

Civil Court of the City of New York

County of Queens

Part 35

Index Number

Motion Cal. #

110777/03

Motion Seq. #

DECISION/ORDER

Recitation, as required by CPLR §2219 (a), of the papers considered in the review of this Motion:

Papers

Numbered

Notice of Motion and Affidavits Annexed.....

Order to Show Cause and Affidavits Annexed.....

Answering Affidavits

Replying Affidavits.....

Exhibits

Other.....

ATTORNEY GENERAL OF
CANADA ON BEHALF OF HER
MAJESTY THE QUEEN IN
RIGHT OF CANADA

Claimant(s)/Plaintiff(s)/Petitioner(s)

against

JILL MARIE GORMAN

Defendant(s)/Respondent(s)

Upon the foregoing cited papers, the Decision/Order on this Motion is as follows:

CPLR ~~3213~~ 3213 & CPLR article 53

The motion is decided in accordance with the accompanying decision and order.

JUDGE CHARLES J. MARKEY

JUDGE CHARLES J. MARKEY

FILED
GENERAL CLERK

DEC 16 2003

CIVIL COURT - QUEENS COUNTY

JUDGE CHARLES J. MARKEY

JUDGE CHARLES J. MARKEY

Date

December 12, 2003
CHARLES J. MARKEY
JUDGE, CIVIL COURT

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF QUEENS

-----X
THE ATTORNEY GENERAL OF CANADA
ON BEHALF OF HER MAJESTY THE QUEEN
IN RIGHT OF CANADA,

Index No.

SUMMONS

Plaintiff

-against-

JILL MARIE GORMAN,

Defendant
-----X

ORIGINAL

SUMMONS

Plaintiff's Place of Business
Address: Hull, PQ, CANADA

The basis of the venue designated is Defendant's residence/place of business

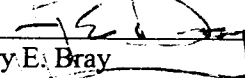
JILL MARIE GORMAN,
4309 40th Street, Apt #2J
Sunnyside, NY 11104-3845

To the above named defendant:

YOU ARE HEREBY SUMMONED and required to submit to Plaintiff's attorney your answering papers on this motion within the time provided in the notice of motion annexed hereto. In the case of your failure to submit answering papers, summary judgment will be taken against you by default for the relief demanded in the Notice of Motion.

DATED: August 20, 2003.

The Law Offices of Larry E. Bray, P.A.

By 
Larry E. Bray
Attorney for Plaintiff
1001 Avenue of The Americas, 4th FL
New York, NY 10018
(212) 244-8060

FILED
GENERAL CLERK
DEC 16 2003
CIVIL COURT - QUEENS COUNTY

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF QUEENS

-----X
THE ATTORNEY GENERAL OF CANADA
ON BEHALF OF HER MAJESTY THE QUEEN
IN RIGHT OF CANADA,

Plaintiff,

-against-

Index No.
**AFFIRMATION IN SUPPORT
OF MOTION FOR SUMMARY
JUDGMENT IN
LIEU OF COMPLAINT**

JILL MARIE GORMAN,

Defendant.
-----X

STATE OF NEW YORK
COUNTY OF NEW YORK

Larry E. Bray, an attorney admitted to practice in the Courts of this state hereby affirms the following to be true under penalties of perjury:

1. I am the attorney for the Plaintiff in this action and make this affirmation in support of the instant Motion for Summary Judgment in Lieu of Complaint.
2. This is an action Pursuant to CPLR Sections 3213 and 5303, upon a judgment from the Queen's Bench, the Judicial Centre of Regina, Province of Saskatchewan, Commonwealth of Canada, to make it a judgment of this state and to enforce the provisions requiring the payment of money to Plaintiff.
3. On December 13, 2002, a judgment was rendered in the Queen's Bench, Judicial Centre of Regina, Province of Saskatchewan, Commonwealth of Canada, in favor of Plaintiff and against Defendant, after personal service of process upon Defendant. A Certification and Attestation of the judgment is attached to this affirmation as Exhibit A.
4. This judgment provides that Plaintiff is entitled to the amount of \$15,111.60 plus costs and interest since December 13, 2002.
5. The Queen's Bench, Judicial Centre of Regina, Province of Saskatchewan, Commonwealth of Canada, was then, and still is, a court of general jurisdiction.
6. The time to appeal from the judgment has expired and no appeal has been taken nor has the time been extended nor has any motion or action been taken with reference to the judgment and the judgment remains valid and in effect.

