

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

Against

**PRE-TRIAL ORDER**

Civil Action No.: 00-CV-4893 (ARR)

ALISON SMITH,

Defendant.  
-----X

1. Sharinn & Lipshie, P.C., attorneys for plaintiff, 200 Garden City Plaza, Garden City, New York 11530. Tel: (516) 408-5000 Fax: (516) 873- 7808.
2. The basis of subject matter jurisdiction is that this action arises from a defaulted student loan under Title IV-B of the Higher Education Act of 1965, as amended, 20 U.S.C. 1071 et seq. (34 CFR Part 682).
3. On or about June 18, 1979, the defendant executed a promissory note to secure a loan for \$2,500.00 from the New York Bank for Savings. This loan obligation was guaranteed by New York State Higher Education Services Corporation and then reinsured by the Department of Education under loan guaranty programs authorized under Title IV-B of the Higher Education Act of 1965, as amended, 20 U.S.C. 1071 et seq. (34 CFR Part 682). The holder demanded payment according to the terms of the note and credited \$377.92 to the outstanding principal owed on the loan. On or about July 30, 1980, the defendant defaulted and the holder filed a claim on the guaranty. Due to this default, the guaranty agency paid a claim in the amount of \$2,122.08 to the holder. The guarantor was then reimbursed for that claim payment by the Department of Education under its reinsurance agreement. The guarantor was unable to collect

the balance due and on August 13, 1993, assigned its right and title to the loan to the Department of Education who have received no payments since the loan was assigned.

4. The case is to be tried without a jury, one trial day is needed.
5. The plaintiff consents to the trial of this case by a magistrate judge.
6. There are no stipulations or agreed statements of fact or law which have been agreed to by the parties.

7. Plaintiff's witness would be an employee from the Department of Education, most likely Myriam Urbi or Nicholas Navaro. Their address is United States Department of Education, San Francisco Service Center, Litigation Unit, Room 224, 50 United Nations Plaza, San Francisco, CA 94102.


8. No deposition testimony will be offered by the plaintiff. There are no stipulated facts. The following documents will be offered in evidence by the plaintiff: (a) student application for loan guarantee; and (b) loan guaranteed by New York State Higher Education Services Corporation.

9. There are no stipulated facts.

Dated: Garden City, New York  
September 12, 2002

Yours, etc.

SHARINN & LIPSHIE, P.C.

By: 

Howard S. Dworkin  
HD-3699

Attorneys for Plaintiff  
200 Garden City Plaza  
Garden City, N.Y. 11530  
(516) 408-5000

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

AFFIDAVIT OF  
SERVICE

- against -

00 CV 4893 (ARR)

ALISON SMITH

Defendant(s).

-----X  
STATE OF NEW YORK )

COUNTY OF NASSAU )

Lisa D'Alessio, being duly sworn, deposes and says, that deponent is not a party to the action and is over 18 years of age and resides at Garden City, New York That on the 12 day of September , 2002 deponent served the within Pre-Trial Order upon SUSAN C. WARNOCK, ESQ.(SW8510) the defendant in this action at 880 THIRD AVENUE, 13TH FLOOR, NEW YORK, NEW YORK 10022, the address designated by said defendant(s) for that purpose by depositing a true copy of the same enclosed in a postpaid properly addressed wrapper in a post office depository under the exclusive care and custody in the United States Postal Service within the State of New York.

  
\_\_\_\_\_  
Lisa D'Alessio

Sworn to before me this

day of September , 2002



HOWARD S. DWORKIN  
NOTARY PUBLIC, State of New York  
Qual. in Nass. Co. No. 02DW4927669  
NY Comm. Exp. March 28, 2006

\*SLGA0033\*