLR Section 3126 until resolution of the instant application. It would be inequitable to force plaintiff to submit to an Examination Before Trial and produce the documents requested by defendants, and respond to defendants' other discovery requests prior to defendants complying with plaintiff's discovery notice. And finally, many of the documents defendants request plaintiff to produce are the same documents which has plaintiff requested of defendants. Forcing

plaintiff to comply prior to defendants' complying would place plaintiff at a disadvantage and prejudice her case.

Plaintiff, Is Entitled to a Protective Order Regarding Defendants Demand for Specified Information

9. Defendants have served a Demand for Specified Information (annexed hereto as Exhibit "E"). Plaintiff will be subjected to prejudice if she is required to tender to defendants,

"All portions of the file at one time maintained by defendants relating to plaintiff's matrimonial dispute presently in the plaintiff's, or her attorney's possession." This is part of the very information defendants have been requested to produce, and is overbroad and unduly burdensome.

"All correspondence from the plaintiff to the defendants. All correspondence from the defendants to the plaintiff." Plaintiff has requested defendants produce these documents.

Request No. 3 of this demand is unduly burdensome and subjects plaintiff to harassment in that it seeks income tax returns for the past 15 years, or authorizations permitting defendants to obtain said returns from the IRS.

Request No. 4 is also unduly burdensome and subjects plaintiff to harassment in that it requests plaintiff execute authorizations to obtain "complete educational and licensing records of the plaintiff at each educational institution plaintiff has attended and at each governmental agency at which plaintiff has applied for and/or received a professional license." This request is not sufficiently specified. Do the defendants really want plaintiff's

grammar school records? Defendants should be required to specify exactly what time frame they are seeking and for what purposes. Moreover, upon information and belief, much of plaintiff's education was completed in Czechoslovakia thus plaintiff would be further subjected to an overwhelming burden in attempting to obtain these records.

10. Plaintiff would be placed at a great disadvantage and defendants would gain an unfair advantage over plaintiff if she were forced to comply with defendants discovery request while defendants hide behind an alleged outstanding motion for a retaining lien for an alleged \$1,200.00 still owed.

Defendants Demand for Statements, Witnesses and Photographs;  
Demand For Expert Identity CPLR 3101(d)(i);  
Medical Reports and Authorizations

11. Defendants have served plaintiff with a Demand for statements, witnesses and photographs, demand for expert identity CPLR 3101 (d) (i) and demand for medical reports and authorizations (annexed hereto collectively as Exhibit "F"). The items requested in these demands are either irrelevant to this action or have been requested by plaintiff to be produced by defendants. As stated above, until such time as defendants comply with plaintiff's discovery demand plaintiff should not be required to respond to defendants demands.

12. The history of this action is such that defendants have previously accused plaintiff of stalling this action by her prior counsel's inaction. Now that plaintiff is attempting to comply with the court's pretrial discovery order of March 13, 1991, her

attempts are being thwarted by the defendants. Such dilatory tactics should not be condoned.

Request for Documents to Produce at Examination  
Before Trial Must Be Detailed

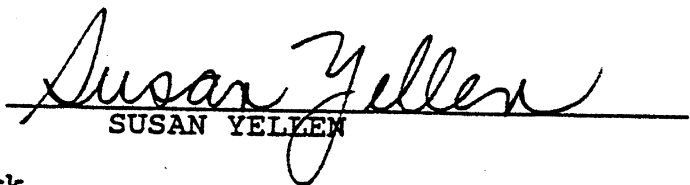
13. Defendants' Cross-Notice of examination before trial (Exhibit "G" annexed hereto) requires plaintiff to bring "all documents which may be relevant" in the action. This request does not meet the specificity requirement of the CPLR Section 3111.

14. As the Court held in Carella v. Carella, 97 A.D.2d 394, 467 N.Y.S.2d 215 (2nd Dept. 1983):

Although a request to produce materials at an examination before trial, pursuant to CPLR 3111, need not contain the specificity of identity required for the discovery and inspection of material sought pursuant to CPLR 3120 the description should be detailed as is reasonable to expect under the circumstances.

