

Retto
ID



STEFAN MINOVICI & MIC & ASSOCIATES
-against-
FRANCOISE RAMONA VORMITTAG

**ORAL ANSWER
ACTION FOR MONEY ONLY**

Defendant, FRANCOISE RAMONA VORMITTAG, at 124-10 9TH AVENUE, MUSHING, NY 11356- , answers the Complaint as follows:

ANSWER: Dated : 12/24/2012
(Check all that apply)

- 1 General Denial: I deny the allegations in the complaint
- SERVICE
- 2 I did not receive a copy of the summons and complaint
- 3 I received the Summons and Complaint, but service was not correct as required by law.
- DEFENSES
- 4 I do not owe this debt.
- 5 I did not incur this debt. I am the victim of identity theft or mistaken identity.
- 6 I have paid all or part of the alleged debt.
- 7 I dispute the amount of the debt.
- 8 Plaintiff is required to be licensed by the department of consumer affairs of the City of New York and does not allege a license number in the Complaint.
- 9 Statute of Limitations (the time has passed to sue on this debt).
- 10 The debt has been discharged in bankruptcy.
- 11 The collateral (property) was not sold at a commercially reasonable price.
- 12 Unjust enrichment (the amount demanded is excessive compared with the original debt.)
- 13 Violation of the duty of good faith and fair dealing.
- 14 Unconscionability (the contract is unfair.)
- 15 Laches (plaintiff has excessively delayed in bringing this lawsuit to my disadvantage.)
- 16 Defendant is in the military.
- 17 Other: **SEE ATTACHED WRITTEN ANSWER.**
- OTHER
- 18 Please take notice that my only source of income is _____, which is exempt from collection. ✓

FILED
GENERAL CLERK
DEC 24 2012
CIVIL COURT - QUEENS COUNTY

COUNTERCLAIM

19 Counterclaim(s):\$ _____ Reason: _____

This case is scheduled to appear on the calendar as follows:

Date: January 11, 2013 Part: Part 11 - Self Represented Non-Jury Room 101 Time: 9:30 AM Both Sides Notified:

To:

HOWRAD B WEBER
61 BROADWAY
SUITE 2780
New York, NY 10006-

CIVIL COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

FILED
GENERAL CLERK
DEC 24 2012

CIVIL COURT – QUEENS COUNTY

-----X

STEFAN MINOVICI & MIC & ASSOCIATES, X

Plaintiff,

-against-

FRANCOISE RAMONA VORMITTAG,

Defendant.

X

Index No.: 039985/12

**ANSWER
TO
SUMMONS**

Defendant, Francoise Ramona Vormittag, do hereby and herein allege and affirm the following:

1. Plaintiff provided some services to the undersigned, as follows:
2. The Plaintiff accompanied the Defendant at the Supreme Court, County of Queens one time and discussed with her attorneys, for approximately half an hour;
3. The Plaintiff accompanied the Defendant at her attorney's office in Manhattan two times for approximately one hour each time;
4. The Plaintiff accompanied the Defendant at another attorney for a second opinion;
5. The Plaintiff arranged for the Defendant to have a colonoscopy that the Defendant paid herself;
6. The Plaintiff found a real estate agent to have Defendant's house sold, when the Defendant had no intention of selling the house. Moreover, the property for sale was not and is it still not on the Defendant's name. Both the Plaintiff and the real estate agent should have been aware of this situation.
7. The Plaintiff placed few telephone calls on Defendant's behalf.
8. All of the above actions took place between June 6, 2012 and July 10, 2012 for not more than 15 hours all together.
9. Plaintiff and Defendant did not have any signed agreement as to the services and fees to be paid. The oral agreement had stipulated for reasonable payment for the services.

10. The Defendant received the statement of account mailed by Plaintiff on August 1, 2012 (attached), however the amount was not near reasonable, was more outrageous.
11. Furthermore, the Plaintiff does not have a good recollection of the events and the statement of accounts does reflect it.
12. The Defendant entered into discussion with the Plaintiff on June 6, 2012;
13. The Defendant was in need of a liaison/translator between herself and the various entities such as attorneys, courts, public administrator's office, tenants, due to the fact that the Defendant is not fluent in English language, not a US resident and not familiar with the American culture.
14. The Statement of accounts dated August 1, 2012 was for the amount of \$44,100, amount not even close to being reasonable for the above listed services provided;
15. Currently, the Defendant is summonsed for the amount of \$25,000 for which no updated statement of account was provided, reference being made to the August 1, 2012 statement;
16. The Plaintiff's inconsistencies in his requests and irrelevant allegations shall render this case dismissed for failure to state a cause of action.
17. It should be noted that the Plaintiff has a balance due of \$900 to the Defendant for some unrelated dealings over the same period of time, amount acknowledged by the Plaintiff in his statement of accounts dated August 1, 2012.

