

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOSEPH KOWALCZYK and ALIL PERICIO,

Index No.: 08 CIV 6992

Plaintiff,

**NOTICE TO TAKE
DEPOSITION UPON ORAL
EXAMINATION**

- against -

JOHN BARBARITE, SUE FLORA, GORDON
JENKIN AND THE VILLAGE OF MONTICELLO,

Defendants.

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PLEASE TAKE NOTICE, that pursuant to Article 31 of the Civil Practice Laws and Rules, the testimony, upon oral examination of ALL PARTIES as adverse parties will be taken before a disinterested Notary Public who is not an attorney or employee of an attorney, for any party or prospective party herein and is not a person who would be disqualified to act as a juror because of interest or because of consanguinity or affinity to any party herein as follows:

Date and Time: January 28, 2009 at 10:00am
Location: To be determined.

with respect to evidence material and necessary in the prosecution-defense of this action.

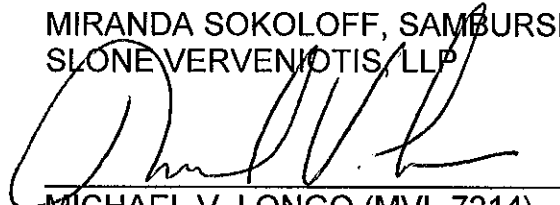
That said person(s) to be examined are required at such examination to produce the following:

1. Any and all exhibits, papers and/or documents relative to this claim.
2. Any reports prepared by or on behalf of each witness.
3. All receipts, cancelled checks, or estimates, relating to damages claimed herein.

4. If lost earnings claimed, Federal and State Income tax returns covering the year(s) when loss is claimed and two years prior and one year thereafter.
5. Any contract, leases or documents relied upon with respect to this claim.

DATED: ELMSFORD, NEW YORK
October 9, 2008

MIRANDA SOKOLOFF, SAMBURSKY
SLONE VERVENIOTIS, LLP



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