

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

M. Diane Koken,
Insurance Commissioner of the
Commonwealth of Pennsylvania,

Plaintiff,

- vs -

No. 269 M.D. 2001

Reliance Insurance Company,

Defendant.

CERTIFICATE OF SERVICE

I, CRAIG R. TRACTENBERG, of Nixon Peabody LLP, counsel to Sage Realty, being duly sworn, deposes and says that:

1. On May 11, 2005, I caused a true and correct Subpoena addressed to Henry Lambert and Order to Take Depositions and for Production of Documents Pursuant to CPLR 3102(e) to be served upon Mr. Lambert at 5 Hanover Square, New York, New York. A copy of the Affidavit of Service of Subpoena (the "Affidavit") is attached hereto as Exhibit "A."

2. The Affidavit was served upon counsel and interested parties on the attached Service List on the below date, via first class mail.

NIXON PEABODY LLP

Dated: June 30, 2005

By: 

Craig R. Tractenberg, Esquire

See Service List Attached.

EXHIBIT A

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

IN THE MATTER OF THE APPLICATION OF SAGE REALTY CORPORATION,
PETITIONER

Index No. 105938/2005

Plaintiff(s)

against

Defendant(s)

AFFIDAVIT OF
SERVICE OF SUBPOENA

ORDER TO TAKE DEPOSITIONS AND FOR
PRODUCTION OF DOCUMENTS PURSUANT TO CPL
3102 (e), AFFIRMATION IN SUPPORT

STATE OF NEW YORK, COUNTY OF NEW YORK SS: The undersigned, being duly sworn, deposes and says; deponent is not a party herein, is over 18 years of age and resides at CORONA, NEW YORK
That on 5/11/05 at 3:07 P.M., at 5 HANOVER SQUARE, NEW YORK, NEW YORK

deponent served the within subpoena on HENRY LAMBERT witness therein named,
ORDER TO TAKE DEPOSITIONS AND FOR PRODUCTION OF DOCUMENTS
PURSUANT TO CPLR 3102 (e), AFFIRMATION IN SUPPORT

INDIVIDUAL by delivering a true copy to said witness personally; deponent knew the person so served to be the witness described in said subpoena.
CORPORATION a corporation, by delivering thereat a true copy to personally, deponent knew said corporation so served to be the corporation witness and knew said individual to be thereof.

SUITABLE AGE PERSON by delivering thereat a true copy to TERRI CANDEROZZI (CO-WORKER) a person of suitable age and discretion. Said premises is witness'—actual place of business—dwelling place—usual place of abode—within the state.
AFFIXING TO DOOR, ETC. by affixing a true copy to the door of said premises, which is witness'—actual place of business—dwelling place—usual place of abode—within the state. Deponent was unable, with due diligence to find witness a person of suitable age and discretion thereat, having called there

MAILED ON: 5/12/05 AT 10:30 A.M.
C/O LAMBERT DEVELOPMENT LLC

MAY 17 2005

NOT COMPARED
WITH COPY FILED

MAILING TO RESIDENCE USE WITH 3 OR 4 Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to witness at witness' last known residence, at said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State.

MAILING TO BUSINESS USE WITH 3 OR 4 Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class postpaid envelope properly addressed to witness at witness' actual place of business, at 5 HANOVER SQUARE, NEW YORK, N.Y. 10004 in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the witness.

- Male Female
- White Skin Black Skin Yellow Skin Brown Skin Red Skin
- Black Hair Brown Hair Blonde Hair Gray Hair Red Hair
- White Hair Balding Mustache Beard Glasses
- 14-20 Yrs. 21-35 Yrs. 36-50 Yrs. 51-65 Yrs. Over 65 Yrs.
- Under 5' 5'0"-5'3" 5'4"-5'8" 5'9"-6'0" Over 6'
- Under 100 Lbs. 100-130 Lbs. 131-160 Lbs. 161-200 Lbs. Over 200 Lbs.

Other identifying features:

At the time of said service, deponent paid (tendered) in advance \$ 19.00

the authorized traveling expenses and one day's witness fee.

Sworn to before me on
5/12/05

JOHN DICANIO
Notary Public, State of New York
No. 01-DI4977768
Qualified in Westchester County
Commission Expires Feb. 11, 2007

JUAN D. ACILIERRE
License No. 843839