

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

D32251
Y/prt

_____AD3d_____

A. GAIL PRUDENTI, P.J.
REINALDO E. RIVERA
PETER B. SKELOS
MARK C. DILLON
PLUMMER E. LOTT, JJ.

2011-04860

OPINION & ORDER

In the Matter of Enid J. Cruz,
also known as Enid Nalerio,
an attorney and counselor-at-law, resignor.

(Attorney Registration No. 1785955)

Resignation tendered pursuant to 22 NYCRR 691.9 by Enid J. Cruz, also known as Enid Nalerio, who was admitted to the Bar at a term of the Appellate Division of the Supreme Court in the Second Judicial Department on February 25, 1976.

Gary L. Casella, White Plains, N.Y. (Antonia Cipollone of counsel), for petitioner.

PER CURIAM.

By order of the Supreme Court of Florida dated August 18, 1988, the resignor was disbarred in that State, based upon four instances in which she agreed to provide representation to clients, accepted payments of fees and then failed to provide services, and abandoned clients without notice and without refunding the fees. The resignor is aware that under 22 NYCRR 691.3, she is subject to reciprocal discipline in New York, based upon her disbarment in Florida.

The resignor is also aware of a pending investigation by the Grievance Committee

September 27, 2011

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MATTER OF CRUZ, ENID J., also known as NALERIO, ENID

for the Ninth Judicial District (hereinafter the Grievance Committee) into allegations of her professional misconduct, based upon her failure to re-register as an attorney with the Office of Court Administration since 1990.

The resignor has submitted an Affidavit of Resignation wherein she avers that she would not be able to successfully defend herself on the merits against charges predicated upon the foregoing. The resignor further acknowledges that her resignation is freely and voluntarily tendered; that she is not being subjected to coercion or duress by anyone; and that she is fully aware of the implications of submitting her resignation, including the fact that she is barred from applying for reinstatement as an attorney and counselor-at-law for a period of seven years.

The Grievance Committee recommends that the Court accept the resignation of Enid J. Cruz, also known as Enid Nalerio, from the Bar and that her name be stricken from the roll of attorneys and counselors-at-law.

Inasmuch as the proffered resignation is in reasonable compliance with the requirements of 22 NYCRR 691.9, it is accepted, and, effective immediately, Enid J. Cruz, also known as Enid Nalerio, is disbarred, and her name is stricken from the roll of attorneys and counselors-at-law.

PRUDENTI, P.J., RIVERA, SKELOS, DILLON and LOTT, JJ., concur.

ORDERED that the resignation of Enid J. Cruz, also known as Enid Nalerio, is accepted and directed to be filed; and it is further,

ORDERED that pursuant to Judiciary Law § 90, effective immediately, Enid J. Cruz, also known as Enid Nalerio, is disbarred and her name is stricken from the roll of attorneys and counselors-at-law; and it is further,

ORDERED that Enid J. Cruz, also known as Enid Nalerio, shall promptly comply with this Court's rules governing the conduct of disbarred, suspended, and resigned attorneys (*see* 22 NYCRR 691.10); and it is further,

ORDERED that pursuant to Judiciary Law § 90, effective immediately, Enid J. Cruz, also known as Enid Nalerio, is commanded to desist and refrain from (1) practicing law in any form, either as principal or as agent, clerk, or employee of another, (2) appearing as an attorney or counselor-at-law before any court, Judge, Justice, board, commission, or other public authority, (3) giving to another an opinion as to the law or its application or any advice in relation thereto, and (4) holding herself out in any way as an attorney and counselor-at-law; and it is further,

ORDERED that if Enid J. Cruz, also known as Enid Nalerio, has been issued a secure pass by the Office of Court Administration, it shall be returned forthwith to the issuing agency, and she shall certify to the same in her affidavit of compliance pursuant to 22 NYCRR 691.10(f).

ENTER:

A handwritten signature in black ink that reads "Matthew G. Kiernan". The signature is written in a cursive, slightly slanted style.

Matthew G. Kiernan
Clerk of the Court