

**SHORT FORM ORDER**

**SUPREME COURT - STATE OF NEW YORK**

SCAN

**Present:**

**HON. F. DANA WINSLOW,**

**Justice**

**TERRENCE FARR, an Infant, by CHARSELEY MITCHELL, his Person or agent having legal custody,**

**Plaintiff,**

**-against-**

**ANGELA A. INSOLERA, M.D., LONG BEACH MEMORIAL HOSPITAL, and JESSE A. SCHNEIDER, M.D., ROBERT CANTER, M.D. and NATIONAL EMERGENCY SERVICES, INC.,**

**Defendants.**

**TRIAL/IAS, PART 18  
NASSAU COUNTY**

**MOTION DATE: 03/08/01  
MOTION SEQ.NO.: 010**

**INDEX NO. 2857-96**

**LONG BEACH MEDICAL CENTER**

**Third-Party Plaintiff,**

**INDEX NO. 8667-99**

**-against-**

**CHARLES PETER HACKETT, D.O.,**

**Third Party Defendant.**

**The following papers read on this motion (numbered 1):**

**Notice of Motion ..... 1**

The plaintiff having moved for an Order establishing the Terrence Farr Supplemental Needs Trust, and granting such other relief as set forth below; and said motion having come on regularly to be heard,

NOW, upon reading and filing of the affirmation of Robert M. Marino, Esq. dated February 16, 2001, the Affidavit and Consent to Act of Charsley Mitchell dated February 12, 2001, the Consent to Act of Thomas Scaturro on behalf of the Bank of New York, dated February 8, 2001, and all exhibits annexed thereto, and attached with proof of due service

thereof, and no one having appeared in opposition thereto, and due deliberation having been had, it is

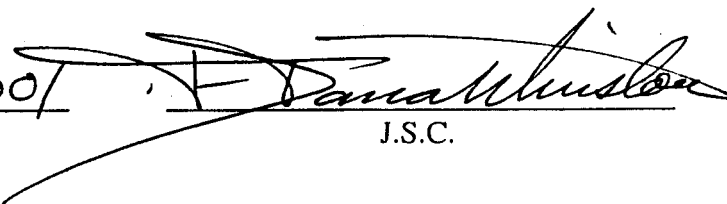
ORDERED, that the motion is **granted** as follows:

- a. The TERRENCE FARR SUPPLEMENTAL NEEDS TRUST (the "Trust") shall be established pursuant to the Trust Agreement attached as Exhibit A to plaintiff's Notice of Motion;
- b. CHARLEY MITCHELL & THE BANK OF NEW YORK shall be appointed as Co-Trustees of the Trust;
- c. The net settlement proceeds received in settlement and held in escrow pursuant to the Infant's Compromise Order dated January 17, 2001 shall be directed to the Trust; and
- d. The filing of a bond by the initial trustees of the Trust shall be waived; and it is further

ORDERED, that the Trustees be permitted to invade trust principal without further Court order for the purpose of paying any state, local or federal tax obligations of the Trust and to issue check(s) directly to the appropriate taxing authority, on the condition that the appropriate tax returns shall have been prepared by a Certified Public Accountant licensed in the State of New York; and it is further

ORDERED, that the Trustees be authorized to invest a sum of principal in premium bonds where the interest is paid up-front, and to invade Trust principal in the sum of approximately \$25,000, in order to have sufficient money to purchase a wheelchair accessible van costing approximately \$45,000.

Plaintiff shall serve a copy of this Order on the Nassau County Department of Social Services within 15 days after entry. The foregoing constitutes the Order of this Court.

Dated: March 27, 2001   
J.S.C.

**ENTERED**

**APR 04 2001**

**NASSAU COUNTY  
COUNTY CLERK'S OFFICE**