For these reasons, the Defendant respectfully asks the Court to dismiss the action.



Defendant's Signature
Pro se
Françoise Ramona Vormittag
124-10 9 Avenue
College Point, NY 11356
francoisero@yahoo.com

To: Howard B. Weber
ATTN: Joseph Cohen
Attorneys for Plaintiff
61 Broadway, Suite 2780
New York, NY 10006

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CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF QUEENS

STEFAN MINOVICI & MIC & ASSOCIATES

Index No.

Plaintiff

SUMMONS

039985/12

-against-

Plaintiff's Address:

61 Broadway,
New York, NY 10006

FRANCOISE RAMONA VORMITTAG,

Basis of Venue:

Defendants

Defendant's place of business

To the above named defendant(s)

YOU ARE HEREBY SUMMONED to appear in the Civil Court of the City of New York, County of Queens at the office of the said court at 89-17 Sutphin Blvd., Jamaica, N.Y. 11435 in the County of Queens, City and State of New York, within the time provided by law as noted below and to file your answer to the annexed complaint with the Clerk: upon your failure to answer, judgment will be taken against you for the sum of \$25,000.00 with interest thereon from August 1, 2012 together with the costs of this action.

Dated: November 12, 2012

124-10 9th Avenue
Flushing, NY 11356

HOWARD B. WEBER
By: Joseph Cohen
Attorney for Plaintiff
61 Broadway, Suite 2780
New York, N.Y. 10006
(212) 509-0999

NOTE: The law provides that: (a) If this summons is served by its delivery to you personally within the City of New York, you must appear and answer within TWENTY days after such service; or (b) If this summons is served by delivery to any person other than you personally, or is served outside the City of New York, or by publication, or by any means other than personal delivery to you within the City of New York, you are allowed THIRTY days after proof of service thereof is filed with the Clerk of this Court within which to appear and answer.

ENDORSED COMPLAINT

1. Plaintiff provided goods and/or services to Defendant upon Defendant's special request for same.
2. A statement of account was mailed to Defendant on August 1, 2012
3. The accounting has been retained and no objection has been made.
4. There is due and owing on a book account the sum of \$25,000.00, no part of which has been paid although duly demanded.

WHEREFORE, Plaintiff demands judgment against Defendant in the sum of \$25,000.00 together with interest, court costs, plus whatever further relief the court deems just and proper.

COPY
ORIGINAL FILED
RECEIVED AND
HOWARD B. WEBER
By: Joseph Cohen
Attorney for Plaintiff

NOV 15 2012

CIVIL COURT
QUEENS COUNTY



August 1, 2012

STEFAN MINOVICI

Ms. Ramona Vormittag
124-10 9th Street,
College Point,
New York, 11356

Re: Agent Compensation - Estate of Franz Vormittag – Ramona Vormittag
BY: email francoisero@yahoo.com , regular mail and registered mail

Dear Ramona:

I hope this correspondence finds you well and in good spirits and that many of your issues and problems are already resolved.

Based on our agreement and following the email received from new attorney Andreea Dumitru, attached please find an itemized invoice for the many efforts and work that I have performed and completed for you in order to resolve your personal, legal and other related issues that you had with your late father's inheritance.

As you know and following a repeated personal request coming from UN Ambassador Simona Miculescu, I have worked for you for almost two months, beginning in mid-May and until late July, 2012. During this period, I have done the following for you:

- 1] Corresponded with numerous people in your name and on your behalf (including doctors, brokers, lawyers and tenants)
- 2] Engaged and met with several people on various issues on your behalf
- 3] Engaged and retained attorneys on your behalf
- 4] Went to Surrogate Court in Queens with you and negotiated with attorneys
- 5] Met with attorneys at their offices and accompanied you at all your meetings (Torto/ Silvia Bollatti)
- 6] Assisted you with several shopping needs (Home depot/ Daffy/ Pharmacy)
- 7] Identified doctors and accompanied you for visits and procedure (Dr. Cimponeriu/ found Acupuncturist)
- 8] Searched and found Real Estate Company for the sale of the house in College Point (Anthony Carollo)
- 9] Found cash buyer for your house in College Point in 10 days
- 10] Offered hours of consultation related to personal and business issues
- 11] Searched and hired a forensic investigator to further identify your late father's assets
- 12] Went to Citibank and CHASE bank and opened new account for you

