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**AMENDED  
SHORT FORM ORDER**

**SUPREME COURT - STATE OF NEW YORK**

**Present:**

**HON. KENNETH A. DAVIS,**

**Justice**

TRIAL/IAS, PART 10  
NASSAU COUNTY

LIBERTY MUTUAL INSURANCE COMPANY,  
PEERLESS INSURANCE COMPANY and  
EMPLOYERS INSURANCE OF WAUSAU,

Plaintiffs,

SUBMISSION DATE: 12/19/03  
INDEX No.: 18068/03

-against-

PARALLEL MANAGEMENT, PINNACLE PSYCHOLOGICAL SERVICES, P.C., KEVIN L. ROSS, CASTLE HILL MEDICAL, P.C., LLOYD BERNS, MARIA CLARITO, ROBERT KRONENBERG, OLIVIERA BEDIC, RJ PROFESSIONAL ACUPUNCTURIST, ALEXANDER GALANTER, SHARP MEDICAL DIAGNOSTIC, P.C., CENTRAL CHIROPRACTIC, P.C., JOSEPH ANDREW SHTAB, RUSSELL NERSEROV, G.S. SURGICAL & MEDICAL SUPPLIERS, INC., HEALTH CARE MEDICAL & DIAGNOSTIC, P.C. AM MEDICAL; ATLANTIC MEDICAL; BETTER HEALTH' DMR MEDICAL; 563 GRAND MEDICAL; LI COMMUNITY MEDICAL; LINDEN CHIROPRACTIC; LINDEN MEDICAL; OPTIMAL HEALTH; PHYSICAL REHABILITATION; QUEENS COMMUNITY MEDICAL; RDK MEDICAL; SP MEDICAL; SPINE ALIGN; TS MEDICAL; TOWN MEDICAL & DIAGNOSTICS; ZENAIDA ARGULLES; YURI BROGOSOL; STEVEN BROWNSTEIN; GN NEUROLOGY; ANDREI STAIJAKOW; ALEKSANDR MARTIROSOV; VALDAMIR SLUTSKER; LEONID SLUTSKY AND ALVIN OWEN, ALEX BUZIASHVILLI, LILLY BUZIASHVILLI, BERNS & CASTRO, P.C., ELM STREET MEDICAL, EUGENE CASTRO, RONG JIN, IGOR CHANMIN, JOSEPH ANTHONY VITTORIO, MICHAEL H. AZIZ, DANIELA MAYER, RICHARD J. STERNBERG, ALEXANDER SOLOMON BRODSKY, JASON REZNIK, WILLIAM JEN TSAI, YURI GRINBERG, EDUARD ROZENTAL and MARINA EPELBAUM,

MOTION SEQUENCE #2

Defendants.

The following papers read on this motion:

Notice of Motion/ Order to Show Cause..... X  
Answering Papers..... X  
Reply..... X  
Briefs: Plaintiff's/Petitioner's.....  
Defendant's/Respondent's.....

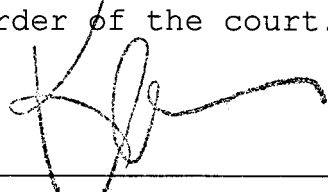
After hearing, the Court finds that there is sufficient proof to warrant the issuing of the Order of Attachment pursuant to CPLR § 6201. Berns and Castro P.C. has been indicted in an insurance fraud matter in Suffolk County. Berns and Castro P.C. have ties to businesses and enterprises in other states in which they can secret or remove the assets of the firm. However, the court finds that no proof has been submitted as to the other employees of the firm. In an effort to protect the assets of the law firm while allowing the firm to continue to operate, the court hereby appoints a receiver to handle all assets of Berns and Castro P.C.

The appointment of a temporary receiver is authorized in CPLR § 6401. The statute states that a receiver should be appointed where "there is a danger that the property will be removed from the state, or lost, materially injured or destroyed." The receiver in this matter is hereby charged with receiving all income of the law firm and with paying all reasonable and legitimate expenses of the firm. The court hereby appoints E. David Woycik, Esq. (fiduciary # 241366) as temporary receiver of the defendant Berns and Castro, P.C. Said receiver shall comply with Article 64 of the CPLR. The compensation due to the receiver shall be borne by Berns and Castro, P.C. See, CPLR § 8004. Said receiver shall comply with all Part 36 rules.

It is hereby ordered that the Order of Attachment as to defendant Berns and Castro, P.C. is vacated. It is further ordered that J.P. Morgan Chase and/or the Nassau County Sheriff shall release the funds that have been the subject of the Order of Attachment directly to the receiver.

This decision constitutes the order of the court.

Dated: DEC 22 2003

  
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HON. KENNETH A. DAVIS J.S.C.  
**ENTERED**

JAN 02 2004