

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

-----X
MARGARET HEALY,

plaintiff,

- against -

SLANEY O'HANLON and SUSAN McCARTHY,

defendants,
-----X

Index No.: 21646/11

AFFIRMATION OF
GOOD FAITH

Michael J. Devereaux, Esq., an attorney duly admitted to practice before the courts of the State of New York, hereby affirms the following to be true under the penalties of perjury: that I am a member of the firm of DEVEREAUX BAUMGARTEN, 39 Broadway, Suite 910, New York, New York 10006, attorneys for plaintiff MARGARET HEALY, in the above entitled action and am familiar with the facts and circumstances herein by reason of having reviewed the files maintained by these offices and, as such, familiar with the facts and circumstances surrounding this matter, hereby affirms the following under the penalty of perjury:

1. Defendants were requested by letter, dated February 2, 2012, to withdraw their fatally defective "Judicial Subpoena," dated January 27, 2012. The "Judicial Subpoena," is fatally defective because, among other compelling indisputable reasons, it plainly is not a "Judicial Subpoena," issued by the Court, and is unenforceable pursuant to Judiciary Law §753(A)(5). Defendants also covertly served their "Judicial Subpoena," because they never notified plaintiff of it. Plaintiff learned of it only by the improperly subpoenaed non-party entity. Defendants should have notified the plaintiff but did not do so. The false "Judicial Subpoena," fails to comply with the CPLR and applicable caselaw.

2. It is additionally defective because it seeks patently irrelevant and, in any event, privileged, immunized and confidential information. The testimony of this non-party entity, Jerome A. Scharoff, Esq., is utterly immaterial and irrelevant to the subject-matter of the hearing.

3. Although defendants' "Judicial Subpoena," is thus plainly defective, and deliberately, willfully and maliciously violative of the CPLR and applicable caselaw, defendants, by letter, received Monday, February 13, 2012, improperly refused to withdraw same.

WHEREFORE, the Court is respectfully requested to grant the relief requested, together with such other and further relief as is just and proper in the circumstances.

Dated: February 15, 2012
New York, New York



Michael J. Devereaux, Esq.
DEVEREAUX, BAUMGARTEN
Attorneys for Plaintiff MARGARET
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(212) 785-5959 (T)

TO: Stanley Alter, Esq.
ALTER & ALTER LLP
Attorney for Defendants SLANEY
O'HANLON and SUSAN McCARTHY
300 East 42nd Street, 10th Floor
New York, New York 10017
(212) 867-7777

AFFIDAVIT OF SERVICE BY MAIL

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

JONATHAN PALADINI, being duly sworn, deposes and says: Deponent is not a party to the action, is over 18 years of age and resides in Kings County, New York.

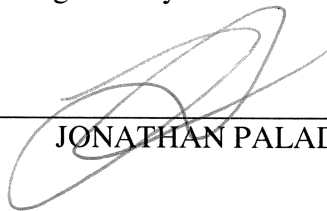
On February 15, 2012, deponent served the within

• **AFFIRMATION OF GOOD FAITH**

Upon:

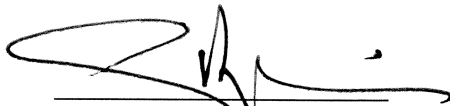
Stanley Alter, Esq.
ALTER & ALTER LLP
300 East 42nd Street, 10th Floor
New York, New York, 10017

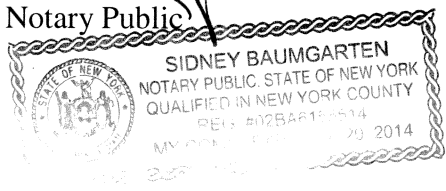
by depositing true copies in a post-paid wrapper, in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York, properly addressed to each of said attorney(s) at the above address designated by them for those purposes.



JONATHAN PALADINI

Sworn to before me this
15rd day of February 2012



Notary Public

SIDNEY BAUMGARTEN
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN NEW YORK COUNTY
REG. #02B88158514
MY COM. EXPIRES 02/29/2014