

# Supreme Court of the State of New York

## Appellate Division: Second Judicial Department

Informational Statement (Pursuant to 22 NYCRR 1250.3 [a]) - Civil

|                                                                                                                                                                                          |                                                                                                                                                                        |                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Case Title:</b> Set forth the title of the case as it appears on the summons, notice of petition or order to show cause by which the matter was or is to be commenced, or as amended. |                                                                                                                                                                        | <b>For Court of Original Instance</b>                                                                                                                         |                                                                                                                                                                                                                                                                                                                                          |
| LINDA SIMONETTI                                                                                                                                                                          |                                                                                                                                                                        |                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                          |
| - against -                                                                                                                                                                              |                                                                                                                                                                        | Date Notice of Appeal Filed                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                          |
| GUY SIMONETTI                                                                                                                                                                            |                                                                                                                                                                        | <b>For Appellate Division</b>                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                          |
|                                                                                                                                                                                          |                                                                                                                                                                        |                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                          |
| <b>Case Type</b>                                                                                                                                                                         | <input checked="" type="checkbox"/> Civil Action<br><input type="checkbox"/> CPLR article 75 Arbitration<br><input type="checkbox"/> Action Commenced under CPLR 214-g | <input type="checkbox"/> CPLR article 78 Proceeding<br><input type="checkbox"/> Special Proceeding Other<br><input type="checkbox"/> Habeas Corpus Proceeding | <b>Filing Type</b>                                                                                                                                                                                                                                                                                                                       |
|                                                                                                                                                                                          |                                                                                                                                                                        |                                                                                                                                                               | <input type="checkbox"/> Appeal<br><input type="checkbox"/> Original Proceedings<br><input type="checkbox"/> CPLR Article 78<br><input type="checkbox"/> Eminent Domain<br><input type="checkbox"/> Labor Law 220 or 220-b<br><input type="checkbox"/> Public Officers Law § 36<br><input type="checkbox"/> Real Property Tax Law § 1278 |
|                                                                                                                                                                                          |                                                                                                                                                                        |                                                                                                                                                               | <input type="checkbox"/> Transferred Proceeding<br><input type="checkbox"/> CPLR Article 78<br><input type="checkbox"/> Executive Law § 298<br><input checked="" type="checkbox"/> CPLR 5704 Review                                                                                                                                      |
| <b>Nature of Suit:</b> Check up to three of the following categories which best reflect the nature of the case.                                                                          |                                                                                                                                                                        |                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                          |
| <input type="checkbox"/> Administrative Review                                                                                                                                           | <input type="checkbox"/> Business Relationships                                                                                                                        | <input type="checkbox"/> Commercial                                                                                                                           | <input type="checkbox"/> Contracts                                                                                                                                                                                                                                                                                                       |
| <input type="checkbox"/> Declaratory Judgment                                                                                                                                            | <input checked="" type="checkbox"/> Domestic Relations                                                                                                                 | <input type="checkbox"/> Election Law                                                                                                                         | <input type="checkbox"/> Estate Matters                                                                                                                                                                                                                                                                                                  |
| <input type="checkbox"/> Family Court                                                                                                                                                    | <input type="checkbox"/> Mortgage Foreclosure                                                                                                                          | <input type="checkbox"/> Miscellaneous                                                                                                                        | <input type="checkbox"/> Prisoner Discipline & Parole                                                                                                                                                                                                                                                                                    |
| <input type="checkbox"/> Real Property<br>(other than foreclosure)                                                                                                                       | <input type="checkbox"/> Statutory                                                                                                                                     | <input type="checkbox"/> Taxation                                                                                                                             | <input type="checkbox"/> Torts                                                                                                                                                                                                                                                                                                           |

| Appeal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                            |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Paper Appealed From (Check one only):                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | If an appeal has been taken from more than one order or judgment by the filing of this notice of appeal, please indicate the below information for each such order or judgment appealed from on a separate sheet of paper. |
| <input type="checkbox"/> Amended Decree<br><input type="checkbox"/> Amended Judgement<br><input type="checkbox"/> Amended Order<br><input type="checkbox"/> Decision<br><input type="checkbox"/> Decree                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <input type="checkbox"/> Determination<br><input type="checkbox"/> Finding<br><input type="checkbox"/> Interlocutory Decree<br><input type="checkbox"/> Interlocutory Judgment<br><input type="checkbox"/> Judgment        |
| <input type="checkbox"/> Order<br><input type="checkbox"/> Order & Judgment<br><input type="checkbox"/> Partial Decree<br><input type="checkbox"/> Resettled Decree<br><input type="checkbox"/> Resettled Judgment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <input type="checkbox"/> Resettled Order<br><input type="checkbox"/> Ruling<br><input type="checkbox"/> Other (specify):                                                                                                   |
| Court: Choose Court                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | County: Choose County                                                                                                                                                                                                      |
| Dated:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Entered:                                                                                                                                                                                                                   |
| Judge (name in full):                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Index No.:                                                                                                                                                                                                                 |
| Stage: <input type="checkbox"/> Interlocutory <input type="checkbox"/> Final <input type="checkbox"/> Post-Final                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Trial: <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: <input type="checkbox"/> Jury <input type="checkbox"/> Non-Jury                                                                                    |
| Prior Unperfected Appeal and Related Case Information                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                            |
| <p>Are any appeals arising in the same action or proceeding currently pending in the court? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes, please set forth the Appellate Division Case Number assigned to each such appeal.</p> <p>Where appropriate, indicate whether there is any related action or proceeding now in any court of this or any other jurisdiction, and if so, the status of the case:</p>                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                            |
| Original Proceeding                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                            |
| Commenced by: <input type="checkbox"/> Order to Show Cause <input type="checkbox"/> Notice of Petition <input type="checkbox"/> Writ of Habeas Corpus                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                            |
| Date Filed:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                            |
| Statute authorizing commencement of proceeding in the Appellate Division:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                            |
| Proceeding Transferred Pursuant to CPLR 7804(g)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                            |
| Court: Choose Court                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | County: Choose County                                                                                                                                                                                                      |
| Judge (name in full):                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Order of Transfer Date:                                                                                                                                                                                                    |
| CPLR 5704 Review of Ex Parte Order:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                            |
| Court: Supreme Court                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | County: Richmond                                                                                                                                                                                                           |
| Judge (name in full): RONALD CASTORINA, JR.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Dated: 12/04/2023                                                                                                                                                                                                          |
| Description of Appeal, Proceeding or Application and Statement of Issues                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                            |
| <p>Description: If an appeal, briefly describe the paper appealed from. If the appeal is from an order, specify the relief requested and whether the motion was granted or denied. If an original proceeding commenced in this court or transferred pursuant to CPLR 7804(g), briefly describe the object of proceeding. If an application under CPLR 5704, briefly describe the nature of the ex parte order to be reviewed.</p> <p>I seek the Supreme Court Appellate Division's review Justice Castorina's refusal to sign the order to show cause (see CPLR 5704[a]; Matter of Greenhaus v Milano , 242 AD2d 383). Justice Castorina refused to sign the order to show cause on the record. The transcript is attached. His reasons are arbitrary and capricious at best. I have serious health issues. I am an elderly, retired NYPD detective and 9-11-01 responder with serious health issues.</p> |                                                                                                                                                                                                                            |

Issues: Specify the issues proposed to be raised on the appeal, proceeding, or application for CPLR 5704 review, the grounds for reversal, or modification to be advanced and the specific relief sought on appeal.

I believe Justice Castorina should be removed from my case and from the bench. My case before him lacks subject matter jurisdiction because Justice Castorina committed perjury in grand jury testimony in August 2018. His felonious conduct legally disqualifies him from serving as a Supreme Court Justice and all of his decision and orders are legal nullity. Justice Castorina has it out for me because I believe the people deserve a Supreme Court Justice who isn't a felon -charged or not.

The matter is a contempt matter. I have been rendered indigent. I have no money to hire a lawyer. I was never appointed a lawyer in the contempt and now Justice Castorina has issued a bench warrant. I ask for a stay of all orders by Justice Castorina until I can be heard on my applications. All of them have merit. Particularly, the stays should be issued, the defaults should be reopened, and Justice Castorina should recuse himself. My reasonable excuse is a combination of factors including my disabilities and serious medical conditions that preclude my appearance in New York. I have medical documentation attached to the submitted affidavit. I have orthopedic issues and blood clotting risk. If I am arrested, thrown in a jail cell, and then transported to New York from Florida, the doctors say I could lose my legs. Justice Castorina is insane and should have signed my order to show cause. Why is he doing this to a retired NYPD detective and 9-11-01 responder who is elderly and in poor health? I'm not the only cop that he's treated poorly. Justice Ronald Castorina is anti-cop and the PBA and Blue Lives Matter should retract their previous endorsements of him. Also, I believe Justice Castorina is taking bribes. How else would Attorney Marangos be able to freeze and have the Marshal collect the MASS MUTUAL IRA that Justice Castorina's prior order said belonged to me, and then it gets taken in direct violation of the order and Justice Castorina won't sign the order to show cause to enforce his own order? It makes no sense unless there was a bribe.

### Party Information

Instructions: Fill in the name of each party to the action or proceeding, one name per line. If this form is to be filed for an appeal, indicate the status of the party in the court of original instance and his, her, or its status in this court, if any. If this form is to be filed for a proceeding commenced in this court, fill in only the party's name and his, her, or its status in this court.

| No. | Party Name      | Original Status | Appellate Division Status |
|-----|-----------------|-----------------|---------------------------|
| 1   | GUY SIMONETTI   | Defendant       | Applicant                 |
| 2   | LINDA SIMONETTI | Plaintiff       | Respondent                |
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| 20  |                 |                 |                           |

## Attorney Information

Instructions: Fill in the names of the attorneys or firms for the respective parties. If this form is to be filed with the notice of petition or order to show cause by which a special proceeding is to be commenced in the Appellate Division, only the name of the attorney for the petitioner need be provided. In the event that a litigant represents herself or himself, the box marked "Pro Se" must be checked and the appropriate information for that litigant must be supplied in the spaces provided.

Attorney/Firm Name: GUY SIMONETTI

Address: 3680 NW Mediterranean Lane

City: Jensen Beach      State: FLORIDA      Zip: 34957      Telephone No: 917-697-3113

E-mail Address: guy59@verizon.net

Attorney Type:      ☐ Retained      ☐ Assigned      ☐ Government      ☒ Pro Se      ☐ Pro Hac Vice

Party or Parties Represented (set forth party number(s) from table above):1

Attorney/Firm Name: John Z. Marangos, Esq.

Address: 1134a Hylan Boulevard

City: Staten Island      State: NEW YORK      Zip: 10305      Telephone No: (718) 273-8324

E-mail Address: JZMESQ@aol.com

Attorney Type:      ☒ Retained      ☐ Assigned      ☐ Government      ☐ Pro Se      ☐ Pro Hac Vice

Party or Parties Represented (set forth party number(s) from table above):2

Attorney/Firm Name:

Address:

City:      State:      Zip:      Telephone No:

E-mail Address:

Attorney Type:      ☐ Retained      ☐ Assigned      ☐ Government      ☐ Pro Se      ☐ Pro Hac Vice

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Attorney/Firm Name:

Address:

City:      State:      Zip:      Telephone No:

E-mail Address:

Attorney Type:      ☐ Retained      ☐ Assigned      ☐ Government      ☐ Pro Se      ☐ Pro Hac Vice

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City:      State:      Zip:      Telephone No:

E-mail Address:

Attorney Type:      ☐ Retained      ☐ Assigned      ☐ Government      ☐ Pro Se      ☐ Pro Hac Vice

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Address:

City:      State:      Zip:      Telephone No:

E-mail Address:

Attorney Type:      ☐ Retained      ☐ Assigned      ☐ Government      ☐ Pro Se      ☐ Pro Hac Vice

Party or Parties Represented (set forth party number(s) from table above):

SUPREME COURT OF THE STATE OF NEW YORK  
RICHMOND COUNTY - CIVIL TERM - PART: MP-7M

-----X Index #  
LINDA SIMONETTI, 55362/22

PLAINTIFF, :

-against-

:

GUY SIMONETTI,

:

DEFENDANT.

-----X Motion

26 Central Avenue  
Staten Island, New York 10301  
November 30, 2023

B E F O R E:

HONORABLE RONALD CASTORINA, JR., Justice

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

JOHN Z. MARANGOS, ESQ.  
Attorney for the Plaintiff  
1134A Hylan Boulevard  
Staten Island, New York 10305

\* \* \* \* \*

KARYN S. GUTKIN  
SENIOR COURT REPORTER

1 COURT CLERK: Good morning.

2 This is Part MP-7M, numbers two and three on the  
3 calendar of the Richmond County Supreme Court, The  
4 Honorable Ronald Castorina, Jr. presiding, in the matter  
5 of Linda Simonetti versus Guy Simonetti, Index Number  
6 55362 of 2022.

7 Counsel, your appearance for the record.

8 MR. MARANGOS: John Z. Marangos, 1134A Hylan  
9 Boulevard, Staten Island, New York, for the plaintiff,  
10 Linda Simonetti.

11 THE COURT: Good morning, Mr. Marangos.

12 MR. MARANGOS: Good morning.

13 COURT CLERK: Ma'am, will you please raise your  
14 right hand.

15 (Whereupon, the plaintiff is sworn in by the  
16 court clerk.)

17 COURT CLERK: Please state your name and address  
18 for the record.

19 MS. SIMONETTI: Linda Simonetti, 762 Hylan  
20 Boulevard, Staten Island, New York 10305.

21 THE COURT: Good morning, ma'am. You may be  
22 seated.

23 MR. MARANGOS: Judge, I just want to make the  
24 Court aware that my office served notice of entry of the  
25 November 15th order, which directed the defendant to

appear in court.

If the Court wants that as an exhibit, I would--

THE COURT: Yes, the Court will take that, it will be Court's Exhibit 1.

COURT OFFICER: (Handing).

THE COURT: All right, let the record reflect that this proceeding, this matter was last on November 15th, at which time Mr. Simonetti, the defendant herein in this post-judgement matter, failed to appear personally in the courtroom.

I directed my clerk to contact Mr. Simonetti at a telephone number that the Court had on file for him. We were able to reach him, he identified himself and appeared on the record. And the Court, in no uncertain terms, directed him to appear in this part at this time. Actually, at 9:30 a.m.

Let the record reflect that it is now 10:35. This Court calls defaults at 10:30 a.m.

Yesterday-- I'm sorry, this morning at 8:52--

Mr. Marangos, you can be seated.

MR. MARANGOS: Thank you, Judge.

THE COURT: At 8:52 a.m. this part received an email from an email address Guy59@Verizon.Net. The email was addressed to multiple email addresses, purportedly at the Appellate Division, to my court email address, to my

## Proceedings

1 law clerk's court email address, and to JZMESQ@aol.com,  
2 which I believe is Mr. Marangos' email address.

3 Is that correct, Mr. Marangos?

4 MR. MARANGOS: Yes, your Honor.

5 THE COURT: And that email, which seems to the  
6 Court to have been drafted by somebody who has some  
7 knowledge of the law - some - purports to file an Order to  
8 Show Cause with supporting affidavit and exhibits, but  
9 this Court has no record in NYSCEF of an Order to Show  
10 Cause having ever been filed.

11 MR. MARANGOS: Judge, I did receive, at 4:00  
12 yesterday by Express Mail, a copy of a purported Order to  
13 Show Cause.

14 THE COURT: Okay.

15 And Jerry, I'm just going to ask you, can you  
16 check NYSCEF.

17 I have no indication that there was a filed  
18 motion; nonetheless, I understand that there is a  
19 purported motion, and I have reviewed it. And I decline  
20 to sign it.

21 COURT CLERK: Judge, there is nothing on NYSCEF.  
22 And I did check our mailbox this morning at 9:00 a.m.,  
23 there was nothing in there.

24 THE COURT: All right.

25 This Court declines to sign the Order to Show

## Proceedings

1 Cause on the grounds and basis of Mr. Simonetti's, A,  
2 failure to be here, number one. Number two, it is wholly  
3 without merit. And the Court will not delay its actions,  
4 which are just and appropriate at this time.

5 On the last court date I granted Mr. Simonetti an  
6 opportunity, once again, in deference to him, as a pro se  
7 litigant, to come to this part at 9:30 a.m. today with  
8 respect to a contempt motion. At which time this Court  
9 would have considered the prospect of appointing counsel,  
10 should it have been necessary.

11 But Mr. Simonetti's failure to be here warrants  
12 consideration further as to what this Court ought do.

13 I am not going to appoint counsel to a party who  
14 has totally failed to comply with this Court's orders and  
15 has failed to appear. Has not even attempted to seek a  
16 virtual appearance or a telephonic appearance for this  
17 date. Which would have been denied, anyway.

