

  
RUSKIN MOSCOU FALTISCHEK P.C.  
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November 12, 2021

By NYSCEF

Honorable Marguerite A. Grays  
Supreme Court of the State of New York  
County of Queens  
88-11 Sutphin Boulevard, Courtroom 66  
Jamaica, New York 11435

Re: *Glaubach v. Slifkin, et al.*, Index No. 702987/2015

Dear Justice Grays:

We represent nominal defendants Personal Touch Holding Corp. (the "Company"), PT Intermediate Holding, Inc. and Personal Touch Home Care of N.Y., Inc. (the "Nominal Defendants") in the above referenced action. The purpose of this letter is to notify the Court that we are filing the attached stipulation withdrawing the Nominal Defendants' motion for sanctions against plaintiff with prejudice pursuant to a confidential settlement.

The Nominal Defendants are not filing the attached stipulation on behalf of the remaining defendants who also sought sanctions but are not parties to the attached stipulation. The remaining defendants who are not parties to the attached stipulation are David Slifkin, Trudy Balk, Jack Bilancia, Anthony Castiglione, Nancy Roa, and Josephine DiMaggio. Mr. Reich, counsel for Mr. Bilancia, Mr. Castiglione, Ms. Roa, and Ms. DiMaggio, has authorized us to inform the Court that three of his clients, Mr. Bilancia, Mr. Castiglione and Ms. Roa, will no longer be seeking sanctions.

We appreciate the Court's consideration of this matter.

Respectfully submitted,

  
Jonathan C. Sullivan  
For the Firm



November 12, 2021  
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Enc.  
cc: All Counsel (by NYSCEF)

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF QUEENS

-----X  
FELIX GLAUBACH, derivatively on behalf of  
PERSONAL TOUCH HOLDING CORP.,

Plaintiff,

- against -

DAVID SLIFKIN, TRUDY BALK, ROBERT MARX,  
JOHN L. MISCIONE, JOHN D. CALABRO, LA WRENCE  
J. WALDMAN, ROBERT E. GOFF, JACK BILANCIA,  
ANTHONY CASTIGLIONE, NANCY ROA and  
JOSEPHINE DIMAGGIO,

Defendants,

PERSONAL TOUCH HOLDING CORP., PT  
INTERMEDIATE HOLDING INC., and PERSONAL  
TOUCH HOME CARE OF N.Y., INC.,

Nominal-Defendants.  
-----X

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COMMERCIAL DIVISION

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Index No. 72987/2015

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Hon. Marguerite A. Grays

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STIPULATION OF  
WITHDRAWAL AND  
DISCONTINUANCE OF  
CLAIM FOR SANCTIONS

**IT IS STIPULATED AND AGREED** by and between the plaintiff Dr. Felix Glaubach (“Plaintiff” or “Glaubach”) and the nominal defendants Personal Touch Holding Corp., PT Intermediate Holding, Inc., and Personal Touch Home Care of N.Y. Inc. (collectively, “Personal Touch Defendants”), by and through their respective counsel, that the Personal Touch Defendants hereby withdraw and discontinue with prejudice any claim for sanctions awarded or to be awarded to the Personal Touch Defendants from Plaintiff Felix Glaubach pursuant to an Order of the Appellate Division dated October 6, 2021 (“Sanctions Order”), which remanded the matter to the Supreme Court to determine the sanctions to be awarded to the Personal Touch Defendants and other parties. Further, the Personal Touch Defendants will not appear in any appeal taken by Glaubach with respect to the Sanctions Order or take any position in any appeal

taken by Glaubach in connection with the Sanctions Order. This Stipulation shall not be construed or deemed to prevent Plaintiff Glaubach from appealing or defending the Sanctions Order in any manner.

**IT IS FURTHER STIPULATED AND AGREED** that his Stipulation shall be without costs to either side and each party will bear its own attorneys' fees.

**IT IS FURTHER STIPULATED AND AGREED** that this Stipulation may be signed in counterparts and a facsimile or electronic copy shall be sufficient for all purposes.

Dated: Uniondale, New York  
November 5, 2021

TASHLIK GOLDWYN LEVY LLP

By: \_\_\_\_\_

Jeffrey Levy, Esq.  
*Attorneys for Plaintiffs*  
*Felix Glaubach*  
40 Cuttermill Road, Suite 200  
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By: \_\_\_\_\_

Jonathan C. Sullivan, Esq.  
*Attorney for Defendants*  
*Personal Touch Holding Corp., PT Intermediate*  
*Holding, Inc. and Personal Touch Home Care*  
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(516) 663-6600

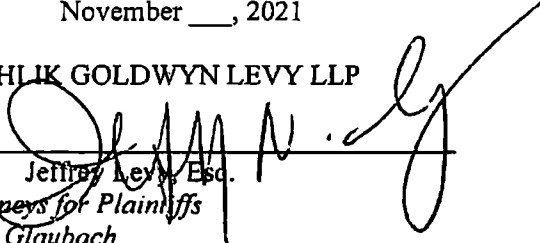
taken by Glaubach in connection with the Sanctions Order. This Stipulation shall not be construed or deemed to prevent Plaintiff Glaubach from appealing or defending the Sanctions Order in any manner.

**IT IS FURTHER STIPULATED AND AGREED** that his Stipulation shall be without costs to either side and each party will bear its own attorneys' fees.

**IT IS FURTHER STIPULATED AND AGREED** that this Stipulation may be signed in counterparts and a facsimile or electronic copy shall be sufficient for all purposes.

Dated: Uniondale, New York  
November \_\_, 2021

TASHLIK GOLDWYN LEVY LLP

By:  \_\_\_\_\_  
Jeffrey Levy, Esq.

*Attorneys for Plaintiffs*

*Felix Glaubach*

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By: \_\_\_\_\_  
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Holding, Inc. and Personal Touch Home Care  
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