

NO.: 17 / 8000

IN THE SUPREME COURT OF THE UNITED STATES

Sororazam Bethune - Petitioner

vs.

MTA Long Island Bus - Respondent.

PETITIONER'S REPLY TO DEFENDANTS
OPPOSITION BRIEF

PETITION FOR WRIT OF CERTIORARI


Sororazam Bethune, Petitioner, Prose
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QUESTIONS PRESENTED

- (a) Obstruction of Justice during Nov. 5, 2015 Liability Trial by Sup. Ct., NC.
- (b) Mis-Representation, Legal Malpractice; By my attorney not filing papers on time, and dismissing my case for untimely filing of: "OSC", Untimely Appeal from the 4/22/2016 Judgment.
- (c) Facts of my Permanent Irreversible Debilitating Injuries, Surgeries, Loss of Abilities, Real Estate Business and Real Estate Income; Hope and Motivation; Pain and Suffering; and
- (d) FEDERAL QUESTION: There is CONFLICT between Court of Appeal's Decision dated Sept. 8, 2016 and App. Div. 2nd J.D. Decision dated June 30, 2016; specifically the Court of Appeals Decision dated Sept. 8, 2016 stating:

"Motion, insofar as it seeks leave to appeal from the June 2016 Appellate Division Order, dismissed upon the Order does Not finally Determine the Action within the Meaning of the Constitution."
- (e) MTA did not file Answer on time in Nov. 2012; MTA filed answer TWO years later in Nov. 2014; Armienti et al. backdated it to Nov. 2012.
- (f) MTA did not produce the Latino Driver who injured, crippled me life time; affected my children detrimentally. MTA / MTA attorneys could have produced the Latino Driver who injured me, but manipulated, Mis-represented facts decided Not to, in order to dismiss my permanent injuries, surgeries and disabilities.

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STATUTES AND RULES:

FEDERAL QUESTION: there is a CONFLICT between Court Of Appeal's Decision dated Sept. 8, 21016; and Appellate Div. Decision dated June 30, 2016 (Dismissing the Action due to Untimely Appeal) disregarding the fact that I was Mis-represented by my attorney . Court of Appeals stating:

“Motion, insofar as it seeks leave to appeal from the June 2016 Appellate Division Order, dismissed upon the order does not finally determine the action within the meaning of the Constitution.”

LAW QUESTION: my injuries were not resolved based on facts of my injuries; based on Mis-representation and Legal Malpractice; based on having testified on Nov. 5, 2015 under stress having chest pains and head pressure, caused by Justice Feinman's threats before trial; I was forced to testify and not allowed to talk to my attorney when I asked court several times.; and based on MTA not file Answer in 2012; Not Producing the Latino Driver who injured me

**IN THE SUPREME COURT OF THE
UNITED STATES, WASHINGTON D.C.
PETITIONER'S REPLY TO DEFENDANT'S
BRIEF IN OPPOSITION**

I. JURISDICTION

1. The United States Supreme Court has Jurisdiction regarding my case and there is merit to review my petition and my motion. There is a Question of Federal Law. There is a **CONFLICT** between the Court of Appeals' September 8, 2016 Decision with respect to App. Div. 2nd J.D. Decision dated June 30, 2016 which dismissed my appeal due to Untimely Appeal, which was caused by my attorney, Stuart A. Jackson, Mis-Representing me. Court of Appeals, Albany, NYS, Decision Dated September 8, 2016 stated:

"Motion, insofar as it seeks leave to appeal from the June 30, 2016 App. Div. 2nd J.D. Order, dismissed upon the order does not finally determine the action within the meaning of the Constitution."

A. The Clerk at Court of Appeals, Albany, NY, advised me that I could make a Motion to the United States Supreme Court in Washington D.C. I started filing Petition and Motion.

2. MTA / MTA Attorneys did not produce the LATINO DRIVER who injured me, they produced a White driver, Mr. Epstein, he was not the driver who injured me.

APPENDIX NO. 2: MTA - Marlo Polesi's AFF. 12/29/2015.