18 MR. MARANGOS: Judge, may I just also add that he  
19 has considerable assets, which would allow him to obtain  
20 counsel of his own choosing.

21 THE COURT: His assets are well spoken for in  
22 this Court's decision after trial.

23 MR. MARANGOS: Correct.

24 THE COURT: Various statements of net worth. And  
25 the voluminous motion practice that this Court has gone

1 through, throughout the entirety of the matrimonial  
2 action.

3 There is no question as to his ability  
4 financially to be here, and there are lots of questions as  
5 to the other reasons or lack of rationale, I should say,  
6 for his failure to be here, based on some alleged medical  
7 defects, which this Court does not find to have any  
8 credibility.

9 On the last court date I issued a warrant, but I  
10 stayed the warrant until today.

11 At this point, the Court is lifting the stay.  
12 The warrant is ordered.

13 Mr. Marangos, this Court will contact your office  
14 when Mr. Simonetti is brought to this part. And then I  
15 will proceed with your client's motion.

16 MR. MARANGOS: Thank you, your Honor.

17 THE COURT: Is there any other application that  
18 you may have?

19 MR. MARANGOS: Judge, I did, with the Court's  
20 guidance, amend the second Order to Show Cause to include  
21 service in the courtroom.

22 THE COURT: I recall that from the last date.

23 MR. MARANGOS: I did amend that. Rather than  
24 just amending and amending, I will resubmit a new Order to  
25 Show Cause on my second application. I will withdraw the

second motion that we couldn't make service on.

THE COURT: If you would like, Mr. Marangos, since you are here in the courtroom, and not to have you engage in further motion practice, I am happy to cross off and write in the new decretal paragraph as to the service provision.

MR. MARANGOS: Thank you, Judge. If you don't mind, I will amend it and I will submit it.

THE COURT: Yes. Why don't you write it in.

MR. MARANGOS: Yes.

THE COURT: And the service provision that I will be authorizing is overnight mail.

MR. MARANGOS: Okay. Thank you, Judge.

THE COURT: Okay?

MR. MARANGOS: Okay.

THE COURT: And I will review that Order to Show Cause; and assuming it's identical to the one that I saw last time, I will sign it. And I will make it returnable-- I think I'm going to have to put it out about 45 days.

MR. MARANGOS: That's fine, Judge.

THE COURT: And to the extent that Mr. Simonetti is returned to this part, I may advance it.

All right?

MR. MARANGOS: Thank you, Judge.

## Proceedings

1 THE COURT: Thank you, Mr. Marangos.

2 MR. MARANGOS: Thank you.

3 THE COURT: Have a good day.

4 MR. MARANGOS: You, too. Have a good holiday, if  
5 I don't see you.

6 THE COURT: Thank you. Have a nice holiday.

7 (Whereupon, there was a short pause in the  
8 proceedings.)

9 Mr. Marangos, let's go back on the record for one  
10 thing.

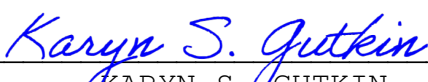
11 Motion Sequence Number 10, which was returnable  
12 today, and for which Mr. Simonetti failed to appear, is  
13 adjourned until January 25th at 9:30, notwithstanding the  
14 warrant being ordered. And this Court may advance it for  
15 the purposes of appointing counsel.

16 MR. MARANGOS: So then the Chase account is not  
17 being released as of now? Because the Chase account was--  
18 Chase Bank would not release it to us, even though it was  
19 our restraining order, without an order of the Court.

20 THE COURT: Submit it, I will sign it.

21 MR. MARANGOS: Okay, thank you.

22 CERTIFIED TO BE A TRUE AND ACCURATE TRANSCRIPT OF THE ORIGINAL  
23 STENOGRAPHIC MINUTES TAKEN OF THIS PROCEEDING.

24   
KARYN S. GUTKIN  
25 Senior Court Reporter

At an IAS Term, Part 7 of  
the Supreme Court of the  
State of New York, held in  
and for the County of  
Richmond, at 26 Central  
Avenue, Staten Island, New  
York, on the \_\_\_\_\_ day  
of November 2023.

Present: Hon. Ronald Castorina, Jr.  
Justice of the Supreme Court.

LINDA SIMONETTI,

Plaintiff,

—against—

GUY SIMONETTI

,

Defendant.

ORDER TO SHOW  
CAUSE

Index No. 55362/2022

Upon the affidavit of GUY SIMONETTI, sworn to on the 27<sup>th</sup> day of November 2023, and upon the exhibits attached thereto in support, and upon all the papers and proceedings heretofore had herein,

Let the plaintiff, LINDA SIMONETTI, show cause at an IAS Term of this Court to be held at the courthouse thereof, room 330, located at 26 Central Avenue, Staten Island, Richmond County, New York, on the \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_, at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon of that day, or as soon thereafter as counsel can be heard, why an order should not be entered herein:

- A) Granting all favorable inferences to the pro se defendant; and
- B) Appointing assigned counsel to defend the defendant against the alleged contemptuous conduct, as a bench warrant and/or imprisonment and loss of liberty are potential results from the pending applications for contempt; and

- C) Staying the Memorandum Decision and Order dated September 27, 2023, and the Short Form Order dated November 15, 2023, until the defendant can be heard on the instant applications; and
- D) Staying the actions of Kenneth J. Giachetta, Marshal, City of New York, until the defendant can be heard on the instant applications; and
- E) Excusing the personal appearance of the defendant, GUY SIMONETTI, based upon his medical conditions and disabilities; and
- F) Vacating the Memorandum Decision and Order dated September 27, 2023, pursuant to the CPLR; and
- G) Placing this matter back on the trial calendar and setting a date for trial; and
- H) Recusing the Honorable Ronald Castorina, Jr., for good cause shown and as a matter of fact and law; and
- I) Why GUY SIMONETTI, the defendant, should not have such other and further relief as may be just, proper, and equitable.

Further, it is

ORDERED that all proceedings shall be stayed until the defendant can be heard on this application, and it is further

ORDERED that reasonable accommodation, including appearance by video conferencing, shall be made for the defendant, GUY SIMONETTI, given his medical conditions and physical disabilities.

Oral argument shall be required on the return date of this motion.

Sufficient reason appearing therefor, let service of a copy of this order, together with the papers upon which it based, upon the plaintiff's attorney on or before the \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_\_\_, be deemed sufficient service.

E N T E R,

---

HON. RONALD CASTORINA, JR.  
JUSTICE OF THE SUPREME COURT

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF RICHMOND

-----X

Index No.: 55362/2022

LINDA SIMONETTI,

Plaintiff,

-against-

GUY SIMONETTI,

Defendant.

-----X

STATE OF FLORIDA

)

)

SS:

COUNTY OF

)

**AFFIDAVIT IN SUPPORT  
OF ORDER TO SHOW  
CAUSE**

GUY SIMONETTI, being duly sworn, deposes and says:

1. I am the defendant pro se in the above-entitled action, and I make this affidavit in support of my order to show cause and application for an order for the following relief:
  - a. Granting all favorable inferences to the pro se defendant; and
  - b. Appointing assigned counsel to defend the defendant against the alleged contemptuous conduct, as a bench warrant and/or imprisonment and loss of liberty are potential results from the pending applications for contempt; and
  - c. Staying the Memorandum Decision and Order dated September 27, 2023, and the Short Form Order dated November 15, 2023, until the defendant can be heard on the instant applications; and
  - d. Staying the actions of Kenneth J. Giachetta, Marshal, City of New York, until the defendant can be heard on the instant applications; and
  - e. Excusing the personal appearance of the defendant, GUY SIMONETTI, based upon his medical conditions and disabilities; and

- f. Vacating the Memorandum Decision and Order dated September 27, 2023, pursuant to the CPLR; and
- g. Placing this matter back on the trial calendar and setting a date for trial; and
- h. Recusing the Honorable Ronald Castorina, Jr., for good cause shown and as a matter of fact and law; and
- i. Granting GUY SIMONETTI, the defendant, such other and further relief as may be just, proper, and equitable.

### **PRO SE LITIGANT**

- 2. I proceed pro se and without learned counsel. I would ask the Court to recognize I am entitled to a degree of latitude due to my lack of formal legal training and familiarity with court procedures. (*Mosso v Mosso*, 6 AD3d 827 [3d Dept 2004]).
- 3. Thus, my pleadings and papers should be awarded all favorable inferences which may be reasonably drawn from them. (*Moore v Rensselaer*, 156 AD2d 784 [3d Dept 1989]; *Stein v Research Found. City Univ. of NY*, 41 Misc 3d 1222[A], 1222A, 2013 NY Slip Op 51812[U] [Sup Ct, Richmond County 2013], (Maltese, J.)).

### **REQUEST FOR APPOINTED COUNSEL**

- 4. The Court issued Orders in the Memorandum Decision and Order dated September 27, 2023. See the attached **EXHIBIT “A.”** The result of the orders is that I have no access to any funds. All my bank accounts are frozen. All my pensions are being garnished. I have no access to assets to pay a lawyer. I am effectively rendered indigent by the Court’s Orders.
- 5. The Court issued a Short Form Order dated November 15, 2023. The Court’s Order resolved an application for contempt filed by the plaintiff, bearing this notice and

warning: (EXHIBIT "B")

**NOTICE: THE PURPOSE OF THE HEARING IS TO PUNISH YOU FOR A CONTEMPT OF COURT. SUCH PUNISHMENT MAY CONSIST OF A FINE, IMPRISONMENT OR BOTH, ACCORDING TO LAW.**

**WARNING: YOUR FAILURE TO APPEAR IN COURT MAY RESULT IN YOUR IMMEDIATE ARREST AND IMPRISONMENT FOR CONTEMPT OF COURT.**

6. The return date of the contempt hearing was November 15, 2023. I was never properly served the papers prior to the hearing. On the hearing date, Justice Castorina called me on the phone and said there was a hearing, and Mr. Marangos represented to the Court that I was personally served with the papers and had actual notice of the proceedings. That is not true. I never had prior knowledge of those proceedings.
7. Justice Castorina said I had to personally appear on November 30, 2023, at the courthouse in Staten Island, New York.
8. Even though I appeared telephonically, Justice Castorina did not allow me to be heard and found me in contempt. I believe he made a serious error of law by issuing a bench warrant resolving the contempt application.
9. Section 770 of the Judiciary Law directs that, upon the return of an application to punish for contempt, the court must inform the offender that they have the right to the assistance of counsel, and "when it appears that the offender is financially unable to obtain counsel, the court may in its discretion assign counsel to represent him or her."
10. This section has been interpreted to require the court to make an assignment once indigency is found, thereby retaining the power to punish the offender with a term of imprisonment upon assigning counsel or surrendering that power

by proceeding without assignment of counsel (*Holmes v Holmes*, 89 AD2d 921).

11. Justice Castorina never informed me that I could be imprisoned. He never said he was going to issue a bench warrant. I had no opportunity to be heard. There was no inquiry into my finances or my indigency. There was no discussion of my right to counsel.
12. An indigent offender's "interest in personal freedom, and not simply the special Sixth and Fourteenth Amendments right to counsel...triggers the right to appointed counsel" (*Lassiter v Department of Social Servs.*, 452 U.S. 18, 25).
13. The Second Department found Family Court to have erred when, after inquiring of an appellant whether he needed an attorney and having received an affirmative response, it ignored his request for counsel and entered an order that contained the possibility of incarceration, without allowing appellant to obtain an attorney or have one assigned (*Matter of Williams v Williams*, 91 AD2d 1044; see also, *Matter of Brainard v Brainard*, 88 AD2d 996 [2d Dept]; *Matter of Kissel v Kissel*, 59 AD2d 1036 [4th Dept]).
14. At a hearing where a relator herein was adjudged guilty of contempt for a willful and contumacious refusal to comply with the prior court order fixing his child support and spousal maintenance obligations, he had an absolute right to counsel since he was subject to possible imprisonment (*Lassiter v Department of Social Servs.*, supra; *Argersinger v Hamlin*, 407 U.S. 25, 37).
15. Failure of the court to address the issue of a party's indigency and entitlement to counsel is a reversible error. (*People ex rel. Lobenthal v Koehler*, 129 AD2d 28, 32-33 [1st Dept 1987]).
16. I am indigent because I have no meaningful access to money. And my indigency is

judicially created.

17. I did not appear on November 15, 2023, for good reason. I was never noticed.

18. But even if I did know about the contempt hearing, I could not have appeared because of a combination of reasons creating legal and factual impossibility. I am a resident of the State of Florida. The expense of traveling 1,300 miles to Richmond County, New York, is cost-prohibitive because the Court's Orders have rendered me unable to access assets.

19. Even assets that the Court Ordered me to have been frozen. The Marshal has frozen and is about to garnish the funds in my Mass Mutual IRA. See the attached **EXHIBIT "C."**

This is even though the Court was conspicuous in its Order:

**ORDERED that the Plaintiff transfer any and all right, title, and interest in the Mass Mutual IRA to the Defendant;**

20. If any party should be in contempt, it is the plaintiff for brazenly ignoring the Court's Order. Attorney Marangos has been practicing law for many years. Yet, it is his signature on the Execution With Notice To Garnishee, telling the Marshall to seize my property that the Court said does not belong to the plaintiff. This can't be a simple mistake. It looks like Attorney Marangos is trying to be "slick" and is playing fast and loose, ignoring the Orders of this Court.

21. If I had access to the Mass Mutual monies, things might be different. But the combination of the fact that I am rendered judicially indigent AND that I am a senior citizen with serious health problems makes it impossible to appear in Richmond County. See the attached **EXHIBIT "D."**

22. Justice Castorina said I could take a private ambulance to the courthouse. I cannot afford it because I have no money. Everything is frozen. I am living on the charity of others, and the defendant's actions are risking rendering me sickly and homeless.

23. my appearance on November 30, 2023, is similarly impossible.
24. As such, I would like to be appointed an attorney. I have a right to the assistance of learned counsel, particularly when the defendant wants a sick, elderly, indigent man to be robbed in violation of the Court's Order, thrown in chains, and jailed.
25. This legal issue is apparent. If the Court does not wish to sign the Order to Show Cause, I ask to be noticed immediately to seek emergency Appellate Division intervention and protect my rights. My phone number and email are listed. Either way, I would ask that the clerk or court attorney email me the signed or unsigned Order to Show Cause so I may use the same as an exhibit in an emergency Appellate Division application, or I may timely serve the defendant, as the case may be.

#### **REQUEST FOR A STAY**

26. CPLR § 2201 provides that "[e]xcept where otherwise prescribed by law, the court in which an action is pending may grant a stay of proceedings in a proper case, upon such terms as may be just."
27. CPLR § 5519 (c) authorizes a court to "stay all proceedings to enforce the judgment or order appealed from pending an appeal."
28. The granting of a stay pending an appeal rests in the sound discretion of the court (*Burgdorf v Kasper*, 83 AD3d 1553, 921 N.Y.S.2d 769 [4th Dept. 2011]). Courts consider the following factors when determining whether a discretionary stay is appropriate, i.e., whether (1) the appeal has merit, (2) any prejudice will result from granting or denying a stay, and (3) the stay is designed to delay proceedings (*Application of Mott*, 123 NYS2d 603, 608 [Sup Ct., Oswego County 1953]).
29. the Court should find several bases for granting a stay under CPLR § 5519(c) or § 2201.

30. I have filed a Notice of Appeal of the Court's Memorandum Decision and Order dated September 27, 2023. The appeal is meritorious because I have reasonable excuses and meritorious defenses as to why the Memorandum Decision and Order dated September 27, 2023, should be vacated as a matter of fact and law, presented below.
31. There is no prejudice to a party who has benefitted from an error of law. (*CLAPP v BROMAGHAN*, 9 Cow [NY] 304 [1827]).
32. The stay is not designed to delay proceedings. Instead, it is intended to correct the proceedings, particularly the Marshal's improper garnishment of the Mass Mutual Funds in violation of the Court's Order. Also, the stay will allow the Court to consider the reasonable excuses and meritorious defenses offered as to why the Memorandum Decision and Order dated September 27, 2023, should be vacated and this matter once again placed on the trial calendar.
33. Also, I should be able to obtain and confer with counsel, and a stay will accomplish that.

**SERIOUS MEDICAL CONDITIONS AND DISABILITIES**

34. For Social Security Disability benefits, the term "disability" is defined as the inability to engage in any substantial gainful activity because of any medically determinable physical or mental impairment (or combination of impairments) that can be expected to last for a continuous period of not less than 12 consecutive months, taking into account the individual's age, education, and work history (42 U.S.C.S. §§ 423(d), 1382c(a)(3)(B); 20 C.F.R. § 404, 416, 905 and 1505).
35. Under N.Y. Exec. Law § 292(21), "disability" is defined as (a) a physical, mental, or medical impairment resulting from anatomical, physiological, or neurological conditions that prevent the exercise of a normal bodily function or are demonstrable by medically

accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term shall be limited to disabilities which do not prevent the complainant from performing reasonably the activities involved in the job or occupation sought or held.