7. Payment of the sum due was demanded but was refused by the Defendant in its entirety.

8. Defendant is now out of the jurisdiction of the territory in which execution of contempt of court proceedings or sequestration on the judgment may be enforced.

9. Defendant now resides in Queens County, State of New York.

10. CPLR Sections 3212 and 5303 allow for the domestication of out of Country Judgments by Motion for Summary Judgment in Lieu of Complaint, as set forth herein.

11. There is no defense to this cause of action.

12. No previous application for the relief sought has been made.

WHEREFORE, it is respectfully requested that summary judgment be granted, pursuant to CPLR Sections 3213 and 5303, making the judgment and decree of the Court of the Queen's Bench, Judicial Centre of Regina, Province of Saskatchewan, Commonwealth of Canada, rendered on December 13, 2002, in our favor and against defendant, a judgment of this court, together with such other and further relief as the court deems proper.

DATED: August 20, 2003

The Law Offices of Larry E. Bray, P.A.

By 

Larry E. Bray

Attorneys for Plaintiff

1001 Avenue of The Americas, 4th FL

New York, NY 10018

(212) 244-8060

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF QUEENS

THE ATTORNEY GENERAL OF CANADA ON BEHALF OF HER MAJESTY
THE QUEEN IN RIGHT OF CANADA

Plaintiff(s)

- against -

JILLMARIE GORMAN

Defendant(s)

AFFIDAVIT OF SERVICE

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

MATTHEW C ROTH BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION AND OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on September 4, 2003, at 08:46 AM at

4309 40TH STREET
APT. #2J
SUNNYSIDE, NY 11104-3845

deponent served the within SUMMONS & NOTICE OF MOTION FOR SUMMARY JUDGMENT IN LIEU OF COMPLAINT on JILL MARIE GORMAN therein named,

**AFFIXING
TO DOOR**

by affixing a true copy of each to the door of said premises, which is defendant's dwelling house/usual place of abode within the state. Deponent was unable, with due diligence to find the defendant or a person of suitable age and discretion, thereat, having called there on:

August 25, 2003 AT 7:44 PM

August 29, 2003 AT 7:59 AM

September 4, 2003 AT 8:46 AM

MAILING

Deponent enclosed a copy of same in a postpaid wrapper properly addressed to defendant at defendant's last known residence at

4309 40TH STREET
APT. #2J
SUNNYSIDE, NY 11104-3845

and deposited said wrapper in a post office or official depository under exclusive care and custody of the United States Postal Service within New York State on September 5, 2003 by REGULAR FIRST CLASS MAIL in an envelope marked PERSONAL & CONFIDENTIAL

Spoke with MR. RODRIGUEZ, NEIGHBOR who stated that the defendant lives at the aforementioned address but was unable to divulge the defendant's place of employment.

**MILITARY
SERVICE**

Person spoken to was asked whether the defendant was in the military service of the State of New York or the United States and received a negative reply. Upon information and belief based upon the conversation and observation as aforesaid deponent avers that the defendant is not in the military service of the State of New York or the United States as that term is defined in the statutes of the State of New York or the Federal Soldiers and Sailors Civil Relief Act.

That at the time of such service deponent knew the person so served as aforesaid to be the same person mentioned and described as the defendant in this action.

Sworn to me on: September 5, 2003

JOE KNIGHT
Notary Public, State of New York
No. 01KN4808827
Qualified in New York County
Comm. Expires September 30, 2006

MICHAEL SMITH
Notary Public, State of New York
No. 01SM4997428
Qualified in New York County
Comm. Expires June 8, 2006

JOEL GRABER
Notary Public, State of New York
No. 02GR4699723
Qualified in New York County
Comm. Expires February 10, 2006


MATTHEW C ROTH

License #: 1102385

Invoice #: 338306

35
10/29
11

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF QUEENS

-----X

THE ATTORNEY GENERAL OF CANADA
ON BEHALF OF HER MAJESTY THE QUEEN
IN RIGHT OF CANADA,

Plaintiff,

-against-

JILL MARIE GORMAN,

Defendant.