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3. MTA argued that since Mr. Greenidge, MTA Mgr. in charge of both incidents in 2011, and the Latino Bus driver who injured me work for now "Viola" corporation that MTA could not produce them. BUT MTA produced MR. Epstein who worked for MTA Long Island Bus during 2011 until December, 2011; and Mr. Epstein worked thereafter, Effective Dec. 30, 2011 worked for Viola Bus N.C. due to transition. Mr. Epstein during his EBT, testified that during 2011 until Dec. 2011, he worked for MTA Long Island Bus, and in Dec., 2011 when N.C. released MTA, formed its own "Viola" Corp., that he has been working for Viola Bus. Since Dec. 30, 2011. Mr. Epstein said that he received a Letter from James Dunning, Esq., Armienti, et al. to testify for at EBT and Trial for MTA.

II. CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- a. Obstruction of Justice during Nov. 5, 2015 Liability Trial by Sup. Ct., NC.
- b. Mis-Representation, Legal Malpractice by my attorney; untimely filing of "OSC", not filing Notice of Appeal from the 4/22/2016 Judgment.
- c. Facts of my Permanent Irreversible Debilitating Injuries, Surgeries, Loss of Hope, Real Estate Business and Income; Pain and Suffering.

- d. **FEDERAL QUESTION:** There is **CONFLICT** between Court of Appeal's Decision dated Sept. 8, 2016 and App. Div. 2ndJ.D. Dec. dated June 30, 2016; specifically the Court of Appeals Decision dated Sept. 8, 2016 stating:

“Motion, insofar as it seeks leave to appeal from the June 2016 Appellate Division Order, dismissed upon the Order does Not finally Determine the Action within the Meaning of the Constitution.”.

- e. MTA did not file **Answer in Nov. 2012 at Nassau County Clerk's Office**. I was not served with MTA's Answer in 2012. Their Answer was not attached to any motion during period 2012 to 2014; MTA filed Answer two (2) years later in Nov. 2014; Armienti Et al backdated it to Nov., 2012.
- f. MTA did not produce the Latino Driver who injured, crippled me life time; affected my children detrimentally.

III. STATEMENT OF THE CASE

B. Justice Angela Iannaci's Order Dated July 6, 2015; Entered July 8, 2015 Denied Def.'s Motion for Summary Judgment, stated:

“The Defendant has failed to establish its entitlement to judgment as a matter of law because it failed to present any evidence that the bus driver operating the bus at the time of the alleged incident was free of negligence (see Zuckerman v. City of New York, 49 NY2d 557 [1980]). In any event, the plaintiff submitted sufficient evidence to create a triable issue as to whether her fall was caused by a sudden and violent jerking motion of the bus (Urquhart v New York City Transit Auth., 85 NY2d 828 [1995]. Accordingly, the motion is denied.”.

**C. OBSTRUCTION OF JUSTICE BEFORE AND DURING
NOV. 5, 2015 LIABILITY TRIAL:**

I asked three different times to talk to my attorney but court did not allow.

D. In his affirmation, Jan. 7, 2016, Par: 26, Michael Paglino states the following:

"26. In addition, during cross-examination of the bus operator, Mr. Epstein, Plaintiff blurred out the following from where she was seated in the courtroom:

THE COURT: Hold on one second.

**THE WITNESS: Mr. Jackson? Mr. Jackson?
Excuse me: Can I speak to my attorney?**

THE COURT: Not right now.

THE WITNESS: Can I give him a Note?

THE CLERK: Not Now.

EXHIBIT "C" at P. 92. "

APPENDIX NO. 1: Michael Paglino's Affm. Jan. 7, 2016: Par: 26:

4. During the 2.5 hours threats made by Sup. Ct. Justice Feinman on Nov. 5, 2015, after my attorney rejected Justice Feinman's low offer not consistent with my permanent irreversible injuries, Justice Feinman asked me and my attorney, Stuart A. Jackson, to go to his Chamber. Justice Feinman asked me about my real estate success. I was crying and told him that I had become very successful, that I loved real estate and I was planning to have my own real estate office hiring agents, expanding my business. He said he liked that I worked hard and he added \$10,000.00 at \$100,000.00. My attorney rejected. Justice Feinman became furious started yelling at me:

"Mam, take the offer while you can. If you don't take it I make sure you don't get anything, I have the authority to dismiss your case even if Jury returns verdict for you. "

E. I was crying, having chest pains; Justice Feinman laughed:

"Let me tell you about a case I had involving MTA, I was the trial Judge. The Petitioner was sitting on a chair. The jury returned verdict at \$3 Million. Of course I told MTA to appeal. It took years for the App. Div. to make a decision reducing the Jury's amount to \$1 Million. But by the time funds were ready for the plaintiff, he had died. He never collected the money. Listen to me carefully, take the offer or you are going to end up dead like that plaintiff."

