

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

-----X
MARGARET HEALY,

Index No.: 21646/11

plaintiff,

NOTICE OF APPEAL

- against -

SLANEY O'HANLON and SUSAN McCARTHY,

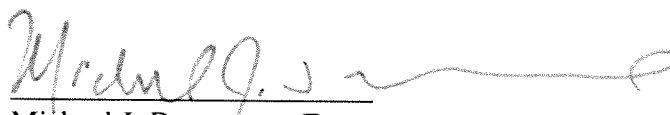
defendants,

-----X

COUNSEL:

PLEASE TAKE NOTICE, that plaintiff MARGARET HEALY, by and through her attorneys DEVEREAUX, BAUMGARTEN, 39 Broadway, Suite 910, New York, New York 10006, hereby appeals to the Appellate Division of the Supreme Court of the State of New York, Second Judicial Department, from each and every part of the Order of the Supreme Court, Kings County, IAS Part 32 (Hon. Yvonne Lewis, J.S.C.), dated March 6, 2012, entered on March 14, 2012, and served upon all parties with Notice of Entry on March 14, 2012. A copy is annexed hereto as Exhibit "A".

Dated: March 14, 2012
New York, New York



Michael J. Devereaux, Esq.
DEVEREAUX, BAUMGARTEN
Attorneys for Plaintiff, MARGARET
HEALY
39 Broadway, Suite 910
New York, New York 10006
(212) 785-5959 (T)
(212) 785-4487 (F)

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

RECEIVED
KINGS COUNTY CLERK
2012 MAR 14 PM 2:05

Supreme Court of the State of New York
Appellate Division : Second Judicial Department

Form A - Request for Appellate Division Intervention - Civil

See § 670.3 of the rules of this court for directions on the use of this form (22 NYCRR 670.3).

Case Title: 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.

MARGARET HEALY,

Plaintiff-appellant,

- against -

SLANEY O'HANLON and SUSAN MCCARTHY,

Defendants-respondents,

For Court of Original Instance

Date Notice of Appeal Filed

For Appellate Division

Case Type

- Civil Action
 CPLR article 75 Arbitration
 CPLR article 78 Proceeding
 Special Proceeding Other
 Habeas Corpus Proceeding

Filing Type

- Appeal
 Original Proceeding
 Transferred Proceeding
 CPLR 5704 Review

Nature of Suit: Check up to five of the following categories which best reflect the nature of the case.

A. Administrative Review	D. Domestic Relations	F. Prisoners	I. Torts
<input type="checkbox"/> 1 Freedom of Information Law <input type="checkbox"/> 2 Human Rights <input type="checkbox"/> 3 Licenses <input type="checkbox"/> 4 Public Employment <input type="checkbox"/> 5 Social Services <input type="checkbox"/> 6 Other	<input type="checkbox"/> 1 Adoption <input type="checkbox"/> 2 Attorney's Fees <input type="checkbox"/> 3 Children - Support <input type="checkbox"/> 4 Children - Custody/Visitation <input type="checkbox"/> 5 Children - Terminate Parental Rights <input type="checkbox"/> 6 Children - Abuse/Neglect <input type="checkbox"/> 7 Children - JD/PINS <input type="checkbox"/> 8 Equitable Distribution <input type="checkbox"/> 9 Exclusive Occupancy of Residence <input type="checkbox"/> 10 Expert's Fees <input type="checkbox"/> 11 Maintenance/Alimony <input type="checkbox"/> 12 Marital Status <input type="checkbox"/> 13 Paternity <input type="checkbox"/> 14 Spousal Support <input type="checkbox"/> 15 Other	<input type="checkbox"/> 1 Discipline <input type="checkbox"/> 2 Jail Time Calculation <input type="checkbox"/> 3 Parole <input type="checkbox"/> 4 Other G. Real Property <input type="checkbox"/> 1 Condemnation <input type="checkbox"/> 2 Determine Title <input type="checkbox"/> 3 Easements <input type="checkbox"/> 4 Environmental <input type="checkbox"/> 5 Liens <input type="checkbox"/> 6 Mortgages <input type="checkbox"/> 7 Partition <input type="checkbox"/> 8 Rent <input type="checkbox"/> 9 Taxation <input type="checkbox"/> 10 Zoning <input type="checkbox"/> 11 Other	<input type="checkbox"/> 1 Assault, Battery, False Imprisonment <input type="checkbox"/> 2 Conversion <input type="checkbox"/> 3 Defamation <input type="checkbox"/> 4 Fraud <input type="checkbox"/> 5 Intentional Infliction of Emotional Distress <input type="checkbox"/> 6 Interference with Contract <input type="checkbox"/> 7 Malicious Prosecution/Abuse of Process <input type="checkbox"/> 8 Malpractice <input type="checkbox"/> 9 Negligence <input type="checkbox"/> 10 Nuisance <input type="checkbox"/> 11 Products Liability <input type="checkbox"/> 12 Strict Liability <input type="checkbox"/> 13 Trespass and/or Waste <input type="checkbox"/> 14 Other
B. Business & Other Relationships	E. Miscellaneous	H. Statutory	J. Wills & Estates
<input type="checkbox"/> 1 Partnership/Joint Venture <input type="checkbox"/> 2 Business <input type="checkbox"/> 3 Religious <input type="checkbox"/> 4 Not-for-Profit <input type="checkbox"/> 5 Other	<input type="checkbox"/> 1 Constructive Trust <input type="checkbox"/> 2 Debtor & Creditor <input type="checkbox"/> 3 Declaratory Judgment <input type="checkbox"/> 4 Election Law <input type="checkbox"/> 5 Notice of Claim <input checked="" type="checkbox"/> 6 Other	<input type="checkbox"/> 1 City of Mount Vernon Charter §§ 120, 127-f, or 129 <input type="checkbox"/> 2 Eminent Domain Procedure Law § 207 <input type="checkbox"/> 3 General Municipal Law § 712 <input type="checkbox"/> 4 Labor Law § 220 <input type="checkbox"/> 5 Public Service Law §§ 128 or 170 <input type="checkbox"/> 6 Other	<input type="checkbox"/> 1 Accounting <input type="checkbox"/> 2 Discovery <input type="checkbox"/> 3 Probate/Administration <input type="checkbox"/> 4 Trusts <input type="checkbox"/> 5 Other
C. Contracts			
<input type="checkbox"/> 1 Brokerage <input type="checkbox"/> 2 Commercial Paper <input type="checkbox"/> 3 Construction <input type="checkbox"/> 4 Employment <input type="checkbox"/> 5 Insurance <input type="checkbox"/> 6 Real Property <input type="checkbox"/> 7 Sales <input type="checkbox"/> 8 Secured <input type="checkbox"/> 9 Other			