45 Broadway New York, NY 10006
Tel.: +1.212.668.0300 • Fax: +1.212.668.1791

Romania
Calea Floreasca Nr. 91-111, B1. 57, Bucharest
Tel.: +40. 21. 230. 1181 • Fax: +40. 21. 230. 1192

- 13] Engaged and negotiated with your tenant on several occasions
- 14] Accompanied you on dozens on occasions and transported you from College Point to Manhattan, Queens and Brooklyn
- 15] Spent dozens of hours in consultations and advice sessions about your situation and what needed to be done

Consequently, and according the law governing such services, I am entitled to reasonable compensation for my time spent with you and the efforts made on your behalf during the mentioned mentioned above. That compensation is valued at \$1,000 per day. This sum is a reflection of all that I have done for you thus from May until late July, 2012. Included in this amount are the collateral expenses such as telephones, (including the one I lend you and never got back), gas, transportation, meals and other related logistical costs. My estimate is being calculated starting with May 15, until July 23, 2012, (when you abruptly and without reason and explanation revoked my Power of Attorney), or 45 (forty-five) days, excluding weekends. From the \$45,000 owed, you need to deduct the \$900 from your payment in Romania. The total amount owed is \$44,100, which I expect to be paid no later than August 15, 2012.

Please note that you were the one who initiated the desperate requests and besieged me with repeated calls for assistance and help. It was only after ambassador Miculescu called me again in May 2012, (almost one year after the initial appeal) that I decided to support you. Under such circumstances, it is imperative that you honor promptly your obligations towards me and make a payment no later than August 15, 2012. I also hope that you give serious consideration to my request and that we can resolve this in an amiable manner, without my taking legal action against you.

If you have any questions or need clarification on any of the issues presented, please feel free to contact me directly at 646 258 8882.

I wish you a good day much luck with your work.

Romanian Translation

Draga Ramona,

Sper ca aceasta corespondenta te gaseste intr-o stare de spirit buna si ca multe din problemele tale sunt deja rezolvate.

Conform intelegerii avute si al emailului primit de la noua ta avocata Andreea Dumitru, iti trimit alaturat o factura pentru numeroasele eforturi si muca depusa de mine pentru tine in reglementarea situatie tale personale, juridice, si a mosteniri ramase de la tatal tau.

Dupa cum stii, si la solicitarea d-nei. amabasadoare Simona Miculescu, am lucrat pentru de tine aproape doua luni, incepuand de la mijlocul lunii mai si pana la sfarsitul lunii iulie, 2012. In aceasta perioada am facut urmatoarele:

1. Corespondat cu numeroase persoane in numele tau si pentru tine (inclusiv doctori, brokeri, avocati si chiriasi)
2. Dialogat cu zeci de persoane pe diverse teme pentru tine si in numele tau
3. Antamat intalniri cu avocati
4. Mers la Tribunal in Queens cu tine (Surrogate Court)
5. Mers la avocati cu tine de nenumarate ori (Torto/ Silvia Bollatti)
6. Mers la cumparaturi cu tine (Home Depot/ Daffy/ farmacii)
7. Mersi la doctor cu tine (Dr. Cimponeriu)
8. Cautat agent Real Estate vanzare casa in College Point
9. Oferit consultatii de la real estate si pana la cele de business (Anthony Carollo Real Estate)
10. Mers al agent de Real Estate si gasit un cumparator pentru casa in zece zile cu bani gheata
11. Facut investigatii pentru identificare altor conturi ale tatalui tau
12. Mers la banci (CHASE si Citibank) deschis cont la Citibank
13. Comunicat cu chirtiasul tau in repetate randuri si cu tatal acestuia in vederea eliberari apartanmentului din casa ta
14. Acompaniere si transport in zeci de locuri pentru nevoile tale din College Point in Manhattan, inclusiv Queens si Brooklyn
15. Petrecut zeci de ore in discutii si consultatii strict legate de situatia mostenirii tale.