-----X

Index No.
**NOTICE OF MOTION
FOR SUMMARY
JUDGMENT IN
LIEU OF COMPLAINT**

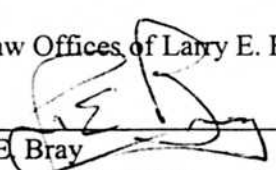
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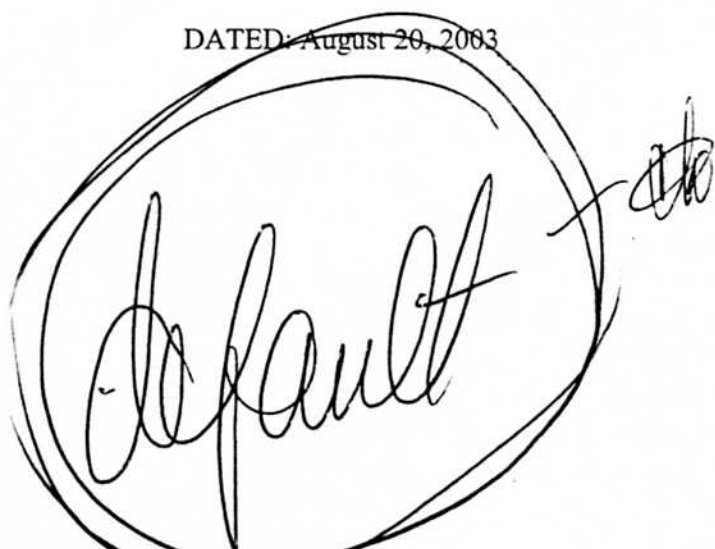
Upon the summons dated August 20, 2003 and the affirmation of Larry E. Bray, sworn to on August 20, 2003, the Plaintiff will move this court, at Special Term, Part 35, in Room 102, County Court House, 89-17 Sutphin Blvd, Jamaica, New York at 9:30 a.m., on October 29, 2003, for an order pursuant to CPLR Sections 3213 and 5303 (Foreign Country Judgments), directing Summary Judgment for the Plaintiff and against the Defendant making the judgment and decree from the Queens Bench, the Judicial Centre of Regina, Province of Saskatchewan, Commonwealth of Canada, rendered on December 13, 2002, in favor of Plaintiff and against Defendant, a judgment of this court, and for such other and further relief as to the court may seem just and proper, plus the costs of this motion.

Take further notice that all answering papers shall be served on the undersigned on or before the 21st day after personal delivery of the summons to you.

DATED: August 20, 2003

The Law Offices of Larry E. Bray, P.A.

By: 
Larry E. Bray
Attorneys for Plaintiff
1001 Avenue of the Americas, 4th Floor
New York, NY 10018
Tel. (212) 244-8060



J U D G M E N T
(In Default)

C A N A D A)

PROVINCE OF SASKATCHEWAN)

Q.B.G. No. 109 OF A.D. 2002

IN THE QUEEN'S BENCH
Judicial Centre of Regina

Between:

THE ATTORNEY GENERAL OF CANADA
ON BEHALF OF
HER MAJESTY THE QUEEN IN RIGHT OF CANADA

PLAINTIFF

and

JILL MARIE GORMAN

DEFENDANT

The 13th day of December, A.D. 2002.

THE DEFENDANT, Jill Marie Gorman, not having delivered any defence to the Statement of Claim, it is **this day adjudged** that the Plaintiff recover against the Defendant, **JILL MARIE GORMAN** \$20,542.71 and costs to be taxed.

Local Registrar

The above costs have been taxed and allowed at \$559.13 this 13th day of December, A.D. 2002.