Plaintiff should be granted a protective order with regard to the documents requested in defendants' Cross-Notice of Examination before Trial and said examination before trial should not be had until after defendants comply with plaintiff's discovery demand.

WHEREFORE, it is respectfully requested that plaintiff be granted the relief requested in the annexed Notice of Motion in its entirety and for such other, further and different relief as to the Court seems just and proper.

  
SUSAN YELLEN

Dated: Pearl River, New York  
July 22, 1991

Supreme Court—Appellate Division  
Third Judicial Department

Decided and Entered: June 4, 1992

65108

---

MARIANA LANC,

Respondent,

v

MEMORANDUM AND ORDER

MICHAEL DONNELLY et al.,  
Appellants.

---

Calendar Date: April 22, 1992

Before: Mikoll, J.P., Yesawich Jr., Levine, Mercure and Crew III,  
JJ.

---

Drake, Sommers, Loeb, Tarshis & Catania, P.C. (Stephen J. Gaba  
of counsel), Newburgh, for appellants.

Mariana Lanc, Wall, New Jersey, respondent in person.

---

Levine, J.

Appeal (transferred to this court by order of the Appellate  
Division, Second Department) from an order of the Supreme Court  
(Meehan, J.), entered February 21, 1991 in Rockland County, which  
granted plaintiff's motion to vacate a prior order dismissing her  
complaint.

In December 1987, plaintiff commenced this action alleging,  
inter alia, legal malpractice by defendants in their representation  
of her in a 1984 divorce action. In October 1988, the action was  
dismissed by Supreme Court upon the unopposed motion of defendants  
to strike the complaint for failure to prosecute. Upon renewal,  
Supreme Court vacated its prior decision and denied defendants'  
motion conditional upon payment of \$500 to defendants by  
plaintiff's then counsel within 30 days and compliance by plaintiff  
with all outstanding discovery demands within 10 days. By April  
1989, the conditions were apparently not satisfied and Supreme  
Court granted defendants' second unopposed motion to strike the  
complaint for failure to prosecute. A subsequent motion by  
plaintiff to reargue or renew, submitted without supporting papers,  
was denied by Supreme Court in September 1989.

In May 1990, plaintiff learned through a telephone

EXHIBIT "C"

communication with the court's chambers that her action had been dismissed. In 1990, after securing her file from her former counsel and obtaining new counsel, plaintiff moved to vacate Supreme Court's June 1989 order striking the complaint and to restore the action to the court's calendar. Supreme Court granted plaintiff's motion on the ground that she was misled by her attorney. This appeal by defendants ensued.

We affirm. Pursuant to its inherent power to exercise control over its own judgments, a court may open a judgment for sufficient reasons and in the interest of justice (see, Matter of McKenna v County of Nassau, Off. of County Attorney, 61 NY2d 739, 742; Machnick Bldrs. v Grand Union Co., 52 AD2d 655; Michaud v Loblaws Inc., 36 AD2d 1013, 1014). Here, plaintiff's vacatur motion was based upon the misconduct of her former counsel who continually assured her that he was "on top of" her case and that she "should not worry", when in fact his failure to respond to defendants' various motions and a court order resulted in the final dismissal of the action for want of prosecution. Plaintiff averred in her supporting affidavit that she relied on her counsel's assurances and that she had no intent at any time to abandon the action. Plaintiff also included with her moving papers the completed interrogatories which were the subject of Supreme Court's conditional order requiring compliance with defendants' discovery demands.