5. It was not a laughing matter, my attorney was shaking his head and I was crying, having chest pains and head pressure, I felt horrible for that plaintiff who died due to years of litigation, sitting on a chair, pain and suffering, financial problems, his family probably affected, which is the saddest of all.

F. Mr. Paglino copying Vanessa Corchia's "Slandering" Method/Strategy in her motion to Court of Appeals to dismiss my appeal to Court of Appeal; in his Opposition Brief, Pg. 20, Par. 1 states the following slandering stated by Vanessa Corchia in her Motions to Court of Appeals and Appellate Div. 2nd J.D. stating:

"Unfortunately, Plaintiff is no stranger to the litigation system."

Michael Paglino's Brief Opposition dated April 5, 2018; Appendix No. 19: Vanessa Corchia, Esq., Partner at Armienti et al., Vanessa Corchia's Affm. Pg. 14, Par. 49, states the same:

"Unfortunately, Plaintiff is no stranger to the litigation system."

APPENDIX NO. 3: Vanessa Corchia Affirmations; and Michael Paglino's Brief Opposition dated 04/05/2018.

6. Armienti, EtAl unethically keep Slandering me just like they slander many other injured plaintiffs preying for them to dismiss the case without liability. They are not Implementing Justice, they are against justice. I am hoping that the United States Supreme Court Washington D.C. will review my Petition and Motion and Justice will prevail.
7. Vanessa Corchia, Esq. also Partner at Armienti Law firm, for years worked at Appellate Division 2nd J.D. and now she works for Armienti, et al. She kept slandering me just like Michael Paglino (Copying her slandering me in his Brief Opposition); accusing me of Threatening MTA Attorneys? As far as I know I am the only injured crippled individual here having lost everything, I am the only loser here. I don't see Vanessa Corchia or Michael Paglino with injuries, pain and suffering. I don't understand what they mean by stating to Court of Appeals and Appellate Div. repeatedly that I am targeting MTA and MTA attorneys. If anyone being targeted is me having permanent injuries, crippled in life, having lost everything, not them.

G. I was injured by MTA Long Island Bus on August 24, 2011, Before MTA Long Island Bus ceased Operations as of Dec. 31, 2011; I was injured by MTA Long Island Bus.

APPENDIX NO. 2: Marlo Polesi, MTA Internal Attorney Aff.: Dec.. 29, 2015.

H. My attorney then, Stuart A. Jackson, called me last week in April of 2016, telling me that MTA had filed money judgment of \$1200, he said I didn't have to pay, that he was going to file appeal from Judgment.

8. He did not file, he dismissed my Permanent injuries, pain, suffering. With respect to Order to Show Cause, (to set aside Jury's Verdict Contrary to the wight of the Evidence for the interest of Justice CPLR 4404; Post Trial, my attorney had no idea about OSC after Jury's Verdict and 15 day limitation.

I. There is Question of Law for this Court's Review; there is Question of Federal Law for this Court's Review.

9. The Sup. Ct. dismissed my injuries, and then App. Div. 2nd J.D. permitted me to file Untimely Appeal due to Mis-Representation; giving me a **NEW DOCKET NO.. 2016-11032**. I filed untimely notice of Appeal on Sept. 18, 2016; and was informed I had six (6) months to file my Brief. Thereafter, since Vanessa Corchia, objected and App. Div. dismissed my Appeal.

APPENDIX NO. 6: App. Div. 2nd J.D. Order dated AUG. 17, 2017.