36. In New York, the term "disability" is broadly defined in that disabilities are not limited to physical or mental impairments but may include medical ones. (*State Div. of Human Rgts. v Xerox Corp.*, 65 NY2d 213, 480 N.E.2d 695, 491 N.Y.S.2d 106). To qualify as a disability, the condition may manifest itself in one of two ways: (1) by preventing the exercise of a normal bodily function or (2) by being "demonstrable by medically accepted clinical or laboratory diagnostic techniques." (*Id.*, at 220.)

37. Here, my serious medical conditions qualify me as disabled under either definition. The medical proof provided by my doctor provides both a diagnosis of a medically-induced disability and evidence of testing performed. I reserve the right to submit additional medical documentation.

38. I am also economically disabled by operation to the Court's Orders. My bank accounts are frozen, and I cannot access my pension money.

39. Under the Human Rights law, the courts may not discriminate based on a failure to reasonably accommodate where the individual suffers from a handicap or disability; the defendant knew or well should have known of the plaintiff's handicap [or disability]; accommodation of the handicap [or disability] 'may be necessary' to afford plaintiff an equal opportunity to be heard; and the courts refused to make such accommodation (*Logan v. Matveevskii*, 57 F.Supp3d 234, 256 [S.D.N.Y. 2014]).

40. Accordingly, the Court should make provision for my future appearances by telephone, video conferencing, or similar means.

**THE COURT SHOULD RE-OPEN THE DEFAULTS**

41. To avoid the entry of a default judgment, a defendant who has failed to appear or answer the complaint must provide a reasonable excuse for the default and demonstrate a potentially meritorious defense to the action (*Jong Gwon Kim v Strippoli*, 144 AD3d 982, 983 [2d Dept 2016]).

42. The Court should find that the Defendant has demonstrated a reasonable excuse for my failure to appear because of the combination of judicially-created indigency, age, out-of-state residency, and serious medical conditions. These factors combine to create the defense of legal and factual impossibility—(*United States ex rel. Emanuel v Jaeger*, 117 F2d 483, 488 [2d Cir 1941])

43. Present inability to perform has been considered an appropriate defense to a contempt proceeding where a party has made a good faith showing of their attempts to comply (*In re Hildreth*, 28 AD2d 290, 293, 284 N.Y.S.2d 755 [1st Dept 1967]; see generally Judiciary Law § 775).

44. My impossibility of performance was not self-created on July 31, 2023; it is not now. I had counsel representing me in July. My engagement with Attorney Angiuli's office was terminated by him. See the attached **EXHIBIT "E."**

45. The Court noted in the Memorandum Decision and Order dated September 27, 2023 at page 4:

Although provided with an opportunity to do so, Defendant failed to provide sufficient medical documentation to excuse his in-person appearance and was Ordered to return to Richmond County by means other than flight, if necessary, including but not

limited to rail, car, bus, and/or ambulette, and the Court would not be delayed any further in its ability to bring this matter to trial.(see id). The Court further granted the Plaintiff's motion for preclusion. (see id).

Trial commenced on July 31, 2023, and Defendant failed to appear before the Court. (tr at page 4, lines 4-19). The Court found the Defendant to be in default in this action and was sentenced for contempt in absentia. (tr at 7, lines 7-10).

46. Attorney Angiuli's office failed to submit the proper documentation detailing my good faith actions and the impossibility of performance that would vitiate my contempt. This is an apparent law office failure. (*Seaman v NY Univ.*, 175 AD3d 1578, 1578 [2d Dept 2019]).
47. Now that I have a copy of my file and am not relying on a law office, I have submitted a combination of factors that show I could not travel to New York in July. I am unable now, I was unable to entire time in between, and unless something changes, I do not foresee any ability to travel any time soon.
48. The Court has the discretion to accept law office failure as a reasonable excuse where a detailed and credible explanation of the default at issue supports the claim. CPLR 2005.
49. Mere neglect is not a reasonable excuse. This claim goes beyond mere neglect. This rises to the level of violations of the Rule of Professional Conduct. Although I was still their client, Mr.Angiuli and his law firm stopped zealously representing me when they saw my money was cut off. They failed to discharge their obligations as counsel and present the facts of my impossibility to the Court on July 31, 2023. They didn't even care to know what was going on because they weren't getting paid. This fact is detailed and supported by their subsequent application to be relieved. Mr. Angiuli's office's own filing establishes the credibility of this claim. I can't rule out the possibility that Mr. Angiuli knew all about my impossibility but intentionally "laid down" so that opposing counsel

could get a payday. Once I couldn't pay, he broke his duty of loyalty to me and remained loyal to his brethren at the bar.

50. Moreover, the impossibility of compliance, then and now, was and is not self-created.

51. I request that the Court compel Attorney Angiuli's attendance at a hearing so that I may have him testify and elicit a defense to contempt by having him account for his activities (or lack thereof) in July 2023, when he should have been helping me to purge my contempt but didn't.

52. Accordingly, the Court should vacate the Order because of the combination of judicially-created indigency, age, out-of-state residency, serious medical conditions, and law office failure. I have established a reasonable excuse and a meritorious defense for the July and November Orders of the Court.

#### **RECUSAL OF JUSTICE CASTORINA**

53. Justice Castorina should be recused from my case as a matter of law. He does not meet the minimum requirements to pass judgment as a Supreme Court Justice. Accordingly, I reserve the right to claim a defect in subject matter jurisdiction as to all proceedings before him.

54. "Absent a legal disqualification under Judiciary Law § 14, a Trial Judge is the sole arbiter of recusal" (*People v Moreno*, 70 NY2d 403, 405, 516 NE2d 200, 521 NYS2d 663 [1987]; see *Stepping Stones Assoc., L.P. v Scialdone*, 148 AD3d 855, 856, 50 NYS3d 76 [2017]).

55. Canon 2 of the Code of Judicial Conduct, N.Y. Comp. Codes R. & Regs. tit. 22, § 100.2 requires judges to avoid the appearance of impropriety.

56. "A court's decision in this respect may not be overturned unless it was an improvident

exercise of discretion" (*Wells Fargo Bank, N.A. v Chaplin*, 144 AD3d 1021, 1023, 42 NYS3d 209 [2016] [internal quotation marks omitted]).

57. it is public knowledge that Justice Castorina gave dishonest testimony before a grand jury in 2018. See *Luthmann v. Castorina*, 902145-23 (Albany County Supreme Court). The comparisons of Justice Castorina's sworn testimony to his Facebook messenger conversations show that he lied under oath.

58. If Justice Castorina lied under oath, that is a felony crime. How can he validly be a Supreme Court Justice? I have a right to have my case judged by someone who is not a criminal or who does not have the cloud of impropriety hanging over their head.

59. Accordingly, I would ask Justice Castorina to recuse himself as a matter of judicial discretion.

60. I reserve my rights to invalidate the entire proceeding as lacking in subject matter jurisdiction. If Justice Castorina committed a felony crime in August 2018, he was never qualified to judge my case as a matter of law.

### **CONCLUSION**

61. the Court should grant the relief requested for the foregoing reasons.

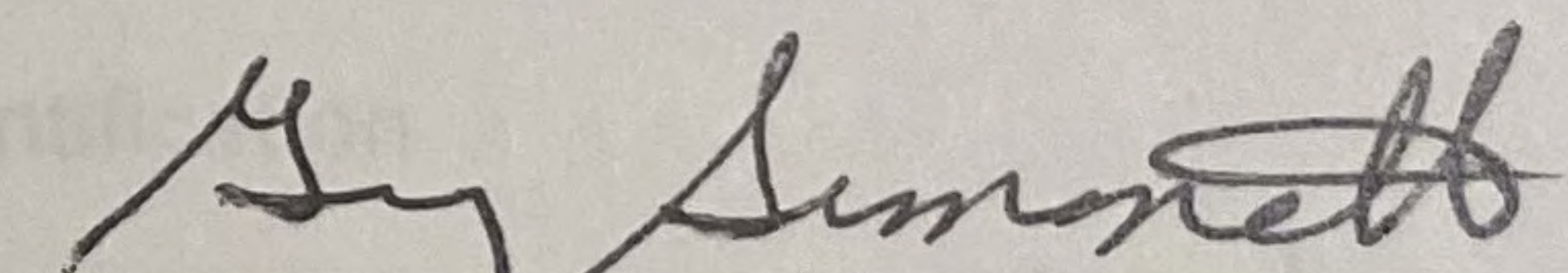
62. No previous application for the relief herein prayed for has been made.

63. An order to show cause is sought rather than proceeding by notice of motion because of the status of the contempt motion, the threat of imprisonment, and the time frames involved.

**WHEREFORE**, the deponent respectfully asks for an order directing the plaintiff to show cause why an order should not be granted to the defendant:

- a. Granting all favorable inferences to the pro se defendant; and
- b. Appointing assigned counsel to defend the defendant against the alleged contemptuous conduct, as a bench warrant and/or imprisonment and loss of liberty are potential results from the pending applications for contempt; and
- c. Staying the Memorandum Decision and Order dated September 27, 2023, and the Short Form Order dated November 15, 2023, until the defendant can be heard on the instant applications; and
- d. Staying the actions of Kenneth J. Giachetta, Marshal, City of New York, until the defendant can be heard on the instant applications; and
- e. Excusing the personal appearance of the defendant, GUY SIMONETTI, based upon his medical conditions and disabilities; and
- f. Vacating the Memorandum Decision and Order dated September 27, 2023, pursuant to the CPLR; and
- g. Placing this matter back on the trial calendar and setting a date for trial; and
- h. Recusing the Honorable Ronald Castorina, Jr., for good cause shown and as a matter of fact and law; and
- i. Granting GUY SIMONETTI, the defendant, such other and further relief as may be just, proper, and equitable.

Sworn to before me  
this \_\_\_\_ day of \_\_\_\_\_

  
GUY SIMONETTI

Notary Public

**FLORIDA JURAT**  
FS 117.05(13)

State of Florida

County of Martin

Sworn to (or affirmed) and subscribed before me by  
means of

☒ Physical Presence,

— OR —

☐ Online Notarization,

this 27 day of November, 2023, by  
Day Month Year

Gaetano Simonetti

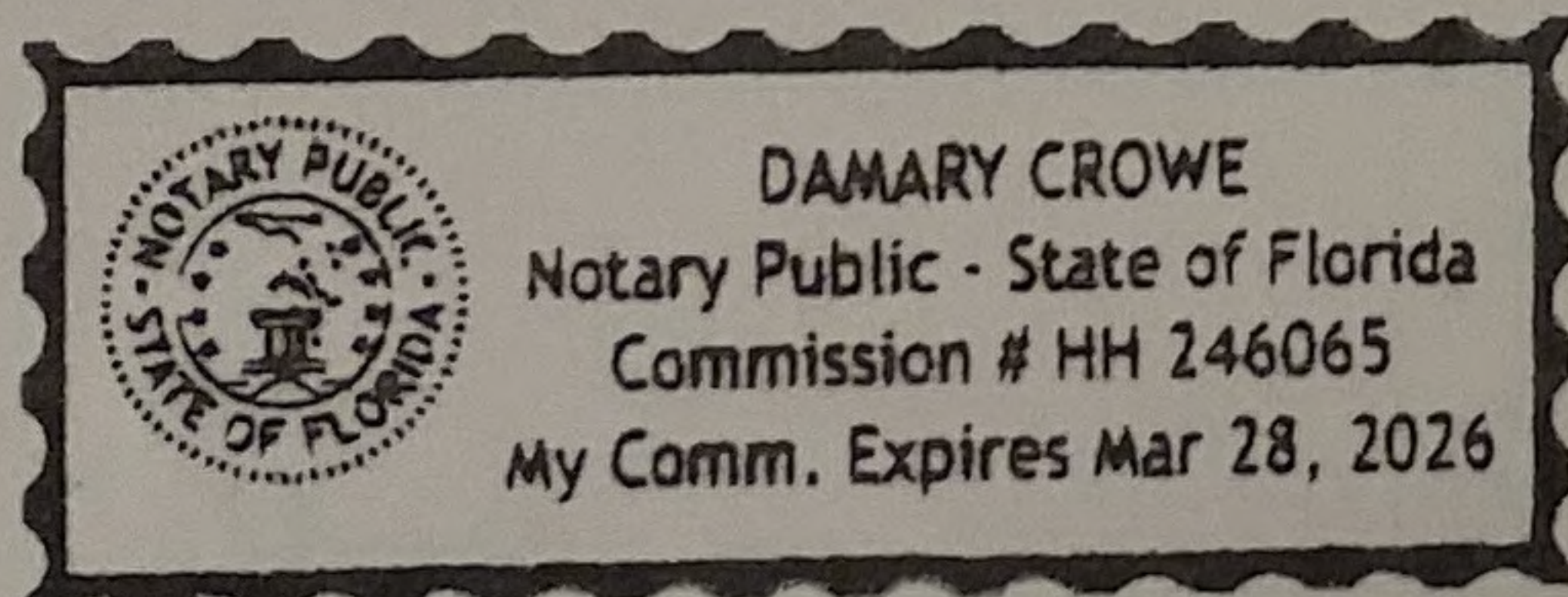
Name of Person Swearing or Affirming

Damary Crowe

Signature of Notary Public — State of Florida

Damary Crowe

Name of Notary, Typed, Printed or Stamped



☐ Personally Known

☒ Produced Identification

Type of Identification Produced: Florida

Driver License

Place Notary Seal Stamp Above

**OPTIONAL**

Completing this information can deter alteration of the document or  
fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: Affidavit of Service

Document Date: November 27, 2027 Number of Pages: 13

Signer(s) Other Than Named Above: \_\_\_\_\_

# **EXHIBIT A**

*Linda Simonetti v. Guy Simonetti*  
Index No. 55362/2022  
Page 33 of 34

**Decision and Order**

**IN SUMMARY, IT IS HEREBY ORDERED AS FOLLOWS:**

**ORDERED** that the Defendant shall pay to the Plaintiff monthly spousal maintenance in the amount of \$6,111.00 [Six Thousand One Hundred Eleven Dollars and No Cents] for a duration of fifteen years from the date of this Order; and it is further,

**ORDERED** that the Defendant transfer all right, title, and interest in and to the real property, located at 762 Hylan Boulevard, Staten Island, New York, to the Plaintiff by means of a bargain and sale deed with covenants within 30 days of Notice of Entry of this Memorandum Decision and Order and that all household furnishings and personal effects contained within the parties' marital residence, located at 762 Hylan Boulevard, Staten Island, New York, shall constitute the sole and exclusive property of the Plaintiff; and it is further,

**ORDERED** that the Plaintiff transfer all right, title, and interest in and to the real property, located at 3680 NW Mediterranean Lane, Jensen Beach, Florida, to the Defendant by means of a bargain and sale deed with covenants within 30 days of Notice of Entry of this Memorandum Decision and Order and that all household furnishings and personal effects contained within the real property, located at 3680 NW Mediterranean Lane, Jensen Beach, Florida, shall constitute the sole and exclusive property of the Defendant; and it is further,

**ORDERED** that the Plaintiff transfer any and all right, title, and interest in the 2022 Cadillac currently in possession of the Defendant to the Defendant; and it is further,

**ORDERED** that the Defendant transfer any and all right, title, and interest in the leased Cadillac CT4 currently operated by the Plaintiff and leased in the Defendant's name to the Plaintiff; and it is further,

**ORDERED** that the Plaintiff assume responsibility for all lease payments on said leased Cadillac CT4 vehicle; and it is further,

*Linda Simonetti v. Guy Simonetti*

Index No. 55362/2022

Page 34 of 34

**ORDERED** that the Plaintiff transfer any and all right, title, and interest in the 1999 Mercedes Benz currently in possession of the Defendant to the Defendant; and it is further, **ORDERED** that the Plaintiff transfer any and all right, title, and interest in the Yacht-Master Rolex watch(s) currently in possession of the Defendant to the Defendant; and it is further,

**ORDERED** that the Plaintiff transfer any and all right, title, and interest in the Mass Mutual IRA to the Defendant; and it is further,

**ORDERED** that the marital shares of the parties' pension benefits, which were accumulated during the marriage, shall be distributed pursuant to the Majauskas formula with a Qualified Domestic Relations Order to be submitted by the parties within 60 days of this Decision and Order; and it is further,

**ORDERED** that the Defendant maintain the Plaintiff as the beneficiary on his \$75,000.00 life insurance policy and the World Trade Center life insurance policy for the duration of the maintenance period; and it is further,

**ORDERED** that the Plaintiff is to file this Memorandum Decision and Order with Notice of Entry within 20 days of the date herein; and it is further,

**ORDERED** that Plaintiff is to submit proposed findings of fact and conclusions of law and proposed Judgment of Divorce, with all required filings and fees within 60 days on Notice; and it is further,

**ORDERED**, that the Clerk of the Court shall enter judgment accordingly.

The foregoing shall constitute the Decision and Order of this Court.

