

**WARNING: YOUR FAILURE TO APPEAR IN COURT MAY RESULT IN YOUR IMMEDIATE ARREST AND IMPRISONMENT FOR CONTEMPT OF COURT.**

**NOTICE: The purpose of the hearing is to punish you for a contempt of court. Such punishment may consist of fine or imprisonment, or both, according to law.**

At \_\_\_ Part \_\_\_ of the Supreme Court of the State of New York, held in and for the County of Rockland, at the Courthouse located at 1 S. Main St., New City, New York 10956, on the \_\_\_ day of July, 2018.

PRESENT:

HON. \_\_\_\_\_, J.S.C.

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ROCKLAND

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**RAOUL ETIENNE,**  
Plaintiff,  
-against-

**Index No. 031301/2017**

**KEVIN T. MULHEARN, P.C. and  
KEVIN T. MULHEARN,**  
Defendants.

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**RAOUL ETIENNE,**  
Plaintiff,  
-against-

**Index No. 32636/2017**

**ORDER TO SHOW CAUSE**

**KEVIN T. MULHEARN, P.C. and  
KEVIN T. MULHEARN,**  
Defendants.

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Upon reading and filing the Affirmation of Sanford F. Young, Esq., dated July 3, 2018 and exhibits annexed hereto, including:

- (1) A Subpoena Duces Tecum directed to Kevin T. Mulhearn, individually, dated April 4, 2018;

- (2) A Subpoena Duces Tecum directed to Kevin T. Mulhearn, P.C. dated April 4, 2018;
- (3) An Information Subpoena (with Restraining Notice) directed to Kevin T. Mulhearn, individually, dated April 4, 2018; and
- (4) An Information Subpoena (with Restraining Notice) directed to Kevin T. Mulhearn, P.C., dated April 4, 2018; and

and upon all the papers and proceedings heretofore had and filed herein,

**NOW, THEREFORE**, after due deliberation having been had thereon and good and sufficient cause appearing therefore, by which it appears that Defendants Kevin T. Mulhearn, individually and Kevin T. Mulhearn, P.C. failed to comply with the aforesaid Subpoenas,

IT IS HEREBY ORDERED, that Defendants Kevin T. Mulhearn, individually and Kevin T. Mulhearn, P.C. appear before \_\_\_\_\_, at \_\_\_ Part \_\_\_, to be held at the Courthouse located at 1 S. Main St., New City, New York 10956 on the \_\_\_\_\_ day of \_\_\_\_\_ 2018 at \_\_\_\_\_ AM to show cause why and Order should not be entered:

- A. Punishing Defendants Kevin T. Mulhearn and Kevin T. Mulhearn, P.C., and each of them as and for being in contempt for violation of and non-compliance with the aforesaid Subpoenas;
- B. Imposing a fine of up to \$250 *plus* actual damages per each of the four subpoenas;
- C. Directing Defendants Kevin T. Mulhearn and Kevin T. Mulhearn, P.C., and each of them to comply with the aforesaid subpoenas within ten days of the service of this Order, including (i) serving Plaintiff's counsel with complete and accurate, sworn answers to the aforesaid Information

Subpoenas and their attached Questionnaires; and (ii) producing the documents requested in the aforesaid subpoenas duces tecum;

D. Directing Defendants Kevin T. Mulhearn and Kevin T. Mulhearn, P.C., and each of them to pay the costs and disbursements of this motion; and

E. For such other and further relief as may be just and proper, and

**IT IS FURTHER ORDERED** that service of a copy of this Order to Show Cause and the papers upon which it is based by Federal Express Ground addressed to Kevin T. Mulhearn, 60 Dutch Hill Road - #2, Orangeburg, NY 10962 on or before \_\_\_\_\_, \_\_\_\_\_, 2018 shall be deemed good and sufficient service.

\_\_\_\_\_, J.S.C.

Respectfully submitted by:

**LAW OFFICES OF SANFORD F. YOUNG, P.C.**

*Attorneys for Plaintiff*

225 Broadway; Suite 2008

New York, New York 10007

212-227-9755

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ROCKLAND

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RAOUL ETIENNE,

Index No. 031301/2017

Plaintiff,

-against-

KEVIN T. MULHEARN, P.C. and  
KEVIN T. MULHEARN,

Defendants.  
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RAOUL ETIENNE,

Index No. 32636/2017

Plaintiff,

-against-

KEVIN T. MULHEARN, P.C. and  
KEVIN T. MULHEARN,

Defendants.  
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**AFFIRMATION IN SUPPORT**

SANFORD F. YOUNG, an attorney duly admitted to practice before the Courts of the State of New York, affirms under penalties of perjury the following:

1. I am the principal of the Law Offices of Sanford F. Young, P.C., attorneys for Plaintiff Raoul Etienne, and as such am familiar with the facts.

2. This Affirmation is submitted in support of the instant application for an Order:

A. Punishing Defendants Kevin T. Mulhearn and Kevin T. Mulhearn, P.C., and each of them as and for being in contempt for violation of and non-compliance with the aforesaid Subpoenas;

B. Imposing a fine of up to \$250 *plus* actual damages per each of the four subpoenas;

C. Directing Defendants Kevin T. Mulhearn and Kevin T. Mulhearn, P.C., and each of them to comply with the aforesaid subpoenas within ten days of the service of this Order, including (i) serving Plaintiff's counsel with complete and accurate, sworn answers to the aforesaid Information Subpoenas and their attached Questionnaires; and (ii) producing the documents requested in the aforesaid subpoenas duces tecum;

D. Directing Defendants Kevin T. Mulhearn and Kevin T. Mulhearn, P.C., and each of them to pay the costs and disbursements of this motion; and

E. For such other and further relief as may be just and proper.

3. On June 19, 2017, a Corrective Judgment representing the first of two judgments that is the subject of this Order to Show Cause was entered in favor of Plaintiff RAOUL ETIENNE, as the Judgment Creditor, against KEVIN T. MULHEARN, P.C. and KEVIN T. MULHEARN, as the Judgment Debtors, jointly and severally, in the amount of \$121,420.27, of which \$90,661.25, together with interest thereon from May 23, 2018 remains due and unpaid. A copy of the Corrected Judgment entered on June 19, 2017 is annexed hereto as Exhibit "1".<sup>1</sup>

4. On June 16, 2017, the second Judgment that is the subject of this Order to Show Cause was entered in favor of RAOUL ETIENNE, as the Judgment Creditor, against KEVIN T. MULHEARN, P.C. and KEVIN T. MULHEARN, as the Judgment Debtors, jointly and severally, in the amount of \$30,450.00, of which \$33,010.03, together with interest thereon from

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<sup>1</sup> The Corrected Judgment corrected a Judgment entered on or about April 20, 2017 which contained an arithmetical error in that the stated total of that Judgment of \$100,560 erroneously failed to include the interest in the amount of \$20,860.27 (a copy of the original Judgment is annexed hereto as Exhibit "2"). The Corrected Judgment was entered with the consent of Defendants as set forth in a Stipulation dated April 27, 2017 (a copy of which is annexed hereto as Exhibit "3").

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