J. Michael Paglino is making manipulative, false, misleading statements not disclosing my communication with the App. Div. 2nd J.D. which communication (letters) MTA attorneys were sent copies of same:

10. I called the Deputy Clerk at Appellate Division 2nd J.D. asked him if I could release my attorney. I also asked him to watch the video tape of the 1st MTA case (4/11/2011) when my left foot was injured, that during the Oral Argument Stuart A. Jackson, was making inappropriate gestures and shapes with his hands towards the Justices getting them angry.

11. During the Oral Arguments of all Cases, we were called last and he was angry and was being totally inappropriate and disrespectful to the four Justices, I was asking him to please not point fingers or make shapes with his fingers towards the Four (4) Justices, but he was out of control and angry.

12. The Appellate Div. 2nd J.D. Deputy Clerk then directed me as to how to discharge my attorney, told me I had to send letters by mail to App. Div. 2nd J.D. to both my attorney and to App. Division releasing my attorney.

13. Stuart A. Jackson, my attorney sent a letter back to the Appellate Div. 2nd J.D. stating that he could understand why I was discharging him. But that he wanted to have a hearing on my daughter's 2 Cases at App. Div. 2nd J.D. asking for a hearing to keep my daughter's cases; he knew I had power of attorney and Healthcare proxy signed by my daughter, executed by an attorney, designating me as her authorized agent/representative.

APPENDIX NO. 4: Letters/ Communication Re: Attorney Release

K. My daughter's 2 Injury cases: Nassau County, NY, against "NUMC" hospital and "Brunswick Hospital were both dismissed at Sup. Ct.; App.Div. 2ndJ.D. for Legal Malpractice.

- (i) Tessa Bethune v. Nassau University Medical Center Hospital ("NUMC"), Municipality Hospital; [App.Div. 2nd J.D. Docket No.: 2015-07566; and Sup. Ct. Index No.: 010750-14 filed in Nov. 1, 2014 - the injuries happened during June 20, 2014 to July, 2014, involving attack, overmedication. Stuart A. Jackson did

not know that "NUMC" was a municipality hospital and did not file a Notice of Claim, he filed Summons and Complaint.

- (ii) Tessa Bethune v. Brunswick Hospital; involving brain injury and cervical sprain - Stuart A. Jackson, Esq. did not open the Opposition Papers from the Hospital Attorneys, did not respond on time several times, and the Sup. Ct. Justice dismissed the Case; I appealed on behalf of my daughter. It was dismissed at App. Div. since Stuart A. Jackson, did not appeal properly, did not communicate with Hospital attorneys.

APPENDIX NO. 4: Stuart A. Jackson's Letter asking App. Div. 2nd J.D. for a Hearing which was rejected by the App. Div. 2nd J.D.; and letters/ Communication with App.Div.2nd J.D. re Attorney Discharge.

L. Defendant's Attorney, Michael Paglino in his Opposition Brief; Page: 14, Degrading a Disabled Person, by stating:

"This is simply a matter of an Unsuccessful litigant seeking to avail herself of further appellate review for what she perceived as wrongs committed against her, but which were not established."

M. Sororazam Bethune v. Monhian, Nathan, MD: This is the first time I was injured in my life and since Michael Paglino unethically gathering my injuries to dismiss my case again, so I have to explain:

14. I had Earache, visited Dr. Monhian on July 2, 2010. He looked very tired, and he was busy talking to two female Re Cosmetic Plastic Surgeries; yelled:

"Who gave you my name, I don't know you" in a negative manner. I said: "Mitra, your client, she is a Jewish Real Estate Broker in Great Neck." He said: "Oh yes I treated her daughter".

15. He examined my right ear said there was no infection, he examined my left ear, when he pushed the medical equipment into my left ear too far, and caused excoriating pain due to which I Instantly screamed due to

excruciating pain affecting my brain awfully crying so loud that all the assistant came to the examining room immediately. Same day, July 2, 2010 Dr. Monhian gave me a Drop medication (which I found out months after injuries that it had been prohibited by FDA not to put the drop inside the ear for it could cause permanent injuries, FDA advising Doctors and healthcare professionals to warn patients that it was for external use not internal use.