Dated: September 27, 2023

Staten Island, New York

ENTER,



HON. RONALD CASTORINA, JR.  
JUSTICE OF THE SUPREME COURT

HON. RONALD CASTORINA, JR.  
JUSTICE OF THE SUPREME COURT

LINDA SIMONETTI,

INDEX NO. 55362/2022

Plaintiffs,

-against-  
GUY SIMONETTI,

Defendants,

## NOTICE OF ENTRY

JOHN Z. MARANGOS, ESQ.

Attorney(s) for Plaintiff

Office and Post Office Address, Telephone  
1134A Hylan Boulevard  
STATEN ISLAND, N.Y. 10305  
(718) 273-8324

To

Signature (Rule 130-1.1-a)

Print name beneath

JOHN Z. MARANGOS, ESQ.

Service of a copy of the within is hereby admitted.

Attorney(s) for

Dated: \_\_\_\_\_

### PLEASE TAKE NOTICE:

☒ NOTICE OF ENTRY

that the within is a (certified) true copy of a<sup>n</sup> Order with Notice of Entry  
duly entered in the office of the clerk of the within named court on September 27, 2023

☐ NOTICE OF SETTLEMENT

that an order  
will be presented for settlement to the HON.  
within named Court, at  
on \_\_\_\_\_ at \_\_\_\_\_ M.

Dated,

September 29, 2023

of which the within is a true copy  
one of the judges of the

Yours, etc.

JOHN Z. MARANGOS, ESQ.

# **EXHIBIT B**

*Simonetti v Simonetti*  
Index No. 55362/2022  
Page 1 of 1

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF RICHMOND PART MP-7

HON. RONALD CASTORINA, JR.  
JUSTICE OF THE SUPREME COURT

X

LINDA SIMONETTI,

Plaintiff,

Index No.: 55362/2022

-against-

**SHORT FORM  
ORDER**

GUY SIMONETTI,

Defendant.

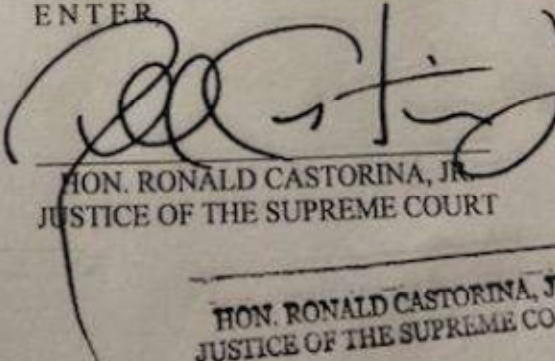
X

**IT IS HEREBY ORDERED AS FOLLOWS:**

1. A bench warrant for the Defendant, GUY SIMONETTI, is issued and stayed until the next adjourn date, November 30, 2023, at 9:30 AM.
2. Motion Sequence #010 and Motion Sequence #011 are adjourned for the in-person appearance of all parties on November 30, 2023, at 9:30 AM at the Courthouse located at 26 Central Avenue, Courtroom 330, Staten Island,

Date: November 15, 2023  
Staten Island, New York

ENTER

  
HON. RONALD CASTORINA, JR.  
JUSTICE OF THE SUPREME COURT

HON. RONALD CASTORINA, JR.  
JUSTICE OF THE SUPREME COURT

LINDA SIMONETTI

Plaintiff,

-against-

Index No. 55362/2022

GUY SIMONETTI,

Defendant,

**NOTICE OF ENTRY**

JOHN Z. MARANGOS, ESQ.

Attorney(s) for Plaintiff

Office and Post Office Address, Telephone

1134A Hylan Boulevard

STATEN ISLAND, N.Y. 10305

(718) 273-8324

To

Signature (Rule 130-1.1-a)

Print name beneath

JOHN Z. MARANGOS, ESQ.

Service of a copy of the within is hereby admitted.

Dated: \_\_\_\_\_

Attorney(s) for

**PLEASE TAKE NOTICE:**☒ **NOTICE OF ENTRY**

that the within is a (certified) true copy of a Order  
duly entered in the office of the clerk of the within named court on November 15, 2023

☐ **NOTICE OF SETTLEMENT**

that an order  
will be presented for settlement to the HON.  
within named Court, at  
on at M.

Dated,

of which the within is a true copy  
one of the judges of the

Yours, etc.

JOHN Z. MARANGOS, ESQ.

§

HON. RONALD CASTORINA, JR.  
JUSTICE OF THE SUPREME COURT

At a Matrimonial Part MP-7 of  
the Supreme Court of the  
State of New York, held in  
and for the County of  
Richmond, at the Courthouse  
thereof, located at 26  
Central Avenue, Staten  
Island, New York, on the 16<sup>TH</sup>  
day of October, 2023.

P R E S E N T :

Hon. Ronald Castorina, Jr.

-----X  
LINDA SIMONETTI,

Plaintiff,

ORDER TO SHOW CAUSE

- Against

Index No.: 55362/2022

GUY SIMONETTI,

Defendant.  
-----X

**NOTICE: THE PURPOSE OF THE HEARING IS TO PUNISH YOU FOR  
A CONTEMPT OF COURT. SUCH PUNISHMENT MAY  
CONSIST OF A FINE, IMPRISONMENT OR BOTH,  
ACCORDING TO LAW.**

**WARNING: YOUR FAILURE TO APPEAR IN COURT MAY RESULT IN  
YOUR IMMEDIATE ARREST AND IMPRISONMENT FOR  
CONTEMPT OF COURT.**

UPON the annexed Affidavit of Linda Simonetti, the  
Plaintiff herein dated October 13, 2023, and the Affirmation of  
John Z. Marangos, Esq., attorney for Plaintiff, dated October  
13, 2023, and upon all the pleadings and proceedings heretofore  
had herein, and on Motion of John Z. Marangos, Esq., attorney  
for the Plaintiff LINDA SIMONETTI,

LET the Defendant, GUY SIMONETTI, show cause at Matrimonial Term Part MP-7 hereof, to be held at the Supreme Court of the State of New York, County of Richmond, located at 26 Central Avenue, Staten Island, New York on the 15<sup>th</sup> day of NOVEMBER, 2023 at 10:00 A.M. in the forenoon of that day, or as soon thereafter as counsel can be heard, why an Order should not be made herein granting the Plaintiff the following relief:

- (a) Adjudging the Defendant to be in contempt for his willful failure to pay maintenance in accordance with this Court's September 27, 2023 Memorandum Decision and Order;
- (b) Adjudging the Defendant to pay and awarding additional Attorney Fees and disbursements to John Z. Marangos, Esq. for Defendant's willful breach and the need to bring this motion and proceeding, further granting a Money Judgment to Plaintiff's attorney on the sum of \$4,000.00 for the additional fees;
- (c) Granting the Plaintiff leave to renew and reargue pursuant to CPLR §2221 (d), in that the Court misapprehended or overlooked the facts and/or the law regarding the amount of life insurance Defendant was required to maintain for Plaintiff's benefit, and various issues concerning the Defendant's IRA account with Mass Mutual, and upon the new facts that

Defendant has continuously not paid spousal support.

- (d) Sequestering the Defendant's premises located at 3680 N.W. Mediterranean Lane, Jensen Beach, Florida for the benefit of the Plaintiff and ordering the appointment of a Receiver therefor pursuant to Domestic Relations Law §243, or in the alternative, requiring the Defendant to post a bond in the amount of \$2,000,000.00 as security for the payment of spousal support;
- (e) Staying the time period within which the Plaintiff must file Proposed Findings of Fact, Conclusions of Law and a Proposed Judgment of Divorce, along with any associated filings, until sixty (60) days following the outcome of the instant application,
- (f) Such other and further relief as this Court may deem just and proper, and it is further

*Personal Service & overnight mail.*  
ORDERED, that sufficient cause appearing therefor, ~~Federal Express Overnight Delivery to~~ Defendant GUY SIMONETTI, who

is Pro Se with respect to this matter, at his residence

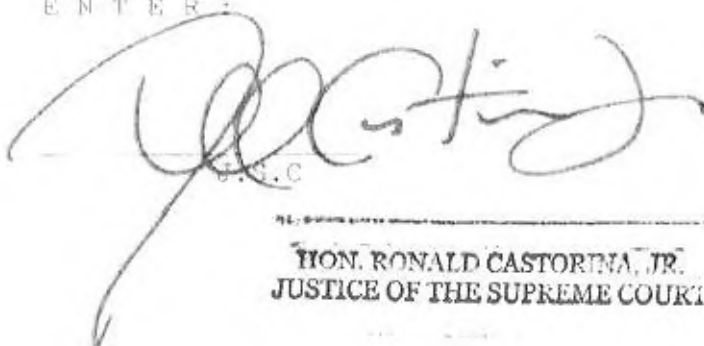
located at 3680 N.W. Mediterranean Lane, Jensen Beach,

Florida, on or before the 2ND day of NOVEMBER ~~October~~ 2023, shall

be deemed good and sufficient service.

ENTER:

Oct. 16, 2023

  
J.S.C.  
HON. RONALD CASTORINA, JR.  
JUSTICE OF THE SUPREME COURT

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF RICHMOND

-----X  
LINDA SIMONETTI,

Plaintiff,

AFFIRMATION IN SUPPORT

- Against

Index No.: 55362/2022

GUY SIMONETTI,

Defendant.

-----X

JOHN Z. MARANGOS, ESQ., an attorney duly admitted to practice law before the Courts of the State of New York, does hereby affirm the following facts under penalty of perjury:

1. I am the attorney for the Plaintiff herein and, as such, I am fully familiar with the facts and circumstances surrounding this action.

2. I submit this Affirmation in support of Plaintiff's Application for the following relief:

- A) Adjudging the Defendant to be in contempt for his willful failure to pay maintenance in accordance with this Court's September 27, 2023 Memorandum Decision and Order;
- B) Adjudging the Defendant to pay and awarding additional Attorney Fees and disbursements to John Z. Marangos, Esq, for Defendant's willful breach and the need to bring this motion and proceeding, further granting attorney's fees. The Plaintiff's attorney is paid an hourly rate of

\$500.00 per hour and has accrued 5 hours in preparing this Motion, plus an anticipated 3 hours for presentation and oral argument on this Motion.

- C) Granting the Plaintiff leave to renew and reargue pursuant to CPLR §2221 (d), in that the Court misapprehended or overlooked the facts and/or the law regarding the amount of life insurance Defendant was required to maintain for Plaintiff's benefit, and various issues concerning the Defendant's IRA account with Mass Mutual, and upon the new facts that Defendant has not paid spousal support to present and continuing;
- D) Sequestering the Defendant's premises located at 3680 N.W. Mediterranean Lane, Jensen Beach, Florida for the benefit of the Plaintiff and ordering the appointment of a Receiver therefor pursuant to Domestic Relations Law §243, or in the alternative, requiring the Defendant to post a bond in the amount of \$2,000,000.00 as security for the payment of spousal support;
- E) Staying the time period within which the Plaintiff must file Proposed Findings of Fact, Conclusions of Law and a Proposed Judgment of Divorce, along with any associated filings, until sixty (60) days following the outcome of the instant application,

F) Such other and further relief as this Court may deem just and proper, and it is further

**I. DEFENDANT'S FAILURE TO PAY COURT-ORDERED SUPPORT PAYMENTS WARRANTS HIS BEING HELD IN CONTEMPT**

3. On October 4, 2022, this Court ordered the Defendant to pay to the Plaintiff the sum of \$5,000.00 as and for spousal maintenance on a monthly basis. A copy of said Order is annexed hereto as Exhibit A.

4. Defendant has failed to make those payments for the months of August 2023 and September 2023.

5. Additionally, on September 27, 2023, the Court issued its Memorandum Decision and Order, which specified the financial support that Defendant was supposed to pay Plaintiff each month from the date of said Order, to wit, the sum of \$6,111.00 per month for fifteen years. A copy of said Order is annexed hereto as Exhibit B.

6. Defendant has failed to make that payment for the month of October 2023.

7. Additionally, on June 20, 2023, this Court Ordered the Defendant to pay to Plaintiff's prior counsel, Walter Anderocci, Esq., the sum of \$80,000.00 as and for his attorneys' fees in this matter, along with \$5,000.00 to the Plaintiff for spousal support for the month of July 2023. A copy of this Order is annexed hereto as Exhibit C. This amount was not paid and the

Plaintiff was granted a judgment, which was subsequently docketed with the Court and remains unsatisfied at the present time. A copy of the Judgment is annexed hereto as Exhibit D.

8. In El-Dehdan v. El-Dehdan, 114 A.D.2d 4, 9787 N.Y.S.2d 239 (2<sup>nd</sup> Dept. 2013), the Court concluded that for the Plaintiff to prevail on her Motion to hold the Defendant in civil contempt, she was required to prove by clear and convincing evidence "(1) that a lawful order of the court, clearly expressing an unequivocal mandate, was in effect, (2) that the order was disobeyed and the party disobeying the order had knowledge of its terms, and (3) that the movant was prejudiced by the offending conduct."

9. Each of the aforesaid elements have been shown.

10. Further, it is not necessary that the disobedience be deliberate or willful regarding civil contempt. Rather, the mere act of disobedience, regardless of its motive, is sufficient if such disobedience defeats, impairs, impedes or prejudices the rights or remedies of a party. El-Dehdan v. El-Dehdan, 114 A.D.2d 4, 9787 N.Y.S.2d 239 (2<sup>nd</sup> Dept. 2013); See also Gomes v. Gomes, 106 A.D.3d at 868,869, 965 N.Y.S.2d 187 (2<sup>nd</sup> Sept. 2013).

11. In Gomes, supra, the Court affirmed the Supreme Court's holding to hold the husband in contempt for failing to comply with a provision of the Court's order. Further affirming to this Court that this Defendant's failure to pay maintenance

is willful and that his conduct is calculated to defeat, impair, impede, or prejudice the wife's rights or remedies as the Second Department's Decision in Tarone v. Tarone, 104 A.D.3d 760, 960 N.Y.S.2d 329 (2<sup>nd</sup> Dept. 2013).

12. Moreover, Plaintiff asks this Court to award her additional counsel fees for this motion, pursuant to Domestic Relations Law §237, which provides that upon a finding of willful failure to obey an Order compelling payment, the Court shall pay counsel fees to the attorney representing the movant. See also Gulin v. Gulin, 155 A.D.2d 586, 548 N.Y.S.2d 34 (2<sup>nd</sup> Dept. 1989).

13. In Lopez v. Ajose, 33 A.D.3d 976, 824 N.Y.S.2d 113 (2<sup>nd</sup> Dept. 2006), where payments had not been made, the Court affirmed the wife's motion for contempt against her husband as the Court deemed the husband's conduct to be willful in violating the Court's Order.

**II. PLAINTIFF REQUESTS THAT DEFENANT BE COMPELLED TO PAY FOR PLAINTIFF'S REASONABLE ATTORNEYS' FEES AND DISBURSEMENTS FOR THE MAKING OF THIS APPLICATION.**

14. This motion was made necessary as a direct result of the Defendant's default. Thus, the Plaintiff must also be awarded attorneys' fees in connection with contempt proceedings. See Price v. Price, 115 A.D.2d 530, 496 N.Y.S.2d 464 (2<sup>nd</sup> Dept. 1985), modified in 500 N.Y.S.2d 1009 (2<sup>nd</sup> Dept. 1986).

15. In support of the Plaintiff's request for attorneys' fees, I would like to point out that the Defendants' actions have required the Plaintiff to be responsible to expend additional sums of money for attorneys' fees for enforcement proceedings and the within request that Defendant be held in contempt.

16. Moreover, by Order dated July 21, 2023, Defendant was previously held in contempt due to his failure to appear in-person as required and his willful failure to pay Court-ordered support to the Plaintiff, and judgment was entered against the Defendant accordingly (see Exhibit D). A copy of the Order is annexed hereto as Exhibit E. Said Judgment has not been satisfied in full as of the date of this Affirmation.

17. Therefore, the Plaintiff respectfully requests that she be awarded attorneys' fees based on the legal services set forth in my accompanying Affirmation.

18. The Plaintiff's retainer with my office provides for an hourly rate of \$500 per hour, which is reasonable in the community and based on my qualifications. Plaintiff has minimal income absent the Court Ordered maintenance payments by Defendant. Thus, I request an award of attorneys' fees of \$4,000.00 from this Court for the benefit of the Plaintiff.

