

FILED
IN CLERK'S OFFICE
U. S. DISTRICT COURT E.D. N.Y.
★ AUG 21 1998 ★
TIME A.M. _____
P.M. _____

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
DONNA ZITO,

Plaintiff,

-against-

JUDGMENT
98-CV-1029 (RR)

KENNETH S. APFEL, COMMISSIONER,
SOCIAL SECURITY ADMINISTRATION,

Defendant.
-----X

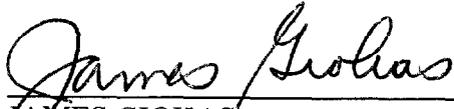
An order of the Honorable Reena Raggi, United States District Judge, having been filed on August 19, 1998, remanding the matter to the defendant Commissioner pursuant to sentence four of 42 U.S.C. § 405(g) for the purpose of further administrative proceedings for the reasons set forth on the record; it is

ORDERED and ADJUDGED that the matter is remanded to the defendant Commissioner pursuant to sentence four of 42 U.S.C. § 405(g) for the purpose of further administrative proceedings.

Dated: Brooklyn, New York
August 20, 1998

ROBERT C. HEINEMANN
Clerk of Court

By:



JAMES GIOKAS
Chief Deputy Clerk of Court

cc/m/
(8)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
TIME WARNER CABLE OF NEW YORK CITY,

CV-97-5489 (ILG)

Plaintiff,

**PARTIAL CONSENT
ORDER**

- against -

FILED
IN CLERK'S OFFICE
U. S. DISTRICT COURT E.D. N.Y.

LOUIS ROMANO, et al.,

★ **AUG 20 1998** ★

Defendants.

TIME A.M. _____
P.M. _____

-----X
WHEREAS, plaintiff Time Warner Cable of New York City ("TWCNYC" or plaintiff) having instituted this action against defendant Tagget Ortiz ("Ortiz" or the defendant) under the Communications Act of 1934, as amended, Title 47, U.S.C. sections 553(a)(1) and 605(a) and New York statutory remedies, alleging defendant's interception, reception and display of plaintiff's cable television programming services without plaintiff's authorization by use of a modified converter-decoder allegedly recovered from defendant on June 10, 1997; and,

WHEREAS, defendant, without making any admissions to plaintiff's allegation and denying those allegations and for purposes of settlement, does hereby wish to resolve plaintiff's claims under this Partial Consent Judgment and Order, and there being no reason why a dismissal of plaintiff's claims against only defendant Ortiz should not enter, it is hereby,

ORDERED, ADJUDGED AND DECREED that plaintiff shall recover from Ortiz the sum of \$500.00 in the form of a

(c/m)
(47)

certified, an attorney's or bank check or money order made payable to "Time Warner Cable" which shall be delivered to plaintiff's attorneys by no later than July 1, 1998; and, it is further,

ORDERED, ADJUDGED AND DECREED that in the event that defendant shall fail timely to deliver payment of \$250.00 to plaintiff's attorneys by July 1, 1998, plaintiff may notify defendant by regular mail and by certified mail that defendant is in default of the terms of this Partial Consent Judgment and Order. Defendant shall have ten (10) days from the date of mailing of notice of default to tender the sum of \$500.00. Upon failure of plaintiff's attorneys to receive said amount within said ten (10) days, plaintiff shall be entitled to obtain a "sum certain" default judgment from the Clerk of the Court pursuant to Rule 55(b) against defendant in the amount of \$1,500.00. Plaintiff's application for a default judgment shall be Notice of Motion upon affidavit of plaintiff's counsel with notice to defendant. The parties are in agreement that the sum of \$1,500.00, less amounts previously paid, is an appropriate sum of liquidated damages, costs and attorneys' fees in the event that plaintiff must collect a default judgment following defendant's default under this agreement; and, it is further,

ORDERED, ADJUDGED AND DECREED that defendant Tagget Ortiz, any of her servants, employees, agents, persons

acting in concert with her or acting on her behalf are hereby permanently enjoined and restrained from engaging in the unauthorized reception and interception, whether by air or cable, of plaintiff's programming, signals or services, or in aiding and abetting any such acts, and are hereby permanently enjoined and restrained from connecting to, attaching, splicing into, tampering with or in any way using plaintiff's cable wiring without plaintiff's authorization, and are hereby permanently enjoined and restrained from manufacturing, selling, purchasing, obtaining, using, or possessing any device or equipment capable of unscrambling, intercepting, receiving, decoding, transmitting, providing, or making available all or part of plaintiff's programming or services (whether transmitted by air or cable) without plaintiff's express authorization; and, it is further,

ORDERED, ADJUDGED AND DECREED that jurisdiction is hereby retained by this Court for the purpose of enabling any of the parties to apply to this Court for the purposes of modification and for enforcement of compliance with the foregoing Consent Injunction and for punishment of any violations thereof; and, it is further,

ORDERED, ADJUDGED AND DECREED that any and all claims alleged between plaintiff TWCNYC and defendant Tagget Ortiz under this action are hereby mutually released and discontinued with prejudice, with each party bearing its own respective costs and subject to the continuing jurisdiction

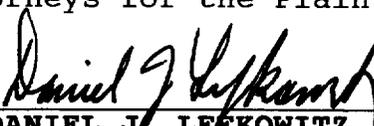
of this Court over the consent injunction. This Order may
by filed by the Clerk of the Court without further notice.

TAGGET ORTIZ
Defendant



Ms. Tagget Ortiz
45-24 39th Street, Apt. A2
Long Island City, N.Y. 11104

DANIEL J. LEFKOWITZ, ESQ., P.C.
Attorneys for the Plaintiff

By: 

DANIEL J. LEFKOWITZ (DL 1331)
350 Jericho Turnpike, Ste. 100
Jericho, New York 11753
(516) 942-4700

SO ORDERED:



U. S. D. J.

Dated: Brooklyn, New York
August 17, 1998