16. On Oct. 1, 2010 suddenly there was an extreme high impact in my left ear it closed to the outside world suddenly and I had High Pitch sounds of Cricket sounds, wires intercepting sounds, water fall sounds, which were very disturbing. I kept walking up and down my apt. trying to figure out these disturbing sounds. I was crying, I could not hear from my left ear.

N. Dr. Monhian in his Medical Records submitted to Courts dated October 21, 2010 states:

"Hearing Loss, Tinnitus in left ear for Last Three weeks".

17. Admitting I was injured three months after his treatment / prescription use prescribed on July 2, 2010; injured under his NEGLIGENT Care."

O. DENISE BUDA, ESQ., PARTNER, Representing Dr. Nathan Monhian, MD, during our last Tel. Conversation told me:

"Your only Remedy is to sue your attorney for legal malpractice."

I TOLD MS. DENISE BUDA, ESQ., PARTNER:

"STUART A. JACKSON WAS NOT OK, BUT HE DID NOT INJURE ME, DR. MONHIAN DID".

P. Sororazam Bethune v. Shelton Properties, CT I have stated previously to this Court that Mayfield Funding stopped helping me with my expenses including Rent effective December, 2016. I still had funds and I paid substantial security at Lease Signing renting the two bedroom 2 bath Apt. I was negotiating with Mayfield to fund my cases for year 2017. I paid \$4,540.00 two months security and one month rent for Feb. at \$2,270.00. I ran out of funds.

18. My daughter was very upset due to eviction, crying, not having a place to live. She was hospitalized repeatedly at Bellevue 09/12/2017-10/25/2017; NYU Medical Ctr: 11/12/2017-11/21/2017; Westchester Prespetarian Hospital in White Plains, NY: 11/22/2017-12/7/2017; South Oak Hospital: 12/13/2017-Present (My daughter was transferred by South Oak Hospital to Pilgrim State Hospital March 13, 2018-Present, she is at Pilgrim now, and they'll be transferring her to a Community Residence if I don't provide a Lease for them soon. I have a NYC partial Voucher but buildings require full voucher.

APPENDIX: NO. 5: Affs. (Pages) Dated June 30, 2017 Pg: 10; and July 16, 2017 Pg: 5; asking Court to let us stay at the Apt. and place a Lien by Landlord for Owed Rent plus interest against my lawsuit.

Q. Def.'s Attorney in his Opposition Brief states on Page 11 that Court of Appeals dismissed my case on Sept. 12, 2017. However, Michael Paglino as usual manipulating facts, he does not explain that the Appellate Div. 2nd J. D. in its Aug. 17, 2017 Order did not Permit Court of Appeals to accept my Appel; Court of Appeals' 09/12/2017 Dec. rejected my Appeal.

APPENDIX NO. 6: Appellate Division Second J.D. Dec. Dated AUGUST 17, 2017 Not Permitting Appeal from Court of Appeals.

IV. CONCLUSION

I don't understand why I was injured repeatedly I've been searching for answers in my mind and I cannot find any answers. I did not do anything wrong to deserve crippling disabilities, pain, suffering. My heart falls apart when I think about the detrimental impacts on my children, caused by these injuries and disabilities. I wanted to help them succeed in life, my daughter's goal was to get her PhD, work at a University. I am respectfully requesting the United States Supreme Court that my petition and motion be granted for the interest of justice together with appointment of an attorney to represent me for my permanent irreversible debilitating injuries, surgeries, disabilities, pain and suffering, loss of everything; with any other relief this court may decide just and proper.

DATED: May 7th, 2018
_____, New York

By: 

Sororazam Bethune, Petitioner, Pro Se
sarabethunerealty@yahoo.com

516-423-0608

YMCA - Van Siklen-Samaritan Village Shelter

89-25 Parsons Blvd., No. 534

Jamaica, New York 11423

Sworn to before me this
7th date of May 2018


NOTARY PUBLIC

LYNN J MOESSNER
Notary Public, State of New York
No. 01M04970982
Qualified in Nassau County
My Commission Expires 8/20/2018

TO: Michael Paglino, Esq.
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**Additional material
from this filing is
available in the
Clerk's Office.**