**III. PLAINTIFF'S MOTION FOR RENEWAL AND REARGUMENT MUST BE GRANTED**

19. CPLR §2221 (d) permits a party to move for reargument where there has been a matter of fact or law overlooked or misapprehended by the Court. See also Jaspar Holdings v. Gotham Trading Partners #1, LLC, 186 A.D.3d 582, 130 N.Y.S.3d 19 (2<sup>nd</sup> Dept. 2020).

20. CPLR §2221 (e) provides that renewal may be granted where there are new facts offered that were not offered on the prior Motion that would change the prior determination. Further, it must be demonstrated that there is a reasonable justification for not offering the newly offered facts at the time of the underlying Motion. Heras v. Winers Garage, 61 A.D.3d 637, 876 N.Y.S.2d 511 (2<sup>nd</sup> Dept. 2009).

21. In the instant case, Your Honor considered the Defendant's life insurance policy, which provides for only \$75,000.00 in benefits in the event of his death, and Ordered that Plaintiff be named as beneficiary for that policy for the maintenance period of fifteen years.

22. It is presumed, as is typically the case, that Your Honor directed same in order for the death benefit to provide an insurance of sorts to the Plaintiff in the event the Defendant passes away during the maintenance period.

23. However, the total of the maintenance payments due under Your Honor's order is in excess of \$1,000,000.00. It is respectfully submitted that while Your Honor did consider the need for some protection to Plaintiff, the amount of the insurance is woefully insufficient to provide such security, and this fact was overlooked in Your Honor's prior decision.

24. It was argued by Plaintiff's prior counsel that a life insurance policy with a benefit of \$1,000,000.00 was appropriate given the assets of the Plaintiff. This amount would have been sufficient to offer Plaintiff the protection that Your Honor appears to have contemplated. It is respectfully submitted that the Defendant is in relatively poor health and is already receiving Social Security Disability as a result, which makes the security for these payments even more important.

25. Moreover, it bears noting that Defendant is already several months in arrears and has not paid any support payments since June 2023. The fact that these payments have not been made and the full amount of the support obligation is still owed is even further evidence in favor of an increased life insurance benefit. In the event of Plaintiff's death, it is likely that these amounts will still remain unpaid, and the entire support obligation will not have been satisfied. The current insurance limit of \$75,000.00 covers slightly more than one year of support payments, which it is respectfully submitted is not

sufficient.

26. Obviously, Defendant's continued failure to pay spousal support is a fact that could not possibly have been argued at the time of the underlying application, as same was continuous in nature and has continued up to the time of this application, and it is anticipated that it will continue further.

27. Based on the foregoing, Plaintiff requests that Your Honor grant renewal and reargument as to this issue, and upon such renewal and reargument, that Defendant be ordered to secure a life insurance policy with a benefit of \$1,000,000 so that Plaintiff has adequate security in the event of Defendant's death during the support period.

28. In addition, Your Honor ordered that the Defendant's IRA account with Mass Mutual, with an approximate current value of \$60,000.00, be given exclusively to the Defendant. However, prior to Your Honor's Order, on August 23, 2023, Plaintiff entered a judgment against the Defendant in the amount of \$85,000.00 plus interest for past support payments and attorneys' fees that Your Honor ordered Defendant to pay to the Plaintiff (see Exhibit D). This judgment remains in force and has not been satisfied to date.

29. In an effort to enforce the judgment, Plaintiff served a restraining notice upon Mass Mutual and is making efforts to

collect the judgment from that account.

30. While Your Honor's Order directed that this account be Defendant's property exclusively, the Order did not take into consideration that the account was presently restrained. Further, it is respectfully submitted that said restraint should remain in place until such time as Defendant has satisfied any and all judgments held against him by the Plaintiff.

31. It is respectfully submitted that Your Honor's Order, on its face, does not take the prior judgment or the restraint of the Mass Mutual account into consideration. Moreover, Defendant's continued failure to make spousal support payments and to satisfy the outstanding judgment are facts that could not possibly have been presented with respect to the application below.

32. Therefore, Plaintiff respectfully requests that renewal and reargument on that issue be granted, and upon such renewal and reargument, that it be Ordered that the Mass Mutual account shall remain restrained until the Defendant satisfies any judgments against him held by the Plaintiff.

**IV. DEFENDANT'S REAL PROPERTY SHOULD BE SEQUESTERED FOR THE BENEFIT OF THE PLAINTIFF AND A RECEIVER SHOULD BE APPOINTED**

33. Domestic Relations Law §243 provides that where a party fails to pay spousal support or attorneys' fees pursuant to a Court Order, the Court may order that said party's real

property be sequestered for the benefit of the party owed the obligation, and that a Receiver may be appointed. The statute further provides that said Receiver may direct the mortgaging or sale of the real property in order to pay such arrears.

34. It has been held that sequestration is an appropriate remedy where the obligated spouse has a history or pattern of non-payment, and other enforcement devices are ineffective or inefficient. Berger-Carniol v. Carniol, 273 A.D.2d 427, 710 N.Y.S.2d 114 (2<sup>nd</sup> Dept. 2000).

35. In the instant case, Defendant's history of non-payment is already well documented; he has been held in contempt by Your Honor and the attorneys' fees and maintenance awarded previously by Your Honor remain unpaid and a money judgment has been docketed against the Defendant. Moreover, he has failed to make any spousal support payments since May 2023, and remains in arrears regarding same.

36. In the alternative, should Your Honor not order sequestration of Defendant's real property, DRL §243 also provides that Your Honor can require the obligated party to post adequate security to assure the payment of support and attorneys' fees. It is respectfully submitted that based on the amount of support owed and the current arrears, a bond in the amount of \$2,000,000.00 would be adequate security. It does bear noting, however, that sequestration is the better option in this

instance, as the outstanding Judgment already docketed against the Plaintiff would probably prevent him from qualifying for a bond.

WHEREFORE, Plaintiff respectfully requests that this application be granted in its entirety.

Dated: Staten Island, New York  
October 13, 2023

  
JOHN T. MARANGOS

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF RICHMOND

-----X  
LINDA SIMONETTI,

Plaintiff,

AFFIDAVIT IN SUPPORT

- Against -

Index No.: 55362/2022

GUY SIMONETTI,

Defendant.

-----X  
State of New York                    )  
                                          )  
County of Richmond                )Ss.:

LINDA SIMONETTI, being duly sworn, hereby deposes and says:

1. I am a Plaintiff herein and submit this Affidavit in support of the within Motion for contempt.

2. On September 27, 2023, the Court issued its Memorandum Decision and Order, which specified the financial support that Defendant was supposed to pay Plaintiff each month from the date of said Order, to wit, the sum of \$6,111.00 per month for fifteen years.

3. Defendant has refused to comply with his obligation pursuant to the Memorandum Decision and Order dated September 27, 2023.

4. Defendant has failed to pay although demanded of him the sum of \$6,111.00 for the amount due for October 1, 2023.

10. No defense to this Motion exists and I have repeatedly demanded of the Defendant that full payment be rendered in accordance with our agreement and the prior Orders of this Court.

11. I also request that my counsel, John Z. Marangos, be granted attorneys' fees, as the only reason this Motion had to be brought and legal fees incurred was due to the Defendant's conduct and willful failure to pay.

WHEREFORE, I respectfully request that this Court grant Plaintiff's motion in all respects.

*Linda Simonetti*  
LINDA SIMONETTI

Sworn to this 13<sup>th</sup> day  
of October, 2023

*Theresa Lewis*  
NOTARY PUBLIC

THERESA LEWIS  
COMMISSIONER OF DEEDS  
NEW YORK CITY NO. 5-7528  
NEW YORK COUNTY  
EXPIRES JANUARY 1, 2024

# **EXHIBIT A**

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF RICHMONDHON. RONALD CASTORINA, JR.  
JUSTICE OF THE SUPREME COURT

LINDA SIMONETTI,

Plaintiff,

Index No: 55362/2022

-against-

GUY SIMONETTI,

Defendant.

DECISION & ORDER  
ON MOTION

WHEREAS, the Plaintiff moved by Order to Show Cause dated August 24, 2022, Defendant having filed his opposition on September 16, 2022 and Plaintiff having replied on September 20, 2022; and

WHEREAS; the Plaintiff and her counsel WALTER E. ANDEROCCHI, ESQ. and STEPHANIE MARIE FURINO, ESQ.; 32 COURT STREET, SUITE 1809, BROOKLYN, NEW YORK 11201 and the Defendant and his counsel ANGIULI & GENTILE, By: JESSICA TERMINI, ESQ. and ANGELIQUE S. FLOYD, ESQ., 1493 HYLAN BOULEVARD, STATEN ISLAND, NEW YORK 10305 having appeared before this Court virtually on September 22, 2022 and this Court having heard motion argument on the issues of temporary maintenance, temporary exclusive use and occupancy and temporary counsel fees;

## IT IS HEREBY

ORDERED that commencing October 1, 2022, Defendant is to pay to Plaintiff as and for temporary maintenance the sum of \$5,000.00 per month *pendente lite*. This award is retroactive to the date of commencement July 18, 2022. The temporary maintenance payment will be made by Defendant directly to Plaintiff on the first of the monthly; and it is further

ORDERED that the Plaintiff shall have exclusive use and occupancy *pendente lite* of the marital residence located at 762 Hylan Boulevard Staten Island, New York 10305; and it is further

ORDERED that the Plaintiff shall be obligated to pay the expenses and carrying charges of the Staten Island residence (see September 22, 2022 transcript page 26, lines 12-16); and it is further

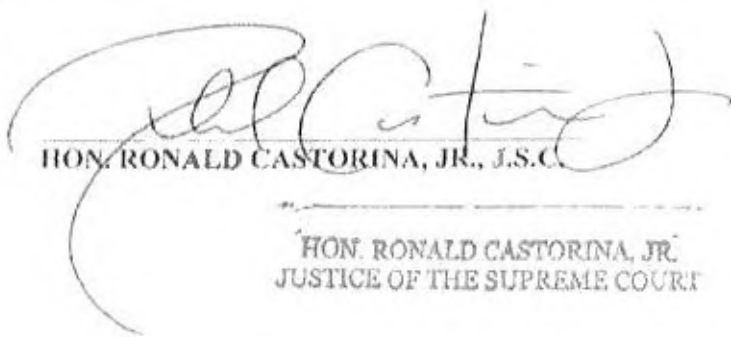
ORDERED in addition to the monthly maintenance amount due October 1, 2022 of \$5,000.00 the Defendant shall pay directly to the Plaintiff the retroactive maintenance award (for the months of August and September) on October 1, 2022 of \$10,000.00 on that date; and it is further

ORDERED, the Defendant shall pay directly to Plaintiff's counsel WALTER E. ANDEROCCHI, ESQ. the sum of \$15,000.00 as and for a temporary counsel fee, with leave granted to apply for further fees as this case progresses. The Defendant shall mail the payment to WALTER E. ANDEROCCHI, ESQ. office at either 32 COURT STREET, SUITE 1809, BROOKLYN, NEW YORK 11201 or 900 SOUTH AVENUE, STATEN ISLAND NEW YORK 10314.

This shall constitute the Decision and Order of the Court.

OCTOBER 4, 2022

Dated: September       , 2022.

  
HON. RONALD CASTORINA, JR., J.S.C.

HON. RONALD CASTORINA, JR.  
JUSTICE OF THE SUPREME COURT



## New York City Police Pension Fund

October 11, 2023

John Marangos Esq.  
1134A Hylan Blvd  
Staten Island, NY 10305

Re: Guy Simonetti  
Member No. 891009  
Case Identifier/Index No: 55362/2022  
Income Execution Order

Dear John Marangos Esq.:

The New York City Police Pension Fund ("Fund") received an Income Execution Order (IEX) pursuant to CPLR § 5241 regarding the above-referenced matter. Please be advised the Order seeks to withhold \$3,113.53 from the above-referenced member's monthly pension. According to our calculations, \$2,905.39 is the maximum amount the Fund may withhold pursuant to CPLR § 5241(g)(1)(i). Accordingly, the Fund deducted this amount with the September 2023 payroll.

Should you have questions regarding the payment of your retirement allowance, please contact the Legal Division at (212) 693-5750.

Very truly yours,

The Legal Division

Cc: Guy Simonetti

# **EXHIBIT C**



MassMutual  
1295 State Street  
Springfield MA 01111-0001  
[www.massmutual.com](http://www.massmutual.com)

**Via Overnight Mail**

November 14, 2023

City Marshal, Kenneth J. Giachetta  
155 New Dorp Plaza  
Staten Island, NY 10306

**RE: Linda Simonetti, Creditor vs. Guy Simonetti, Judgment Debtor  
Massachusetts Mutual Life Insurance Company ("MassMutual"), Garnishee  
Supreme Court of the State of New York, Richmond County  
Index# 55362/2022 – Docket: E4055**

City Marshal Giachetta,

In accordance with the Levy and Final Demand dated September 15, 2023 pursuant to the Notice to Garnishee dated August 24, 2023 (the "Garnishment"), enclosed please find MassMutual's check in the amount of \$75,442.86, which represents the cash value of annuity contract number \*\*\*\*9356, owned by Guy Simonetti.

We trust this payment satisfies MassMutual's obligation under the Garnishment and will consider this matter closed.

Should you have any questions or concerns, please feel free to contact me at [aoconnor@massmutual.com](mailto:aoconnor@massmutual.com) or (413) 744-6184.

Sincerely,

*Alyssa M. O'Connor*

Alyssa M. O'Connor  
Legal Consultant  
MassMutual Law Department

CC:

**(VIA REGULAR MAIL)**

John Marangos, Esq.  
1134A Hylan Blvd  
Staten Island, NY 10305

**(VIA REGULAR MAIL)**

Guy Simonetti  
3680 NW Mediterranean Ln  
Bldg 12, Apt 108  
Jensen Beach, FL 34957

COPY

MAILING ADDRESS

CITY MARSHAL, KENNETH GIACHETTA  
155 NEW DORP PLAZA  
STATEN ISLAND NY 10312

CK440

REFERENCE PNY9409356

VENDOR NUMBER: OVANNMANL

Check#:1527355 - November 07,2023

| DOCUMENT<br>NUMBER | VENDOR<br>INVOICE NO. | PO<br>NUMBER | INVOICE<br>DATE | AMOUNT    | DISCOUNT | NET AMOUNT |
|--------------------|-----------------------|--------------|-----------------|-----------|----------|------------|
| 1947495043         | C155036935            | PNY9409356   | 11/07/2023      | 75,442.86 | 0.00     | 75,442.86  |
|                    |                       |              | TOTALS          | 75,442.86 | 0.00     | 75,442.86  |

...MassMutual Massachusetts Mutual Life Insurance Company  
Springfield MA 01111-0001

51-44  
119

1527355  
Bank of America, N.A.  
Hartford, CT

\*\*\* SEVENTY-FIVE THOUSAND FOUR HUNDRED FORTY-TWO USD and  
86/100 \*\*\*

Amount of Check:

\$75,442.86

Date: November 07,2023

Account No. PNY9409356

Invalid after 150 days

Pay To CITY MARSHAL, KENNETH GIACHETTA  
The 155 NEW DORP PLAZA  
Order of STATEN ISLAND NY 10312

J Sgauri

Treasurer

CK440

THIS DOCUMENT HAS AN EMBEDDED WATERMARK (HOLD TO LIGHT TO VIEW) AND VISIBLE SECURITY FIBERS. TO INSURE AUTHENTICITY, BOTH FEATURES MUST BE PRESENT.