V2.0.060293

Appeal

Paper Appealed From (check one only):

- | | | | |
|---|---|---|---|
| <input type="checkbox"/> Amended Decree | <input type="checkbox"/> Determination | <input checked="" type="checkbox"/> Order | <input type="checkbox"/> Resettled Order |
| <input type="checkbox"/> Amended Judgment | <input type="checkbox"/> Finding | <input type="checkbox"/> Order & Judgment | <input type="checkbox"/> Ruling |
| <input type="checkbox"/> Amended Order | <input type="checkbox"/> Interlocutory Decree | <input type="checkbox"/> Partial Decree | <input type="checkbox"/> Other (specify): |
| <input type="checkbox"/> Decision | <input type="checkbox"/> Interlocutory Judgment | <input type="checkbox"/> Resettled Decree | |
| <input type="checkbox"/> Decree | <input type="checkbox"/> Judgment | <input type="checkbox"/> Resettled Judgment | |

Court: SUPREME COURT

County: KINGS

Dated: March 6, 2012

Entered: March 14, 2012

Judge (name in full): Yvonne Lewis

Index No.: 21646/2011

Stage: Interlocutory Final Post-Final

Trial: Yes No If Yes: Jury Non-Jury

Prior Unperfected Appeal Information

Are any unperfected appeals pending in this case? Yes No. If yes, do you intend to perfect the appeal or appeals covered by the annexed notice of appeal with the prior appeals? Yes No. Set forth the Appellate Division Cause Number(s) of any prior, pending, unperfected appeals:

Original Proceeding

Commenced by: Order to Show Cause Notice of Petition Writ of Habeas Corpus

Date Filed:

Statute authorizing commencement of proceeding in the Appellate Division:

Proceeding Transferred Pursuant to CPLR 7804(g)

Court:

County:

Judge (name in full):

Order of Transfer Date:

CPLR 5704 Review of Ex Parte Order

Court:

County:

Judge (name in full):

Dated:

Description of Appeal, Proceeding or Application and Statement of Issues

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 the proceeding. If an application under CPLR 5704, briefly describe the nature of the ex parte order to be reviewed.

Appeal from each and every part of Order dated March 6, 2012 granting visitation of service dog Lucy. It is contrary to the applicable law, statute; contrary to the weight of the evidence; misapplied misapprehended, misconstrued the law, facts and evidence and constitutes an abuse of discretion; it is unjust.

Amount: If an appeal is from a money judgment, specify the amount awarded.

Issues: Specify the issues proposed to be raised on the appeal, proceeding, or application for CPLR 5704 review.

Issues Continued:

Use Form B for Additional Appeal Information

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.