In acest context, si conform legislatiei americane in vigoare, sunt indreptatit a fii compensat pentru tot ce am facut pentru tine consider intr-o maniera rezonabila si corecta. Suma de \$1,000 pentru fiecare zi petrecuta cu tine si pentru tine este rezonabila care reflecta efortul, orele si contributia mea la reusita ta si beneficile derivate prin implicarea mea in solutionare multora din problemele pe care le-ai avut de cand ne-am cunoscut. Acest cost include si telefoanele mele, inclusive cel pe care ti l-am imprumutat, benzina, transportul, mese si alte cheltuieli logistice aferente. Calculul meu este ca am lucrat pentru tine incepand din 15 mai si pana in data de 23 iulie, adica 45 de zile (fara weekenduri). In acest context, imi datorezi 45.000 de dolari – minus \$900 dolari restanta pe care o mai aveam la tine. Suma finala datorata este de 44.100 de dolari, pe care ii astept sa fie achitati nu mai tarziu de 15 August, 2012.

Iti reamintesc ca tu m-ai soliciatt in repetate randuri sa te ajut, incepand cu anul 2011. Deasemena, fara insistenta d-nei. ambasadoare Miculescu, ma indoiesc m-as fi implicat atat de mult pentru tine. De aceea, te rog sa achiti prompt factura atasata, nu mai tarziu de 15 august, pentru a putea inchide in mod onorabil si corespunzator dosarul tau. Sper ca vei da atentie sporita si curs solicitarii mele si ca vei rezolva amiabil aceasta problema, fara sa fiu nevoit sa te actionez in judecata.

Daca ai vreo intrebare sau nelamurire, te rog sa nu eziti sa ma contactezi direct la 646 258 8882.

O zi buna si succes in continuare.



Stefan Minovici



MIC & ASSOCIATES, LLC

45 Braodway - 2230
NEW YORK, NY 10006
212 668-0300 fax 212 668-1791

Invoice No.

PC/LLC
1562

INVOICE

Customer

Name Ramona Vormitag
Address 124-10 9th Street
City College Point - Flushing 11356
Phone 917 756 4207

Date 8/1/2012
Att. Ramona Vormittag
Due Date Upon Receipt
FOB _____

Qty	Description	Unit Price	TOTAL
1	Comprehensive Consulting Services	\$44,100.00	\$44,100.00
2	Logistic Support		
3	Busiess Advisory		

Payment Details

- Wire Tranfer
- Check
- Cash

CHASE BANK

775 Columbus Avenue NY, NY 1

Routing # 021 0000 21

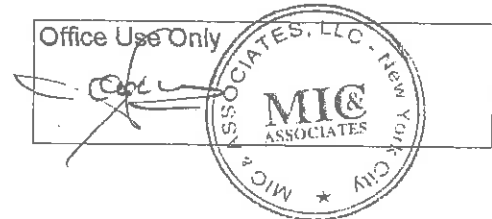
Account 957669 468

SubTotal

Taxes

TOTAL DUE **\$44,100.00**

Office Use Only



THANK YOU FOR YOUR PROMPT PAYMENT

Queens County Civil Court

Cal #: S-12-QU-032212

Trial Ready Date: 12/24/2012



Index #: CV-039985-12/QU

Summons and Complaint (Attorney) - [General]

Part: Part 11 - Self Represented

Court Date: 01/11/2013

Amount Sued For: \$25,000.00

(P) STEFAN MINOVICI & MIC & ASSOCIATES

HOWRAD B WEBER, 61 BROADWAY, SUITE 2780, New York, NY 10006 (212) 509-0999 ext:

(D) FRANCOISE RAMONA VORMITTAG

124-10 9TH AVENUE, FLUSHING, NY 11356

Other

\$25,000.00

08/01/2012

1/31/13 Trial

DISMISSED NAF


**MAUREEN A. HEALY
JUDGE, CIVIL COURT**

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF QUEENS

-----X
STEFAN MINOVICI & MIC & ASSOCIATES,

Index No.

Plaintiff

SUMMONS

039985

-against-

Plaintiff's Address:
45 Broadway
New York, NY 10006

FRANCOISE RAMONA VORMITTAG,

Defendants


Basis of Venue:
Defendant's place of business

-----X
To the above named defendant(s)

YOU ARE HEREBY SUMMONED to appear in the Civil Court of the City of New York, County of Queens at the office of the said court at 89-17 Sutphin Blvd., Jamaica, N.Y. 11435 in the County of Queens, City and State of New York, within the time provided by law as noted below and to file your answer to the annexed complaint with the Clerk: upon your failure to answer, judgment will be taken against you for the sum of \$25,000.00 with interest thereon from August 1, 2012 together with the costs of this action.