1527355 0011900445 000000096015



**KENNETH J. GIACHETTA**  
MARSHAL, CITY OF NEW YORK  
155 NEW DORP PLAZA  
STATEN ISLAND, NEW YORK 10306  
BADGE NO. 80  
TEL: 718-351-4515  
FAX: 718-979-7010  
MARSHALKG80@VERIZON.NET

CW  
September 15, 2023

## LEVY AND FINAL DEMAND ON

MASS MUTUAL  
ACCOUNT #: ANY & ALL ACCOUNTS  
622 3RD AVE, 9TH FL  
NEW YORK NY 10017

DATE: 9/18/23  
TIME: 10:50 AM  
PERSON: Denise D. Tomaso  
BRANCH: #2 Teleport D2

JUDGMENT CREDITOR  
LINDA SIMONETTI  
VS  
GUY SIMONETTI  
JUDGMENT DEBTOR

GREETINGS:

Attached you will find a Property Execution with Notice To Garnishee. As directed under CPLR 5232(a), you are required to turn over to me all property of the judgment Debtor currently in your possession or custody, not to exceed the following amount:

|                         |                    |
|-------------------------|--------------------|
| Judgment. . . . .       | \$85,000.00        |
| Interest. . . . .       | \$461.89           |
| Statutory Fees. . . . . | \$75.00            |
| Expense . . . . .       | \$2.58             |
| Poundage. . . . .       | \$4,276.97         |
| <b>TOTAL</b>            | <b>\$89,816.44</b> |

Should you have any questions, kindly contact my office:

Marshal's Docket No.: **E 4055**

Very truly yours,  
*Kenneth J. Giachetta*  
**KENNETH J. GIACHETTA**  
Marshal City of New York  
Badge No. 80

**FOR BANK USE ONLY. Please checkmark account status:** ☒

- ☐ 1. An official check is enclosed and we have released the account  
☐ 2. There is an account in the name of the judgment debtor as follows:  
Branch of account: \_\_\_\_\_ Phone No.: \_\_\_\_\_  
Account Number: \_\_\_\_\_ Balance: \_\_\_\_\_  
☐ 3. Prior Lien(s)  
☐ 4. No account or assets maintained at this office  
☐ 5. The account of the judgment debtor was overdrawn  
☐ 6. Former account(s) was closed on: \_\_\_\_\_  
☐ 7. Joint account  
☐ 8. No funds

Remarks: \_\_\_\_\_

Position held: \_\_\_\_\_ Phone No.: \_\_\_\_\_  
Branch of account: \_\_\_\_\_ Phone No.: \_\_\_\_\_

**EXEMPTION NOTICE**  
as required by New York Law

**YOUR BANK ACCOUNT IS RESTRAINED OR "FROZEN"**

The attached Restraining Notice or notice of Levy by Execution has been issued against your bank account. You are receiving this notice because a creditor has obtained a money judgment against you, and one or more of your bank accounts has been restrained to pay the judgment. A money judgment is a court's decision that you owe money to a creditor. You should be aware that FUTURE DEPOSITS into your account(s) might also be restrained if you do not respond to this notice.

You may be able to "vacate" (remove) the judgment. If the judgment is vacated, your bank will be released. Consult an attorney (including free legal services) or visit the court clerk for more information about how to do this.

Under state and federal law, certain types of funds cannot be taken from your bank account to pay a judgment. Such money is said to be "exempt".

**DOES YOUR BANK ACCOUNT CONTAIN ANY OF THE FOLLOWING TYPES OF FUNDS?**

1. Social Security;
2. Social Security disability (SSD);
3. Supplemental security income (SSI);
4. Public assistance (welfare);
5. Income earned while receiving SSI or public assistance;
6. Veterans benefits;
7. Unemployment insurance;
8. Payments from pensions and retirement accounts;
9. Disability benefits;
10. Income earned in the last 60 days (90% of which is exempt);
11. Workers' compensation benefits;
12. Child support;
13. Spousal support or maintenance (alimony);
14. Railroad retirement;
15. Black lung benefits; and/or
16. COVID-19 stimulus relief for individuals and families with children

If YES, you can claim that your money is exempt and cannot be taken.

To make a claim, you must

- a) complete the EXEMPTION CLAIM FORM attached;
- b) deliver or mail the form to the bank with the restrained or "frozen" account; and
- c) deliver or mail the form to the creditor or its attorney at the address listed on the form.

You must send the forms within 20 days of the postmarked date on the envelope holding this notice. You may be able to get your account released faster if you send to the creditor or its attorney written proof that your money is exempt. Proof can include an award letter from the government, an annual statement from your pension, pay stubs, copies of checks, bank records showing the last two months of account activity, or other papers showing that the money in your bank account is exempt. If you send the creditors attorney proof that the money in your account is exempt, the attorney must release that money within seven days. You do not need an attorney to make an exemption claim using the form.

Judgment Creditor

LINDA SIMONETTI

**EXEMPTION CLAIM FORM**

vs

Judgment Debtor

GUY SIMONETTI

762 Hylan Blvd  
STATEN ISLAND, NY 10305

NAME AND ADDRESS OF JUDGMENT  
CREDITOR OR ATTORNEY

ADDRESS A

JOHN MARANGOS, ESQ

1134A Hylan Blvd  
STATEN ISLAND, NY 10305

NAME AND ADDRESS OF  
FINANCIAL INSTITUTION

ADDRESS B

MASS MUTUAL

622 3RD AVE, 9TH FL  
NEW YORK, NY 10017

Directions: To claim that some or all of the funds in your account are exempt, complete both copies of this form, and make one copy for yourself. Mail or deliver one form to ADDRESS A and one form to ADDRESS B within twenty days of the date on the envelope holding this notice. \*\*\*\*\*If you have any documents such as an award letter, an annual statement from your pension, paystubs, copies of checks or bank records showing the last two months of account activity, include copies of the documents with this form. Your account may be released more quickly.

I state that my account contains the following type(s) of funds (check all that apply):

- ☐ Social Security
- ☐ Social Security disability (SSD)
- ☐ Supplemental security income (SSI)
- ☐ Public assistance
- ☐ Wages while receiving SSI or public assistance
- ☐ Veterans benefits
- ☐ Unemployment insurance
- ☐ Payments from pensions and retirement accounts
- ☐ Income earned in last 60 days (90% of which is exempt)
- ☐ Child support
- ☐ Spousal support or maintenance (alimony)
- ☐ Workers' compensation benefits
- ☐ Railroad retirement or Black lung benefits
- ☐ COVID-19 stimulus relief for individuals and families with children
- ☐ Other (describe exemption) \_\_\_\_\_

I request that any correspondence to me my claim be sent to

The following address: \_\_\_\_\_

(FILL IN YOUR COMPLETE ADDRESS)

I certify under penalty of perjury that the statement above is true to the best of my knowledge and belief.

DATE

SIGNATURE OF JUDGMENT DEBTOR

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF RICHMOND INDEX# 55362/2022

Docket: E4055

Judgment Creditor

LINDA SIMONETTI

**EXEMPTION CLAIM FORM**

vs

Judgment Debtor

GUY SIMONETTI

762 Hylan Blvd  
STATEN ISLAND, NY 10305

NAME AND ADDRESS OF JUDGMENT  
CREDITOR OR ATTORNEY

ADDRESS A

JOHN MARANGOS, ESQ

1134A Hylan Blvd  
STATEN ISLAND, NY 10305

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The following address: \_\_\_\_\_

(FILL IN YOUR COMPLETE ADDRESS)

I certify under penalty of perjury that the statement above is true to the best of my knowledge and belief.

DATE

SIGNATURE OF JUDGMENT DEBTOR



Index No. 55362/2022

LINDA SIMONETTI

Plaintiff(s)

against

GUY SIMONETTI

Defendant(s)

**EXECUTION  
WITH NOTICE TO  
GARNISHEE**

THE PEOPLE OF THE STATE OF NEW YORK TO THE SHERIFF OF ANY COUNTY, GREETING:

WHEREAS, in an action in the <sup>SUPREME</sup> Court of THE STATE OF NEW YORK  
County of RICHMOND

between LINDA SIMONETTI

as plaintiff(s) and  
as defendant(s)

GUY SIMONETTI

who are all the parties named in said action, a judgment was entered on AUGUST 23, 2023

judgment creditor(s)

in favor of LINDA SIMONETTI

judgment debtor(s)

and against GUY SIMONETTI

whose last known address is 762 HYLAN BLVD, STATEN ISLAND, NY 10305

in the amount of \$ 85,000.00 including costs, of which \$

85,000.00 together with

interest thereon from AUGUST 23, 2023

remains due and unpaid; AND

WHEREAS, a transcript of the judgment was filed on AUGUST 23, 2023

with

the Clerk of the County of RICHMOND

, in which county the judgment was entered; and

WHEREAS, a transcript of the judgment was docketed in the office of the Clerk of your county on AUGUST 23, 2023

NOW, THEREFORE, WE COMMAND YOU to satisfy the said judgment out of the real and personal property of the above named judgment debtor and the debts due to him; and that only the property in which said judgment debtor who is not deceased has an interest or the debts owed to him shall be levied upon or sold hereunder; AND TO RETURN this execution to the clerk of the above captioned court within 60 days after issuance unless service of this execution is made within that time or within extensions of that time made in writing by the attorney(s) for the judgment creditor.

Pursuant to CPLR § 5205(1), \$2,625 of an account containing direct deposit or electronic payments reasonably identifiable as statutorily exempt payments, as defined in CPLR § 5205(1)(2), is exempt from execution and the garnishee cannot levy upon or restrain \$2,625 in such an account.

Pursuant to CPLR § 5222(i), an execution shall not apply to an amount equal to or less than 90% of the greater of 240 times the federal minimum hourly wage prescribed in the Fair Labor Standards Act of 1938 or 240 times the state minimum hourly wage prescribed in Labor Law § 652 as in effect at the time the earnings are payable, except such part as a court determines to be unnecessary for the reasonable requirements of the judgment debtor and his or her dependents.

**Notice to Garnishee**

TO: MASSMUTUAL

ADDRESS: 250 West 34th Street, One Penn Plaza, Suite 2035, New York, NY 10119

WHEREAS, it appears that you are indebted to the judgment debtor, above named, or in possession or custody of property not capable of delivery in which the judgment debtor has an interest, including, without limitation, the following specified debt and property:

NOW, THEREFORE, YOU ARE REQUIRED by section 5232(a) of the Civil Practice Law and Rules (forthwith to transfer to the sheriff all personal property not capable of delivery in which the judgment debtor is known or believed to have an interest now in or hereafter coming into your possession or custody including any property specified in this notice; and to pay to the sheriff, upon maturity, all debts now due or hereafter coming due from you to the judgment debtor, including any debts specified in this notice; and to execute any documents necessary to effect such transfer or payment;

AND TAKE NOTICE that until such transfer or payment is made or until the expiration of 90 days after the service of this execution upon you or such further time as is provided by any order of the court served upon you whichever event first occurs, you are forbidden to make or suffer any sale, assignment or transfer of, or any interference with, any such property, or pay over or otherwise dispose of any such debt, to any person other than the sheriff, except upon direction of the sheriff or pursuant to an order of the court;

AND TAKE FURTHER NOTICE THAT at the expiration of 90 days after a levy is made by service of this execution, or of such further time as the court upon motion of the judgment creditor has provided, this levy shall be void except as to property or debts which have been transferred or paid to the sheriff, or as to which a proceeding under sections 5225 or 5227 of the Civil Practice Law and Rules has been brought.

**KENNETH J. GIACHETTA**  
CITY MARSHAL  
155 NEW DORP PLAZA  
STATEN ISLAND, NY 10306

Dated: 08/24/2023

Signature

Attorney(s) for Judgment Creditor JOHN Z. MARANGOS, ESQ.

Office and Post Office Address 1134A HYLAN BLVD, STATEN ISLAND, NY 10305

A notice to judgment debtor in the form presented by CPLR §5222(e) — HAS NOT — been served on judgment debtor within a year.

ENDORSEMENT

*Please take notice that the following named defendants were not served with a summons herein, viz.:*

*and that, as to them, the execution must be restricted as below prescribed.*

*An execution against property shall not be levied upon the sole property of such a defendant, but it may be collected out of real and personal property owned by him jointly with the other defendants who were summoned or with any of them, and out of the real and personal property of the latter or any of them.*

*Attorney(s) for JUDGMENT CREDITOR*

JOHN Z. MARANGOS, ESQ. 1134A HYLAN BLVD, STATEN ISLAND, NEW YORK 10305

*Name and Address of Garnishee* MASSMUTUAL

250 West 34th Street, One Penn Plaza, Suite 2035, New York, NY 10119

*Address of Judgment Debtor* 762 HYLAN BLVD

STATEN ISLAND, NY 10305

*Location of Property* MASSMUTUAL IRA ACCOUNT CONTRACT/CERTIFICATE ##PNY9409356

250 West 34th Street, One Penn Plaza, Suite 2035, New York, NY 10119

INDEX NO. 55362/2022

COURT STATE OF NEW YORK COUNTY OF RICHMOND

---

**Execution**  
**AGAINST PROPERTY**  
*With Notice to Garnishee*

---

LINDA SIMONETTI

LAW OFFICES OF JOHN Z. MARANGOS

*against*

*Plaintiff(s)*

GUY SIMONETTI

*Defendant(s)*

*Sheriff of any County*

*Levy and collect as within directed*

*Attorney(s) for JUDGMENT CREDITOR*

*Office and Post Office Address* JOHN Z. MARANGOS, ESQ.  
1134A HYLAN BLVD, STATEN ISLAND, NY 10305

*with interest from*  
*besides your fees, etc.*

*Dated and time received*

\_\_\_\_\_  
*Sheriff*



Index No. 55362/2022

LINDA SIMONETTI

Plaintiff(s)

against

GUY SIMONETTI

Defendant(s)

**EXECUTION  
WITH NOTICE TO  
GARNISHEE**

THE PEOPLE OF THE STATE OF NEW YORK TO THE SHERIFF OF ANY COUNTY, GREETING:

WHEREAS, in an action in the SUPREME Court of THE STATE OF NEW YORK  
County of RICHMOND  
between LINDA SIMONETTI

as plaintiff(s) and  
as defendant(s)

GUY SIMONETTI  
who are all the parties named in said action, a judgment was entered on AUGUST 23, 2023  
in favor of LINDA SIMONETTI  
and against GUY SIMONETTI

judgment creditor(s)  
judgment debtor(s)

whose last known address is 762 HYLAN BLVD, STATEN ISLAND, NY 10305

in the amount of \$ 85,000.00 including costs, of which \$  
interest thereon from AUGUST 23, 2023 remains due and unpaid; AND

85,000.00 together with

WHEREAS, a transcript of the judgment was filed on AUGUST 23, 2023 with  
the Clerk of the County of RICHMOND, in which county the judgment was entered; and

WHEREAS, a transcript of the judgment was docketed in the office of the Clerk of your county on AUGUST 23, 2023

NOW, THEREFORE, WE COMMAND YOU to satisfy the said judgment out of the real and personal  
property of the above named judgment debtor and the debts due to him; and that only the property in which said judgment  
debtor who is not deceased has an interest or the debts owed to him shall be levied upon or sold hereunder; AND TO  
RETURN this execution to the clerk of the above captioned court within 60 days after issuance unless service of this execu-  
tion is made within that time or within extensions of that time made in writing by the attorney(s) for the judgment creditor.

Pursuant to CPLR § 5205(1), \$2,625 of an account containing direct deposit or electronic payments reasonably identifiable  
as statutorily exempt payments, as defined in CPLR § 5205(1)(2), is exempt from execution and the garnishee cannot levy upon or  
restrain \$2,625 in such an account.

Pursuant to CPLR § 5222(i), an execution shall not apply to an amount equal to or less than 90% of the greater of 240 times  
the federal minimum hourly wage prescribed in the Fair Labor Standards Act of 1938 or 240 times the state minimum hourly wage  
prescribed in Labor Law § 652 as in effect at the time the earnings are payable, except such part as a court determines to be unnec-  
essary for the reasonable requirements of the judgment debtor and his or her dependents.

**Notice to Garnisher** TO: MASSMUTUAL  
ADDRESS: 250 West 34th Street, One Penn Plaza, Suite 2035, New York, NY 10119

WHEREAS, it appears that you are indebted to the judgment debtor, above named, or in possession or custody of  
property not capable of delivery in which the judgment debtor has an interest, including, without limitation, the following  
specified debt and property:

NOW, THEREFORE, YOU ARE REQUIRED by section 5232(a) of the Civil Practice Law and Rules forth-  
with to transfer to the sheriff all personal property not capable of delivery in which the judgment debtor is known or believed  
to have an interest now in or hereafter coming into your possession or custody including any property specified in this  
notice; and to pay to the sheriff, upon maturity, all debts now due or hereafter coming due from you to the judgment debtor,  
including any debts specified in this notice; and to execute any documents necessary to effect such transfer or payment;

AND TAKE NOTICE that until such transfer or payment is made or until the expiration of 90 days after the  
service of this execution upon you or such further time as is provided by any order of the court served upon you whichever  
event first occurs, you are forbidden to make or suffer any sale, assignment or transfer of, or any interference with, any such  
property, or pay over or otherwise dispose of any such debt, to any person other than the sheriff, except upon direction of  
the sheriff or pursuant to an order of the court;

AND TAKE FURTHER NOTICE THAT at the expiration of 90 days after a levy is made by service of this  
execution, or of such further time as the court upon motion of the judgment creditor has provided, this levy shall be void  
except as to property or debts which have been transferred or paid to the sheriff or as to which a proceeding under sections  
5225 or 5227 of the Civil Practice Law and Rules has been brought.

KENNETH J. GIACHETTA  
JOHN MARSHAL  
155 NEW DORP PLAZA  
STATEN ISLAND, NY 10306

Dated: 08/24/2023

Signature

Attorney(s) for Judgment Creditor JOHN Z. MARANGOS, ESQ.

Office and Post Office Address 1134A HYLAN BLVD, STATEN ISLAND, NY 10305

A notice to judgment debtor in the form presented by CPLR §5222(e) — HAS — HAS NOT — been served on judgment debtor within a year.