Examples of a party's original status include: plaintiff, defendant, petitioner, respondent, claimant, defendant third-party plaintiff, third-party defendant, and intervenor. Examples of a party's Appellate Division status include: appellant, respondent, appellant-respondent, respondent-appellant, petitioner, and intervenor.

No.	Party Name	Original Status	Appellate Division Status
1	Margaret Healy	Plaintiff	Appellant
2	Slaney O'Hanlon	Defendant	Respondent
3	Susan McCarthy	Defendant	Respondent
4			
5			
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Attorney Information

Instructions: Fill in the names of the attorneys or firms of attorneys 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: Michael J. Devereaux, Esq., DEVEREAUX, BAUMGARTEN

Address: 39 Broadway, Suite 910

City: New York State: NY Zip: 10006 Telephone No.: 212-785-5959

Attorney Type: Retained Assigned Government Pro Se Pro Hac Vice

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

1																			
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Attorney/Firm Name: Stanley Alter, Esq., ALTER & ALTER

Address: 300 East 42nd Street, 10th Floor

City: New York State: NY Zip: 10017 Telephone No.: 212-867-7777

Attorney Type: Retained Assigned Government Pro Se Pro Hac Vice

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

2	&	3																	
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Attorney/Firm Name:

Address:

City: State: Zip: Telephone No.:

Attorney Type: Retained Assigned Government Pro Se Pro Hac Vice

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

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Attorney/Firm Name:

Address:

City: State: Zip: Telephone No.:

Attorney Type: Retained Assigned Government Pro Se Pro Hac Vice

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

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Attorney/Firm Name:

Address:

City: State: Zip: Telephone No.:

Attorney Type: Retained Assigned Government Pro Se Pro Hac Vice

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

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Attorney/Firm Name:

Address:

City: State: Zip: Telephone No.:

Attorney Type: Retained Assigned Government Pro Se Pro Hac Vice

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

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Use Form C for Additional Party and/or Attorney Information

The use of this form is explained in § 670.3 of the rules of the Appellate Division, Second Department (22 NYCRR 670.3). If this form is to be filed for an appeal, place the required papers in the following order: (1) the Request for Appellate Division Intervention [Form A, this document], (2) any required Additional Appeal Information Forms [Form B], (3) any required Additional Party and Attorney Information Forms [Form C], (4) the notice of appeal or order granting leave to appeal, (5) a copy of the paper or papers from which the appeal or appeals covered in the notice of appeal or order granting leave to appeal is or are taken, and (6) a copy of the decision or decisions of the court of original instance, if any.

EXHIBIT A

At an I.A.S. Trial Term, Part ³² of the Supreme Court of the State of New York, held in and for the County of Kings, at the Courthouse, located at Civic Center, Borough of Brooklyn, City and State of New York, on the 6th day of MARCH 2012

P R E S E N T :
 Hon. VIVIANE LEWIS
 Justice

MARGARET HEALY

Plaintiff(s)

Cal. No. 1
 Index No. 21646/11

- against -

SLANEY O'HANLON and Susan Mc CAOTTY

Defendant(s)

The following papers numbered 1 to read on this motion

Papers Numbered 1 OF 2

Notice of Motion - Order to Show Cause and Affidavits (Affirmations) Annexed	
Answering Affidavit (Affirmation)	
Reply Affidavit (Affirmation)	
Affidavit (Affirmation)	
Pleadings - Exhibits	
Stipulations - Minutes	
Filed Papers	

AFTER A HEARING IT IS ORDERED that the defendant, Slaney O'Hanlon have visitation with the dog brief. Visitation shall occur away from the residence of the plaintiff, and will commence on Saturday March 24, 2012 at 1:00 PM and continue uninterrupted for a period of two weeks. The defendant Slaney O'Hanlon shall have sole visitation with the dog during other two week period. The defendant Slaney O'Hanlon, and plaintiff shall meet at 1:00 PM on the Saturday when the dog is to be

For Clerks use only
 MG _____
 MD _____
 Motion Seq. # _____

E N T E R

 J.S.C.

INDEX# 21646/c1 --

DATE 3/6/12

PLAINTIFF HEALY VS DEFENDANT O'HANLON

exchanged (pushed up and/or returned) at the
~~the~~
 Mojave Restaurant located in Adams Green.
 THE DOG LUCY WILL BE PICKED UP IN FRONT OF
 MATAVE RESTAURANT BY SCANEY O'HANLON ONLY
 & RETURNED IN FRONT OF MATAVE RESTAURANT
 BY SCANEY O'HANLON ONLY TO MARGARET HEALY.

Forthwith
 ENTERED/SO ORDERED

HON. YVONNE LEWIS

JSC

KINGS COUNTY CLERK
FILED

2012 MAR -8 AM 8:46

MDY

Judge Lewis

(Part 32)

Date	Title	Index	Type	No	Receipt
3/8/12	Healy - O'Hanlon	21646/11	SF	1	NANCY T. SUNSHINE

RECEIVED
KINGS COUNTY CLERK
2012 MAR -8 AM 8:59

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.