Dated: November 12, 2012

124-10 9th Avenue
Flushing, NY 11356

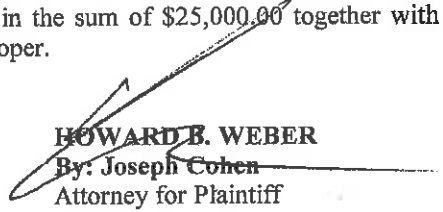

HOWARD B. WEBER
By: Joseph Cohen
Attorney for Plaintiff
61 Broadway, Suite 2780
New York, N.Y. 10006
(212) 509-0999

NOTE: The law provides that: (a) If this summons is served by its delivery to you personally within the City of New York, you must appear and answer within TWENTY days after such service; or (b) If this summons is served by delivery to any person other than you personally, or is served outside the City of New York, or by publication, or by any means other than personal delivery to you within the City of New York, you are allowed THIRTY days after proof of service thereof is filed with the Clerk of this Court within which to appear and answer.

ENDORSED COMPLAINT

1. Plaintiff provided goods and/or services to Defendant upon Defendant's special request for same.
2. A statement of account was mailed to Defendant on August 1, 2012
3. The accounting has been retained and no objection has been made.
4. There is due and owing on a book account the sum of \$25,000.00, no part of which has been paid although duly demanded.

WHEREFORE, Plaintiff demands judgment against Defendant in the sum of \$25,000.00 together with interest, court costs, plus whatever further relief the court deems just and proper.


HOWARD B. WEBER
By: Joseph Cohen
Attorney for Plaintiff

ORIGINAL

STEFAN MINOVICI, ETANO

Plaintiff(s)

Index # 39985/12

- against -

Purchased November 15, 2012

FRANCOISE RAMONA VORMITTAG

Defendant(s)

AFFIDAVIT OF SERVICE

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

MARWAN ELGIZAWY BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION, OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on November 30, 2012 at 03:00 PM at

124-10 9TH AVENUE
FLUSHING, NY 11356

deponent served the within SUMMONS AND COMPLAINT on FRANCOISE RAMONA VORMITTAG therein named,

SUITABLE AGE by delivering theret a true copy of each to ANDRE MINOVICI a person of suitable age and discretion. Said premises is Defendant's dwelling house within the state. He identified himself as the BROTHER of the Defendant.

Deponent further states that he describes the person actually served as follows:

Sex	Skin Color	Hair Color	Age (Approx.)	Height (Approx.)	Weight (Approx)
MALE	BROWN	BLACK	45	5'10	170

MAILING Deponent enclosed a copy of same in a postpaid wrapper properly addressed to the Defendant at the Defendant's last known residence at

124-10 9TH AVENUE
FLUSHING, NY 11356

and deposited said wrapper in a post office or official depository under exclusive care and custody of the United States Postal Service within New York State on December 3, 2012 by REGULAR FIRST CLASS MAIL in an envelope marked PERSONAL & CONFIDENTIAL and not indicating on the outside thereof, by return address or otherwise, that the communication is from an attorney or concerns an action against the person to be served.

MILITARY SERVICE Person spoken to was asked whether the Defendant was in the military service of the State of New York or the United States and received a negative reply. Upon information and belief based upon the conversation and observation as aforesaid deponent avers that the Defendant is not in the military service of the State of New York or the United States as that term is defined in the statutes of the State of New York or the Federal Soldiers and Sailors Civil Relief Act.


That at the time of such service deponent knew the person so served as aforesaid to be the same person mentioned and described as the Defendant in this action.

Sworn to me on: December 3, 2012

RALPH MULLEN
Notary Public, State of New York
No. 01MU6238632
Qualified in New York County
Expires April 11, 2015

JOSEPH KNIGHT
Notary Public, State of New York
No. 01KN6178241
Qualified In New York County
Expires November 26, 2015

JONATHAN GRABER
Notary Public, State of New York
No. 01GR6156780
Qualified in New York County
Expires December 4, 2014


MARWAN ELGIZAWY
License #: 1403005
Invoice #: 565875

2012 DEC 5 10:08 AM
COUNTY OF QUEENS