**KENNETH J. GIACHETTA**  
MARSHAL, CITY OF NEW YORK  
155 NEW DORP PLAZA  
STATEN ISLAND, NEW YORK 10306  
BADGE NO. 80  
TEL: 718-351-4515  
FAX: 718-979-7010  
MARSHALKG80@VERIZON.NET

GUY SIMONETTI  
762 Hylan Blvd  
STATEN ISLAND NY 10305

September 18, 2023

JUDGMENT CREDITOR  
LINDA SIMONETTI  
VS  
GUY SIMONETTI

JUDGMENT DEBTOR

**NOTICE TO JUDGMENT DEBTOR**

Money or property belonging to you may have been taken or held in order to satisfy a judgment which has been entered against you. Read this carefully.

**YOU MAY BE ABLE TO GET YOUR MONEY BACK**

State and federal laws prevent certain money or property from being taken to satisfy judgments. Such money or property is said to be "exempt". The following is a partial list of money which may be exempt

1. Supplemental security income, (SSI);
2. Social security;
3. Public Assistance (welfare);
4. Spousal support, maintenance (alimony) or child support;
5. Unemployment insurance;
6. Disability benefits;
7. Workers' compensation benefits;
8. Public or private pensions;
9. Veterans benefits;
10. Ninety percent of your wages or salary earned in the last sixty days;
11. Twenty-five hundred dollars of any bank account containing statutorily exempt payments that were deposited electronically or by direct deposit within the last forty-five days, including, but not limited to, your social security, supplemental security income, veterans benefits, public assistance, workers' compensation, unemployment insurance, public or private pensions, railroad retirement benefits, black lung benefits, or child support payments;
12. Railroad retirement;
13. Black lung benefits; and
14. COVID-19 stimulus relief for individuals and families with children.

If you think that any of your money that has been taken or held is exempt, you must act promptly because the money may be applied to the judgment. If you claim that any of your money that has been taken or held is exempt, you may contact the person sending this notice.

**YOU MAY CONSULT AN ATTORNEY, INCLUDING LEGAL AID IF YOU QUALIFY.** The law (New York civil practice laws and rules, article four and sections fifty-two hundred thirty-nine and fifty-two hundred forty) provides a procedure for determination of a claim to an exemption.

Docket No. E 4055

**KENNETH J. GIACHETTA**  
Marshal, City of New York  
Badge No. 80

JOHN MARANGOS, ESQ

Creditor or Attorney(s) for Judgment Creditor



Index No. 55362/2022

LINDA SIMONETTI

Plaintiff(s)

against

GUY SIMONETTI

Defendant(s)

**EXECUTION  
WITH NOTICE TO  
GARNISHEE**

THE PEOPLE OF THE STATE OF NEW YORK TO THE SHERIFF OF ANY COUNTY, GREETING:

WHEREAS, in an action in the SUPREME Court of THE STATE OF NEW YORK  
County of RICHMOND  
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as plaintiff(s) and  
as defendant(s)

GUY SIMONETTI  
who are all the parties named in said action, a judgment was entered on AUGUST 23, 2023  
in favor of LINDA SIMONETTI  
and against GUY SIMONETTI

judgment creditor(s)  
judgment debtor(s)

whose last known address is 762 Hylan Blvd, STATEN ISLAND, NY 10305

in the amount of \$ 85,000.00 including costs, of which \$  
interest thereon from AUGUST 23, 2023

85,000.00 together with

remains due and unpaid; AND

WHEREAS, a transcript of the judgment was filed on AUGUST 23, 2023

with

the Clerk of the County of RICHMOND

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WHEREAS, a transcript of the judgment was docketed in the office of the Clerk of your county on AUGUST 23, 2023

NOW, THEREFORE, WE COMMAND YOU to satisfy the said judgment out of the real and personal  
property of the above named judgment debtor and the debts due to him; and that only the property in which said judgment  
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the federal minimum hourly wage prescribed in the Fair Labor Standards Act of 1938 or 240 times the state minimum hourly wage  
prescribed in Labor Law § 652 as in effect at the time the earnings are payable, except such part as a court determines to be unnec-  
essary for the reasonable requirements of the judgment debtor and his or her dependents.

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ADDRESS: 250 West 34th Street, One Penn Plaza, Suite 2035, New York, NY 10119

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to have an interest now in or hereafter coming into your possession or custody including any property specified in this  
notice; and to pay to the sheriff, upon maturity, all debts now due or hereafter coming due from you to the judgment debtor,  
including any debts specified in this notice; and to execute any documents necessary to effect such transfer or payment;

AND TAKE NOTICE that until such transfer or payment is made or until the expiration of 90 days after the  
service of this execution upon you or such further time as is provided by any order of the court served upon you whichever  
event first occurs, you are forbidden to make or suffer any sale, assignment or transfer of, or any interference with, any such  
property, or pay over or otherwise dispose of any such debt, to any person other than the sheriff, except upon direction of  
the sheriff or pursuant to an order of the court;

AND TAKE FURTHER NOTICE THAT at the expiration of 90 days after a levy is made by service of this  
execution, or of such further time as the court upon motion of the judgment creditor has provided, this levy shall be void  
except as to property or debts which have been transferred or paid to the sheriff or as to which a proceeding under sections  
5225 or 5227 of the Civil Practice Law and Rules has been brought.

Dated: 08/24/2023

Signature

Print name signed

JOHN Z. MARANGOS

Attorney(s) for Judgment Creditor JOHN Z. MARANGOS, ESQ.

Office and Post Office Address 1134A Hylan Blvd, STATEN ISLAND, NY 10305

A notice to judgment debtor in the form presented by CPLR §5222(e) — HAS — HAS NOT — been served on judgment debtor within a year.

ENDORSEMENT

Please take notice that the following named defendants were not served with a summons herein, viz.:

and that, as to them, the execution must be restricted as below prescribed.

An execution against property shall not be levied upon the sole property of such a defendant, but it may be collected out of real and personal property owned by him jointly with the other defendants who were summoned or with any of them, and out of the real and personal property of the latter or any of them.

Attorney(s) for JUDGMENT CREDITOR

JOHN Z. MARANGOS, ESQ. 1134A HYLAN BLVD, STATEN ISLAND, NEW YORK 10305

Name and Address of Garnishee MASSMUTUAL

250 West 34th Street, One Penn Plaza, Suite 2035, New York, NY 10119

Address of Judgment Debtor 762 HYLAN BLVD

STATEN ISLAND, NY 10305

Location of Property MASSMUTUAL IRA ACCOUNT CONTRACT/CERTIFICATE ##PNY9409356

250 West 34th Street, One Penn Plaza, Suite 2035, New York, NY 10119

INDEX NO. 55362/2022

COURT STATE OF NEW YORK COUNTY OF RICHMOND

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**Execution**

**AGAINST PROPERTY**

*With Notice to Garnishee*

---

---

LINDA SIMONETTI

**LAW OFFICES OF JOHN Z. MARANGOS**

against

Plaintiff(s)

GUY SIMONETTI

Defendant(s)

Sheriff of any County

Levy and collect as within directed

Attorney(s) for JUDGMENT CREDITOR

Office and Post Office Address JOHN Z. MARANGOS, ESQ.  
1134A HYLAN BLVD, STATEN ISLAND, NY 10305

with interest from  
besides your fees, etc.

Dated and time received

Sheriff

# **EXHIBIT D**

**Patient:** Guy Simonetti  
**MRN:** 201299  
**Date of Birth:** 05/28/1959  
**Visit Type:** Office Visit  
**Date of Visit:** 11/09/2023 10:00 AM  
**Location:** South FI Ortho Ste 400  
**Provider:** Nathaniel H. Hill MD  
**Specialty:** Orthopaedic surgery  
**Historian:**

This 64 year old client presents for shoulder pain equally on both sides.

## History of Present Illness

### 1. shoulder pain equally on both sides

Mr Simonetti is a 64 year old male who complains of shoulder pain equally on both sides. Patient presents today for a follow up of his bilateral shoulder injections of 9/29/2023. He reports no lasting relief. He presents with pain on the right and left side equally. He states that the symptoms have been chronic non-traumatic. The symptoms occur intermittently. The problem is fluctuating. Currently the patient states that the symptoms are severe. The pain is described as aching. The symptoms occur intermittently. The patient is experiencing pain in the following location: entire shoulder on the right and left side equally. He rates his worst pain as 10/10. He rates his current pain as 7/10. The symptoms are aggravated by no specific activity. Guy states that the symptoms are relieved by no specific activity. In addition to shoulder pain equally on both sides the patient is also experiencing difficulty initiating sleep, nocturnal awakening and joint tenderness.

## Problem List

Problem List reviewed.

| Problem Description                                                               | Onset Date | Chronic |
|-----------------------------------------------------------------------------------|------------|---------|
| Primary osteoarthritis of right knee                                              |            | N       |
| Complex tear of medial meniscus of left knee as current injury, initial encounter |            | N       |
| Primary osteoarthritis of left knee                                               |            | N       |
| Subacromial impingement of right shoulder                                         |            | N       |
| Subacromial impingement of left                                                   |            | N       |

|                                                 |   |
|-------------------------------------------------|---|
| shoulder                                        |   |
| Status post total knee replacement, left        | N |
| Pain and swelling of left lower extremity       | N |
| Pain, joint, knee, left                         | N |
| Bilateral shoulder pain, unspecified chronicity | N |
| History of hypertension                         | N |
| Primary osteoarthritis of left foot             | N |
| Peroneal tendinitis, left                       | N |
| Left foot pain                                  | N |
| Metatarsus primus elevatus, left                | N |
| Status post total left knee replacement         | N |

### Past Medical History (Detailed)

| Disease                 | Onset Date | Comments |
|-------------------------|------------|----------|
| Coronary artery disease |            |          |
| Elevated lipids         |            |          |
| Factor 5 Leiden         |            |          |
| Hypertension            |            |          |

### Past Surgical History

| Management | Date       | Comments |
|------------|------------|----------|
| L TKA      | 06/20/2023 |          |

### Medications (active prior to today)

| Medication Name                                       | Sig Description                                                                                                          | Start Date | Stop Date | Refilled | Rx Elsewhere |
|-------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|------------|-----------|----------|--------------|
| warfarin 7.5 mg tablet                                | take 1 tablet by oral route every day                                                                                    | //         |           |          | Y            |
| Drizalma Sprinkle 60 mg capsule, delayed release      | take 1 capsule by oral route every day                                                                                   | //         |           |          | Y            |
| Repatha SureClick 140 mg/mL subcutaneous pen injector | inject 1 milliliter by subcutaneous route every 2 weeks in the abdomen, thigh, or outer area of upper arm (rotate sites) | //         |           |          | Y            |
| valacyclovir 500 mg tablet                            | take 1 tablet by oral route every day                                                                                    | //         |           |          | Y            |
| Jantoven 7.5 mg tablet                                | take 1 tablet by oral route every day                                                                                    | //         |           |          | Y            |

|                                                          |                                                                                                           |            |            |   |
|----------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|------------|------------|---|
| alprazolam 0.25 mg tablet                                | take 1 tablet by oral route 3 // times every day                                                          |            |            | Y |
| amlodipine 2.5 mg tablet                                 | take 1 tablet by oral route // every day                                                                  |            |            | Y |
| Colace 100 mg capsule                                    | take 1 capsule by month 2 a day                                                                           | 06/16/2023 |            | N |
| lansoprazole 30 mg delayed release,disintegrating tablet | take 1 tablet by oral route every day and place on top of the tongue where it will dissolve, then swallow | 06/16/2023 | 06/16/2023 | N |
| Percocet 10 mg-325 mg tablet                             | take 1 tablet by oral route every 4 hours as needed                                                       | 08/31/2023 |            | N |

## Medication Reconciliation

Medications reconciled today.

## Medication Reviewed

| Adherence          | Medication Name                                          | Sig Desc                                                                                                                 | Elsewhere | Status   |
|--------------------|----------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|-----------|----------|
| taking as directed | warfarin 7.5 mg tablet                                   | take 1 tablet by oral route every day                                                                                    | Y         | Verified |
| taking as directed | Drizalma Sprinkle 60 mg capsule,delayed release          | take 1 capsule by oral route every day                                                                                   | Y         | Verified |
| taking as directed | Repatha SureClick 140 mg/mL subcutaneous pen injector    | inject 1 milliliter by subcutaneous route every 2 weeks in the abdomen, thigh, or outer area of upper arm (rotate sites) | Y         | Verified |
| taking as directed | valacyclovir 500 mg tablet                               | take 1 tablet by oral route every day                                                                                    | Y         | Verified |
| taking as directed | Jantoven 7.5 mg tablet                                   | take 1 tablet by oral route every day                                                                                    | Y         | Verified |
| taking as directed | alprazolam 0.25 mg tablet                                | take 1 tablet by oral route 3 times every day                                                                            | Y         | Verified |
| taking as directed | amlodipine 2.5 mg tablet                                 | take 1 tablet by oral route every day                                                                                    | Y         | Verified |
| taking as directed | Colace 100 mg capsule                                    | take 1 capsule by month 2 a day                                                                                          | N         | Verified |
| taking as directed | lansoprazole 30 mg delayed release,disintegrating tablet | take 1 tablet by oral route every day and place on top of the tongue where it will dissolve, then swallow                | N         | Verified |
| taking as directed | Percocet 10 mg-325 mg tablet                             | take 1 tablet by oral route every 4 hours as needed                                                                      | N         | Verified |

## Allergies:

| Ingredient            | Reaction (Severity) | Medication Name | Comment |
|-----------------------|---------------------|-----------------|---------|
| ASPIRIN               |                     |                 |         |
| Reviewed, no changes. |                     |                 |         |

## Family History

(Detailed)

Social History (Detailed)

Preferred language is ENGLISH.

Education/Employment/Occupation

|            |         |                   |         |              |
|------------|---------|-------------------|---------|--------------|
| Employment | History | Status<br>retired | Retired | Restrictions |
|------------|---------|-------------------|---------|--------------|

Marital Status/Family/Social Support

Marital status: Married

Tobacco use status: Occasional cigarette smoker.

Smoking status: Former smoker.

Vaping Use

Screened for vaping? Yes

Status: Not a current user

Alcohol

There is a history of alcohol use.  
consumed socially.

Caffeine

The patient uses caffeine: coffee.

Religious/Spiritual

Patient agrees to transfusion.

| System         | Neg/Pos  | Details                                                    |
|----------------|----------|------------------------------------------------------------|
| Constitutional | Negative | Fatigue, Fever and Night sweats.                           |
| Eyes           | Negative | Vision loss.                                               |
| Respiratory    | Negative | Cough and Dyspnea.                                         |
| Cardio         | Positive | HTN.                                                       |
| Cardio         | Negative | Chest pain, Cyanosis and Irregular heartbeat/palpitations. |
| GI             | Negative | Constipation, Diarrhea, Nausea and Vomiting.               |
| GU             | Negative | Dysuria and Hematuria.                                     |
| Endocrine      | Negative | Cold intolerance and Heat intolerance.                     |
| Neuro          | Negative | Difficulty walking, Dizziness and Headache.                |
| Integumentary  | Negative | Rash.                                                      |

|                 |          |                                             |
|-----------------|----------|---------------------------------------------|
| MS              | Negative | Except as noted in HPI and Chief complaint. |
| Hema/Lymph      | Positive | Factor V.                                   |
| Hema/Lymph      | Negative | Easy bleeding and Easy bruising.            |
| Allergic/Immuno | Negative | Environmental allergies and Food allergies. |

## Vital Signs

| Time    | Ht ft | Ht in | Ht cm  | Wt lb  | Wt kg   | BMI kg/m2 |
|---------|-------|-------|--------|--------|---------|-----------|
| 9:45 AM | 5.0   | 8.00  | 172.72 | 258.00 | 117.027 | 39.23     |

## Measured by

| Time    | Measured by |
|---------|-------------|
| 9:45 AM | Liz Hewlett |

## Physical Exam

### Shoulder Exam

#### Inspection

Atrophy  
Deformities  
Posture  
Rhythm  
Ecchymosis  
Skin/scars

#### Right

Absent  
Absent  
Symmetrical  
\*ABNORMAL  
Negative  
Normal

#### Left

Absent  
Absent  
  
\*ABNORMAL

#### Palpation

Crepitus  
Tenderness

#### Right

Absent  
Subacromial

#### Left

Subacromial

#### Stability/Laxity

Anterior apprehension  
Speed's test  
Yergason's  
Hawkins  
Cross body  
Neer's

