

**SUPREME COURT - STATE OF NEW YORK**  
**I.A.S. Part 39 - SUFFOLK COUNTY**

NOV 7

PRESENT:

Hon. **DENISE F. MOLIA**,  
Justice

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RCAS, INCORPORATED,

Plaintiff,

- against -

V.I.S.T.A. OF NEW YORK, INC., and JOSEPH  
VISCUSO,

Defendants.

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CASE DISPOSED: YES

MOTION R/D: 9/24/10

SUBMISSION DATE: 9/24/10

MOTION SEQUENCE NO.: 005 MG

ATTORNEY FOR PLAINTIFF

Arnold Arpino & Associates, PC

155 East Main Street

Smithtown, New York 11787

ATTORNEYS FOR DEFENDANT

Abelow and Cassandro

410 Jericho Turnpike

Jericho, New York 11753

Upon the following papers filed and considered relative to this matter:

Notice of Motion dated September 2, 2010; Affirmation dated September 2, 2010;  
Exhibits A through C annexed thereto; and upon due deliberation; it is

**ORDERED**, that the motion by plaintiff, pursuant to Judiciary Law §756, et seq., for an Order punishing Donna Viscuso, for contempt based upon her failure to comply with the Subpoena Duces Tecum served on December 8, 2009, is granted, without opposition, to the extent that Donna Viscuso is directed to fully comply with the aforesaid Subpoena served December 8, 2009, as well as the prior Order of this Court dated July 21, 2010; and it is further

**ORDERED**, that Donna Viscuso may purge herself of the contempt by complying fully and completely with the subject Subpoena Duces Tecum within forty five (45) days of the date of entry herein; and it is further

**ORDERED**, that upon the failure of the witness to purge herself of her contempt of the court by complying fully and completely with the subject Subpoena Duces Tecum as set forth above, an application may be made for a warrant directing the Sheriff of any county of the State

of New York wherein Donna Viscuso may be found to seize and arrest said Donna Viscuso forthwith and bring her before this court to be committed or for such further disposition as the court shall direct; and it is further

**ORDERED**, that the plaintiff is directed to serve a copy of this Order, with notice of entry, upon Donna Viscuso and her attorneys, by certified mail, return receipt requested, within twenty (20) days of the date of entry herein.

The foregoing constitutes the Order of this Court.

Dated: September 27, 2010

~~Hon. Denise F. Molia~~  
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HON. DENISE F. MOLIA  
J.S.C.