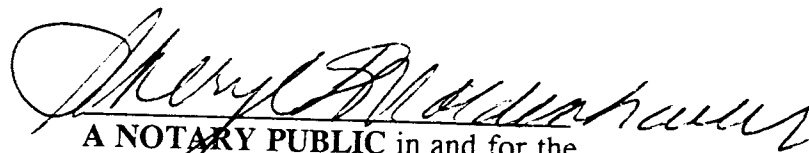
Claim:	\$15,336.61
Interest:	5,206.10 (see Schedule "A" attached)
Costs Other than Service:	480.00
Service Fees:	79.13 (see Schedule "B" attached)
Total:	<u>\$21,101.84</u>

Local Registrar

TO ALL TO WHOM THESE PRESENTS MAY COME, BE SEEN OR KNOWN:

I, **SHERYL LEE MOLDENHAUER**, a **NOTARY PUBLIC** in and for the Province of Saskatchewan, **BY ROYAL AUTHORITY DULY APPOINTED**, residing at the City of Regina, in the Province of Saskatchewan, **DO CERTIFY AND ATTEST** that the paper writing hereunto annexed is a true copy of a document produced and shown to be and purporting to be the original **JUDGMENT (IN DEFAULT)** from the Court of Queen's Bench, Judicial Centre of Regina, Q.B.G. No. 109 of A.D. 2002 between The Attorney General of Canada on behalf of Her Majesty the Queen in Right of Canada, Plaintiff, and Jill Marie Gorman, Defendant, dated December 13, 2002. **THE SAID COPY** having been compared by me with the said **ORIGINAL DOCUMENT**, an act whereof being requested, **I HAVE GRANTED** the same under my **NOTARIAL FORM AND SEAL OF OFFICE** to serve and avail as occasion shall or may require.

DATED at the City of Regina, in the Province of Saskatchewan, this 4th day of February, A.D. 2003.



A NOTARY PUBLIC in and for the Province of Saskatchewan.

My appt. expires June 30, 2006

Schedule "A"

DARS - 036 Screen: []

INTEREST QUERY (DW010)

SINAD# 473532083		Seg # 0	
Account Type 40000		Occupancy Date 01091989 (ddmmyyyy) Invoice # 0	

Current Information				Future Calculations	
Anniversary Date	<input type="radio"/> 1st of the month	Interest Type	<input type="radio"/> Compound	Settlement Date	(ddmmyyyy)
	<input checked="" type="radio"/> 8th of the month		<input checked="" type="radio"/> Simple	Payment Start Date	
	<input type="radio"/> 15th of the month			Payment Amount	0
	<input type="radio"/> 22nd of the month			Frequency	[]
Interest Rate 005.00000		Calculating Period:	Daily		
Fixed or Variable F		Compounding Period:	[]	Number of Payments	
Grace End Date 02041998 (ddmmyyyy)					

Outstanding as of Today	
Principal	15336.61
Interest	5185.10
Total	20521.71

Approximate Payout	
Remaining Balance	
Total Negotiated Interest	

Option:
DW010T08154703DEC0: VER 1.0.1.F

Statement of Account from Human Resources Development Canada re: Jill Marie Gorman

$$\$15,336.61 \times \frac{10}{365} \times .05 = \$21.00$$

$$\$5,185.10 + \$21.00 = \$5,206.10$$

Interest to
Dec 13/02

DEC 10 2002 3:23PM HP LASERJET 3200

Schedule "B"

ATTORNEY'S COSTS INVOICE DATE: 08/15/02

PAGE

GARY A. ROSENBERG
21001 VENTURA BLVD. SUITE 1000
WOODLAND HILLS, CA 91364

- P 0124

Kleiman, Saltzman & Bolnick
P.O. Box 947
New City, NY 10956

Invoice #: 02084

To Costs Expended: August 19, 2002

Reimbursement of Court Costs as follows:

DATE	FILE #	CREDITOR	DEBTOR	YOUR FILE #	DESCRIPTION	AMOUNT DISBURSED
08/16/02	054543	ATTY GENERAL OF US	GORMAN/ JILL MARIE	045-020977	Serve Summons	\$50.00
TOTAL DUE:						\$50.00

This is the statement of account from the USA process servers serving Jill Marie Gorman in New York USA. The funds are in US Dollars.

We have telephoned the National Bank of Canada who advised that on August 16, 2002 the rate was 1.5825.

We are therefore claiming as service fees \$50.00 US x 1.5825 for a total of \$79.13 Canadian.