#### Right

Negative  
Negative  
Negative  
\*POSITIVE  
Negative  
\*POSITIVE

#### Left

Negative  
Negative  
  
\*POSITIVE  
Negative  
\*POSITIVE

#### Strength Tests

External rotation  
Supraspinatus

#### Right

Normal  
Normal

#### Left

Normal  
Normal

#### Range of Motion

Active description

#### Right

\*ACTIVE PAINFUL RANGE OF  
MOTION  
90 degrees  
140 degrees  
90 degrees

#### Left

\*ACTIVE PAINFUL RANGE OF  
MOTION  
90 degrees  
140 degrees  
90 degrees

**Upper Extremity Strength**

| <b>Strength - Measurement</b> | <b>Right</b> | <b>Left</b> |
|-------------------------------|--------------|-------------|
| Shoulder external rotation    | 5/5          | 5/5         |
| Shoulder internal rotation    | 5/5          | 5/5         |
| Shoulder flexion              | 5/5          | 5/5         |
| Hand abductor pollicis brevis | 5/5          | 5/5         |
| Interossei                    | 5/5          | 5/5         |
| Thumb extension               | 5/5          | 5/5         |

**Upper Extremity Neurovascular**

| <b>Sensation</b>     | <b>Right</b> | <b>Left</b> |
|----------------------|--------------|-------------|
| Ulnar nerve, wrist   | Normal       | Normal      |
| Ulnar nerve, elbow   | Normal       | Normal      |
| Median nerve         | Normal       | Normal      |
| Radial sensory nerve | Normal       | Normal      |

**Knee Exam****Inspection**

Gait: Antalgic

**Inspection**

|                    |                   |                 |
|--------------------|-------------------|-----------------|
| Alignment          | Neutral           | Neutral         |
| Atrophy            | Absent            | Absent          |
| Ecchymosis         | Negative          | Negative        |
| Effusion           | trace             | Negative        |
| Maximum tenderness | Medial joint line | Non-tender      |
| Skin/scars         | Normal            | *SURGICAL SCARS |
| Swelling           | *MILD             | Negative        |

**Patella Exam**

|                  |          |          |
|------------------|----------|----------|
| Apprehension     | Negative | Negative |
| Crepitation      | Negative | Negative |
| Patella position | Neutral  | Neutral  |
| Tilt             | Equal    | Equal    |

**Tests**

|                      |           |          |
|----------------------|-----------|----------|
| Lachman's            | Negative  |          |
| McMurray's - lateral | Negative  |          |
| McMurray's - medial  | *POSITIVE |          |
| Pivot shift          | 0         | 0        |
| Valgus stress        | Negative  | Negative |
| Varus stress         | Negative  | Negative |
| Extensor lag         | Normal    | Normal   |

**Knee Range of Motion**

|                    |                                |                                  |
|--------------------|--------------------------------|----------------------------------|
| Active factors     |                                | Normal                           |
| Active description | Active painful range of motion | Active pain free range of motion |
| Flexion active     | 110 degrees                    | 120 degrees                      |
| Extension active   | 0 degrees                      | 0 degrees                        |

**Lower Extremity Strength**

| <b>Strength - Measurement</b> | <b>Right</b> | <b>Left</b> |
|-------------------------------|--------------|-------------|
|-------------------------------|--------------|-------------|

|                               |     |     |
|-------------------------------|-----|-----|
| Ankle dorsiflexion            | 5/5 | 5/5 |
| Ankle plantarflexion          | 5/5 | 5/5 |
| Foot extensor hallucis longus | 5/5 | 5/5 |

#### Indication/Type of Treatment:

| Indication                          | Type of Treatment       | Side | Region | Initial Treatment Date | Global Days | Status    |
|-------------------------------------|-------------------------|------|--------|------------------------|-------------|-----------|
| Primary osteoarthritis of left knee | Total knee arthroplasty | left |        | 06/13/2023             |             | scheduled |
| Primary osteoarthritis of left knee | Total knee arthroplasty | left |        | 06/13/2023             |             | scheduled |

#### Clinical Assessment:

### Assessment/Plan

| #  | Detail Type                              | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|----|------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | Assessment<br>Impression                 | Bilateral shoulder pain, unspecified chronicity (M25.511).<br>Bilateral shoulder pain, unspecified chronicity..                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 2. | Assessment<br>Impression<br>Patient Plan | Subacromial impingement of left shoulder (M75.42).<br>Subacromial impingement of bilateral shoulder..<br>Discussed exam findings and previous images. Presents for follow-up of his bilateral shoulder pain. History of rotator cuff tendinopathy and subacromial impingement of bilateral shoulders. Treated with subacromial injections with good short-term relief but no long-term relief. Continues to have pain and dysfunction with limitations of motion. They bother him a daily basis. He has arthritis of the right knee and had the left knee replaced and uses his arms to get up from a chair. This is bothering his shoulders. He has difficulty with ambulation due to the primary osteoarthritis of the right knee.<br><br>We discussed his pathology as well as treatment options. At this time he can undergo surgery. Too soon to repeat the injections. We will plan on seeing him back in 8 weeks and will likely proceed with bilateral subacromial injections. |
| 3. | Assessment                               | Subacromial impingement of right shoulder (M75.41).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 4. | Assessment                               | Primary osteoarthritis of right knee (M17.11).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 5. | Assessment                               | Primary osteoarthritis of left knee (M17.12).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |



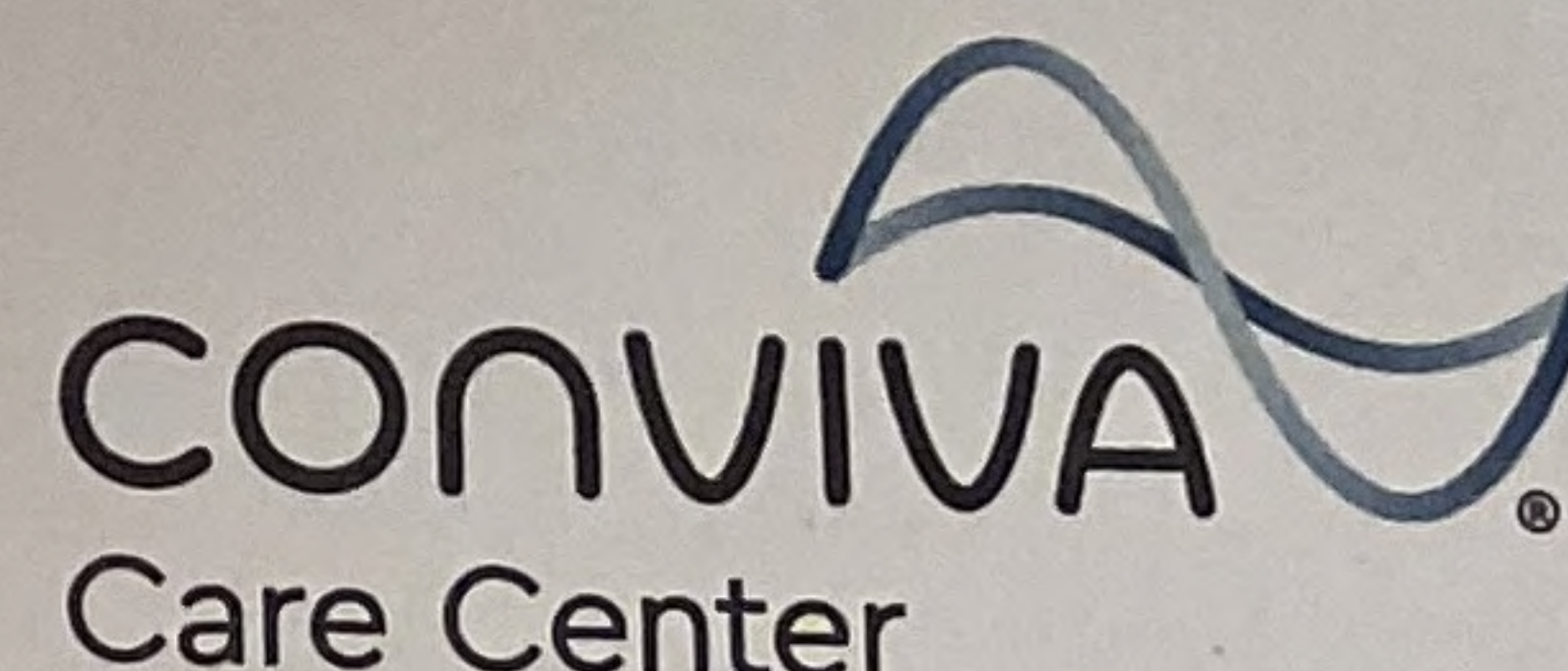
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Electronically Signed by **Nathaniel H. Hill MD** 11/09/2023

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# **EXHIBIT E**

11/27/2023



To whom it may concern:

Guy Simonetti is currently under my care for his chronic medical conditions which include generalized anxiety disorder/GAD and Factor V deficiency. He continues to recover from a total knee replacement. His activity for traveling was deemed restricted (no flying) per Orthopedics due to his surgery and history of Factor V deficiency. Both conditions increased his risk for a blood clot.

Mr. Simonetti has expressed to me that his GAD is intensified due to his divorce proceedings. He believes his emotional and physical state is causing him a hardship. His physical stressors are being managed by Orthopedics. I have asked that he speak to a licensed counselor and or Psychiatrist to aid with his emotional stressors and his GAD.

If you require additional information, please feel free to contact my office at (561)-283-2086.

In Health,

Sherry Burkett DNP, APRN

A handwritten signature in black ink, appearing to read "SBK DNP APRN", written in a cursive style.

**AG ANGIULI & GENTILE, LLP**  
ATTORNEYS AT LAW

www.AGLawNYC.com  
1493 Hylan Boulevard  
Staten Island, New York 10305

718.816.0005 November 3, 2023

Via Federal Express

Gary C. Angiuli  
Annamarie Gulino Gentile\*  
Stefanie L. DeMario-Germershausen\*

Mr. Guy Simonetti  
3680 NW Mediterranean Ln  
Jensen Beach, Florida 34957

Jessica A. Termini\*  
Andrew R. Schimler\*  
Nicholas A. Pedersen  
Ryan P. Brand

Re: Simonetti v. Simonetti  
Index No.: 55362/2022

Dear Mr. Simonetti:

As you know, our firm was relieved as counsel by the presiding Judge Ronald Castorina on the date of inquest in your divorce action. Please note our office received your written correspondence requesting a copy of your file on October 31, 2023. In response, please find enclosed a flash drive that contains all of the documents electronically filed via NYSCEF in your divorce action. In addition, please find enclosed hard copies of the following transcripts:

- (1) Deposition of Guy Simonetti held on January 16, 2023;
- (2) Deposition of Guy Simonetti held on February 22, 2023;
- (3) Deposition of Linda Simonetti held on February 8, 2023;
- (4) Deposition of Gaetano Simonetti held on May 23, 2023.

Very truly yours,

*Jessica A. Termini*  
Jessica A. Termini

JAT/dt

Enc.

*Please see attached instructions  
regarding E-Filing.*

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF RICHMOND

Index No.: 55362/2022

LINDA SIMONETTI,

Plaintiff,

AFFIDAVIT OF SERVICE

-against-

GUY SIMONETTI,

Defendant.

STATE OF FLORIDA

COUNTY OF

SS:

The undersigned, being duly sworn, deposes and says:

Debra Ombres is not a party to the action, is over 18 years of age and resides in Jensen Beach, State of Florida.

That on November 27, 2023, the deponent served the within Order to Show Cause, Affidavit of Guy Simonetti dated November 27, 2023, with exhibits, and Affidavit of Service upon JOHN Z. MARANGOS, ESQ., attorney for the plaintiff, located at 1134a Hylan Blvd, Staten Island, New York 10305, by depositing a true copy of the aforesaid documents in a postpaid properly addressed envelope in a post office or official depository under the exclusive care and custody of the United States Postal Service.

Signature of person serving papers

Printed Name: Debra Ombres

Sworn to before me  
this \_\_\_\_ day of \_\_\_\_

Notary Public

**FLORIDA JURAT**  
FS 117.05(13)

State of Florida

County of Martin

Sworn to (or affirmed) and subscribed before me by  
means of

☒ Physical Presence,

— OR —

☐ Online Notarization,

this 27 day of November, 2023, by  
Day Month Year

Debra M Ombres

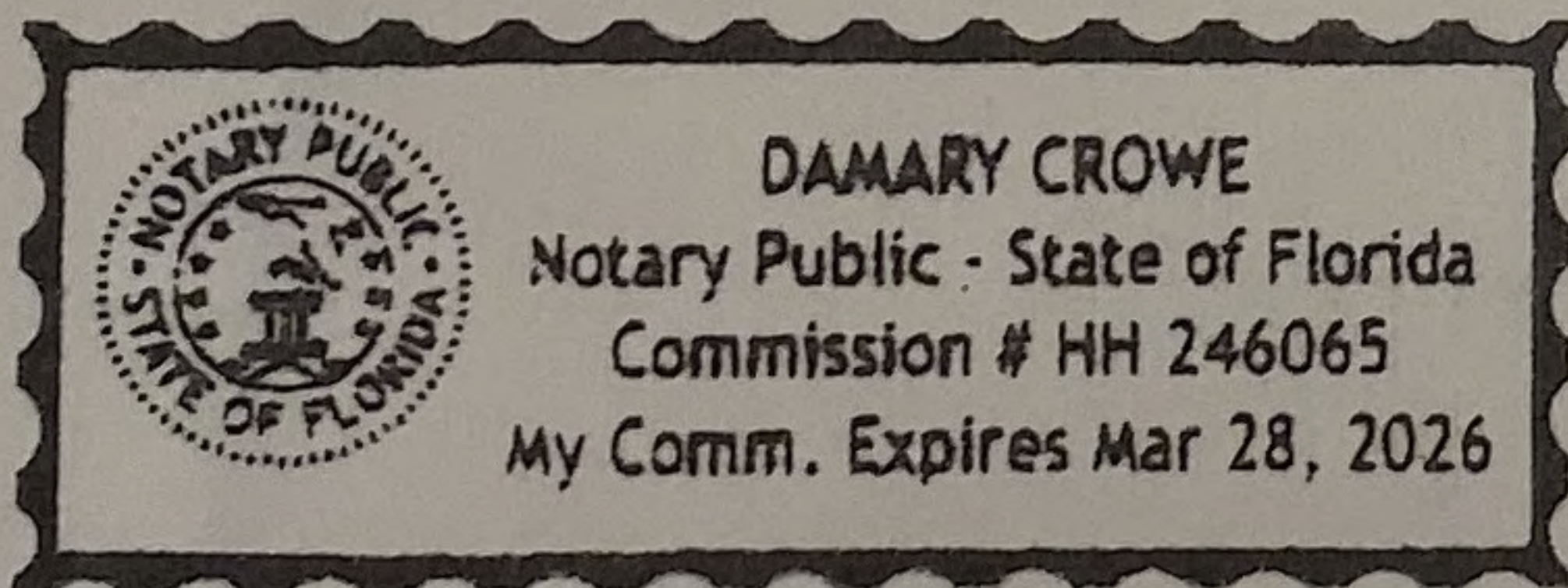
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Damary Crowe

Signature of Notary Public — State of Florida

Damary Crowe

Name of Notary Typed, Printed or Stamped



Place Notary Seal Stamp Above

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☒ Produced Identification

Type of Identification Produced: Florida

Driver License

**OPTIONAL**

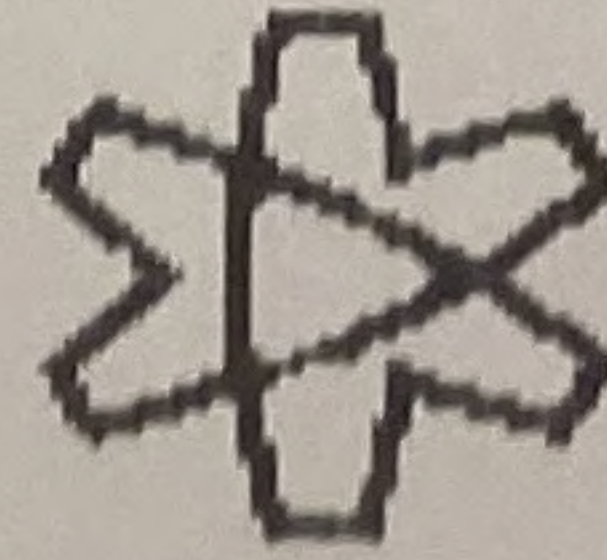
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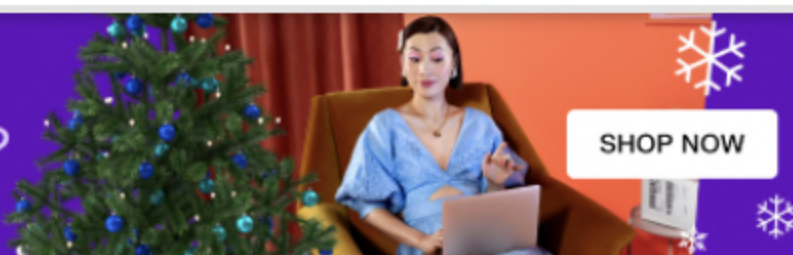


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