

Andujar v Auletta

2021 NY Slip Op 32254(U)

November 9, 2021

Supreme Court, Kings County

Docket Number: Index No.: 514991/2020

Judge: Karen B. Rothenberg

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS: Trial Term Part 35

AMANDA ANDUJAR, individually, and as Mother and
Natural Guardian of A.I., an infant under the age of
sixteen years,

Index no.: 514991/2020

Plaintiffs,

-against-

INFANT'S
COMPROMISE
ORDER

REGINA AULETTA and HENRY MANZANAL,

Defendants.

Upon reading and filing the Affidavit of AMANDA ANDUJAR, individually,
and as Mother and Natural Guardian of the infant plaintiff, A [REDACTED]
[REDACTED] (hereinafter "A.I."), herein duly sworn on January 27, 2020, the
Affirmation of MICHAEL E. PRESSMAN, attorney for Defendants, duly affirmed
on October 1, 2021, and the annexed Physician's Affirmation of Dr. Roberto
L. Flores and Dr. Kenneth Francis, dated July 8, 2020 and dated June 25,
2020, respectively, and the annexed medical records of infant, A.I. and it
appearing that the infant, A.I. is, at the time of the signing of the attorney's
affirmation, eleven (11) years of age, having been born on [REDACTED] 2009,
appearance of the infant, the parent and the attorney having appeared before
this court on November 9, 2021, and it appearing that the best interests of
the said infant would be served by setting the case for the sum of
\$100,000.00.

NOW, on motion of the LAW OFFICES OF MICHAEL E. PRESSMAN,
attorneys for Defendants herein, it is hereby

ORDERED, pursuant to 22 NYCRR 202.5(e)(2) that the Court, *Sua Sponte*, finds good cause to permit the inclusion of the infant's full name and date of birth in the papers submitted in support of the infant compromise order; and it is further

ORDERED, that the mother and guardian, AMANDA ANDUJAR, is hereby authorized and empowered to settle and compromise the within action of the infant, A.I., against REGINA AULETTA and HENRY MANZANAL, in the aggregate sum of One Hundred Thousand (\$100,000.00) Dollars; and it is further,

ORDERED, that said guardian is authorized to execute such general releases and settlement payments as may be necessary to effectuate such said settlement; and it is further

ORDERED, that the mother and guardian AMANDA ANDUJAR receive \$2,759.00 as reimbursement of medical expenses incurred in the treatment to the A.I.; and it is further

ORDERED, that the balance of said settlement to wit: for A.I., \$97,241.00 be received and collected by AMANDA ANDUJAR, as mother and natural and legal guardian, jointly with an officer of a local savings bank to be determined by the court,

ORDERED, that the balance of said settlement to wit: \$97,241.00 be received and collected by the mother and natural guardian, AMANDA ANDUJAR, jointly with an officer of a local savings bank,

Chase Bank, 2401 Ralph Ave., Brooklyn, NY 11234 if the Court approves the settlement and shall be deposited in a time deposit or a certificate of deposit account as provided hereinafter. The settlement proceeds of \$97,241.00 should be deposited at the above stated bank in the name of AMANDA ANDUJAR, as mother and natural guardian to the credit of said infant, and held for the sole use of the infant, A.I., in an account paying the highest prevailing interest then available, subject to the further Order of this Court until the infant reaches the age of eighteen (18) years; and it is further

ORDERED, that there should be no right of withdrawal from any of the aforesaid bank accounts until the infant petitioner is eighteen (18), except upon further order of this Court, which shall be certified by the Clerk of the Court; and it is further

ORDERED, that said bank shall, upon infant's demand therefore, and without further Court Order pay forward to the infant when he reaches the age of eighteen (18) years, all monies held, upon presentation of proper proof thereof to said bank; and it is further

ORDERED, that the funding of the bond be dispensed and conditioned upon compliance with the terms of this Order, the mother and natural and legal guardian, AMANDA ANDUJAR, is authorized to execute and deliver a general release and any other instruments necessary to effectuate the settlement herein; and it is further

ORDERED, that the Law Offices of Michael E. Pressman shall serve a copy of this order upon each said bank and shall arrange for the deposit of said funds as expeditiously as is reasonably possible; and it is further

ORDERED, that within thirty (30) days of the deposit of said funds in the above designated bank(s), the above guardian shall submit to the Clerk's Office a copy of the certificate of deposit(s) issued by said bank(s); and it is further

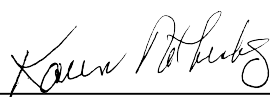
ORDERED, that in the event of the death of said infant plaintiff on or prior to the 18th birth date of said infant, all of the aforesaid sums described in each of the above designated bank(s) shall be paid to the estate of said infant plaintiff, or to the designated beneficiary of said estate in the same amount and in the same manner as hereinafter set forth; and it is further

ORDERED, that the cause of action for loss of services and/or medical expenses of the mother and natural and legal guardian, AMANDA ANDUJAR be and the same hereby is dismissed without costs and with prejudice; and it is further

ORDERED, that the Movant shall file its Notice of Entry and serve copies on all parties of the Notice and this Order within fourteen (14) business days of receipt of this Order.

Dated: November 9, 2021

ENTER



Hon. Karen B. Rothenberg, J.S.C.