In our view, the foregoing was sufficient to establish a valid excuse for the failure to prosecute, and the facts of the malpractice action, as set forth in plaintiff's supporting affidavit, suggest that plaintiff has a reasonably meritorious claim (see, West v Tracy, 56 AD2d 695; Machnick Bldrs. v Grand Union Co., supra; Moran v Rynar, 39 AD2d 718, 718-719). Furthermore, because the power of a court to open its own judgments is not limited by statute, the fact that plaintiff's motion was made more than one year after entry of Supreme Court's order (see, CPLR 5015 [a] [1]) is not dispositive (see, Ladd v Stevenson, 112 NY 325, 332; Firemen's Fund Ins. Co. v Dietz, 110 AD2d 1083, 1084; Machnick Bldrs. v Grand Union Co., supra). We find defendants' claim of prejudice to be unpersuasive. Under the circumstances of this case, Supreme Court's exercise of discretion was fully supported by the record and, therefore, its decision to vacate the order striking the complaint should not be disturbed (see, Moran v Rynar, supra).

Mikoll, J.P., Yesawich Jr., Mercure and Crew III, JJ., concur.

EXHIBIT "G"



ORDERED that the order is affirmed, with costs.

ENTER:

*Michael J. Novack*

Michael J. Novack  
Clerk

A TRUE COPY

*Michael J. Novack*

MARIANA LANC, x

DECISION AND ORDER

Plaintiff,

INDEX NO. 478/88

-against-

MOTION

MICHALE DONNELLY, and CLINE, MACVEAN,  
LEWIS and SHERWIN, P.C.,

DATE: 8-9-91

Defendants.

x

The following sets of papers numbered 1 to 3 were considered on the plaintiff's motion and on the defendant's cross motion:

- Notice of motion, affirmation, and exhibits A-G 1
- Notice of cross motion, affirmation, and exhibits A-C 2
- Reply affirmation 3

Upon review of the foregoing, the plaintiff's motion is granted with respect to (1) the "further notice" portion of the defendant's July 10, 1991 cross notice to take deposition upon oral examination, and (2) the request for a stay of plaintiff's deposition pending the defendants' response to plaintiff's May 23, 1991 notice for discovery and inspection. The plaintiff's motion is otherwise denied, as is the defendants' cross motion.

Aside from the document request on the EBT notice, which is unduly vague and probably covered by the demand for specified information, the Court does not find the defendants' demands to be improper or burdensome. If the demands are not relevant to this action (e.g., medical authorizations) or the plaintiff does not have the records sought, she may simply say so. With respect to her educational records, the defendants seek authorizations. It will be their burden to actually obtain the records.

The defendants' cross motion is denied because (1) it is untimely, (2) the matrimonial case is concluded and there is

EXHIBIT "H"

10/2/91


no indication that it produced a fund from which the defendants' lien could be satisfied, and (3) under the present circumstances, the plaintiff's right to disclosure takes precedence over any remaining right to a retaining lien.

Both parties shall serve responses to their adversary's discovery demands within 30 days of the date of this order. EBT's shall be conducted on December 11, 1991, at 10:00 a.m., unless counsel agree to a different date and submit a consent order to the Court embodying that date.

This decision shall constitute the order of this Court.

E N T E R

Dated: October 3, 1991  
New City, New York

  
ROBERT R. MEEHAN  
ACTING SUPREME COURT JUSTICE

DRANOFF & JOHNSON, ESQS.

One Blue Hill Plaza, Suite 900, Pearl River, NY 10965

DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA, P.C.

One Corwin Court, Newburgh, NY 12550

EXHIBIT 443

USPS, WARM SPRINGS STATION  
 FREMONT, California  
 945397970  
 0555110185 -0099  
 12/10/2010 (510)656-7869 04:13:59 PM

Product Description	Sales Receipt		Final Price
	Sale Qty	Unit Price	
BOSTON MA 02110 Zone-8 First-Class Large Env 11.80 oz.			\$2.75
Issue PVI:			===== \$2.75
CONCORD NH 03301 Zone-8 Priority Mail 14.10 oz.			\$5.55
Issue PVI:			===== \$5.55
Total:			===== \$8.30

Paid by:  
 Cash \$100.00  
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 Clerk: 06

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 Thank you for your business  
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