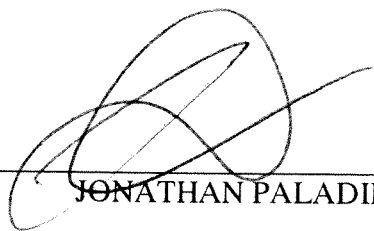
On March 14, 2012, deponent served the within

- **NOTICE OF APPEAL with RADL, and with EXHIBIT A (notice of entry, order, and affidavit of service)**

Upon:

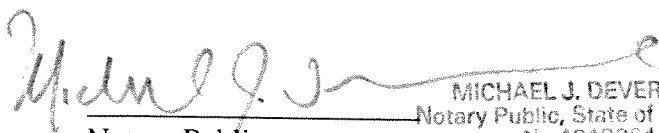
Stanley Alter, Esq.
ALTER & ALTER LLP
300 East 42nd Street, 10th Floor
New York, New York, 10017

by depositing true copies of the same 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 attorneys at the above address designated by them for those purposes.



JONATHAN PALADINI

Sworn to before me this
14th day of March, 2011



Notary Public
MICHAEL J. DEVEREAUX
Notary Public, State of New York
No 4948064
Qualified in Nassau County
Commission Expires March 6, 2011

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

-----X
MARGARET HEALY,

Index No.: 21646/11

plaintiff,

- against -

SLANEY O'HANLON and SUSAN McCARTHY,

defendants,
-----X

NOTICE OF APPEAL with RADI, and with EXHIBIT A
(notice of entry, order, and affidavit of service)

DEVEREAUX BAUMGARTEN

39 BROADWAY, Suite 910
NEW YORK, NEW YORK 10006
TEL. (212) 785-5959 (T) / FAX (212) 785-4487 (F)

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

-----X
MARGARET HEALY,

plaintiff,

Index No.: 21646/11

- against -

NOTICE OF ENTRY

SLANEY O'HANLON and SUSAN McCARTHY,

defendants,
-----X

COUNSEL:

PLEASE TAKE NOTICE that the within is a true copy of the stamped Decision and Order of The Honorable Yvonne Lewis, J.S.C., dated March 6, 2012, and duly entered in the County Clerk's Office on March 14, 2012.

Dated: March 14, 2012
New York, New York



Michael J. Devereaux, Esq.
DEVEREAUX BAUMGARTEN
Attorneys for Plaintiff, MARGARET
HEALY
39 Broadway, Suite 910
New York, New York 10006
(212) 785-5959 (T)
(212) 785-4487 (F)

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

RECEIVED
KINGS COUNTY CLERK
2012 MAR 14 PM 2:01

At an I.A.S. Trial Term, Part ³² of the Supreme Court of the State of New York, held in and for the County of Kings, at the Courthouse, located at Civic Center, Borough of Brooklyn, City and State of New York, on the 6th day of MARCH 2012

P R E S E N T :
Hon. YVONNE LEWIS
Justice

MARGARET HEALY
Plaintiff(s)

Cal. No. 1
Index No. 21646/11

- against -

SLANEY O'HANLON, and Susan Mc CAROTTY
Defendant(s)

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For Clerks use only
MG _____
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E N T E R
11111
J.S.C.

INDEX# 21646/c1 --

DATE 3/6/12

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 & RETURNED IN FRONT OF MATAVE RESTAURANT
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 HON. YVONNE LEWIS
 JSC

KINGS COUNTY CLERK
FILED

2012 MAR -8 AM 8:46

CMV

Judge Lewis

(Part 32)

Date	Title	Index	Type	No	Receipt
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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.

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Upon:

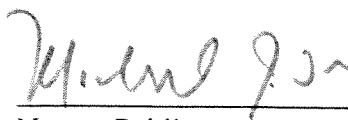
Stanley Alter, Esq.
ALTER & ALTER LLP
300 East 42nd Street, 10th Floor
New York, New York, 10017

by depositing true copies of the same 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 attorneys at the above address designated by them for those purposes.



JONATHAN PALADINI

Sworn to before me this
14th day of March, 2011



Notary Public

MICHAEL J. DEVEREAUX
Notary Public, State of New York
No 4948064
Qualified in Nassau County
Commission Expires March 6, 2015

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

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MARGARET HEALY,

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plaintiff,

- against -

SLANEY O'HANLON and SUSAN McCARTHY,

defendants,
-----X

NOTICE OF ENTRY

DEVEREAUX BAUMGARTEN

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TEL. (212) 785-5959 (T) / FAX (212) 785-4487 (F)