

**NOTICE OF APPLICATION FOR
PREJUDGMENT REMEDY/CLAIM FOR
HEARING TO CONTEST APPLICATION
OR CLAIM EXEMPTION**

STATE OF CONNECTICUT
SUPERIOR COURT
www.jud.ct.gov

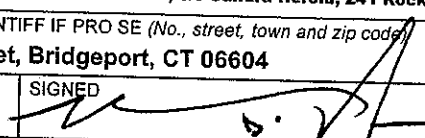
COURT USE ONLY	
CLPJRA Application For PJR	CLPJRHG Contest PJR Application (If Section III Completed)

JD-CV-53 Rev. 7-01
C.G.S. §§ 52-278c et seq.

INSTRUCTIONS TO PLAINTIFF/APPLICANT

1. Complete section I in connection with all prejudgment remedies EXCEPT ex parte prejudgment remedies and submit to the Clerk along with your application and other required documents.
2. Upon receipt of signed order for hearing from clerk, serve this form on defendant(s) with other required documents.

SECTION I - CASE INFORMATION (To be completed by Plaintiff/Applicant)

<input checked="" type="checkbox"/> Judicial District	<input type="checkbox"/> Housing Session	<input type="checkbox"/> G.A. No. _____	COURT ADDRESS 123 Hoyt Street, Stamford, CT 06905
Has a temporary restraining order been requested? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			AMOUNT, LEGAL INTEREST, OR PROPERTY IN DEMAND, EXCLUSIVE OF INTEREST AND COSTS IS ("X" one of the following)
NAME OF CASE (First-named plaintiff vs. First-named defendant) Michael J. Nash, Conservator of the Estate of Charla Nash v. Sandra Herold			<input type="checkbox"/> LESS THAN \$2500
<input type="checkbox"/> SEE ATTACHED FORM JD-CV-67 FOR CONTINUATION OF PARTIES			<input type="checkbox"/> \$2500 THROUGH \$14,999.99
CASE TYPE (From Judicial Branch code list) MAJOR: T MINOR: 69	NO. COUNTS 3	<input checked="" type="checkbox"/> \$15,000 OR MORE ("X" if applicable)	
NAME AND ADDRESS OF PLAINTIFF/APPLICANT (Person making application for Prejudgment Remedy) (No., street, town and zip code) Michael J. Nash, Conservator of the Estate of Charla Nash, 284 Lakeshore Drive, Pleasant Valley, NY 12569			<input checked="" type="checkbox"/> CLAIMING OTHER RELIEF IN ADDITION TO OR IN LIEU OF MONEY DAMAGES
NAME(S), ADDRESS(ES) AND TELEPHONE NO(S). OF DEFENDANT(S) AGAINST WHOM PREJUDGMENT REMEDY IS SOUGHT (No., street, town and zip code) (Attach additional sheet if necessary) Sandra Herold, 241 Rock Rimmon Road, Stamford, CT 06903			
NAME AND ADDRESS OF ANY THIRD PERSON HOLDING PROPERTY OF DEFENDANT WHO IS TO BE MADE A GARNISHEE BY PROCESS PREVENTING DISSIPATION Desire Me Motors, Inc., 15 St. Mary's St., Stamford, CT 06902 and Estate of Jerome A. Herold, c/o Sandra Herold, 241 Rock Rimmon Rd., Stamford, CT 06903			
FOR THE PLAINTIFF(S) ENTER THE APPEARANCE OF:	NAME AND ADDRESS OF ATTORNEY, LAW FIRM OR PLAINTIFF IF PRO SE (No., street, town and zip code) Willinger, Willinger & Bucci PC, 855 Main Street, Bridgeport, CT 06604	TELEPHONE NO. (203) 366-3939	JURIS NO. (If atty. or law firm) 23585
			SIGNED 
			DATE SIGNED 3/13/09



SECTION II - NOTICE TO DEFENDANT

You have rights specified in the Connecticut General Statutes, including Chapter 903a, that you may wish to exercise concerning this application for a prejudgment remedy. These rights include the right to a hearing:

- (1) to object to the proposed prejudgment remedy because you have a defense to or set-off against the action or a counterclaim against the plaintiff or because the amount sought in the application for the prejudgment remedy is unreasonably high or because payment of any judgment that may be rendered against you is covered by any insurance that may be available to you;
- (2) to request that the plaintiff post a bond in accordance with section 52-278d of the General Statutes to secure you against any damages that may result from the prejudgment remedy;
- (3) to request that you be allowed to substitute a bond for the prejudgment remedy sought; and
- (4) to show that the property sought to be subjected to the prejudgment remedy is exempt from such a prejudgment remedy.

You may request a hearing to contest the application for a prejudgment remedy, assert any exemption or make a request concerning the posting or substitution of a bond in connection with the prejudgment remedy. The hearing may be requested by any proper motion or by completing section III below and returning this form to the superior court at the Court Address listed above.

You have a right to appear and be heard at the hearing on the application to be held at the above court location on:

DATE APRIL 13, 2009	TIME 9:30 A.M.	COURTROOM TBA
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SECTION III - DEFENDANT'S CLAIM AND REQUEST FOR HEARING (To be completed by Defendant)

I, the defendant named below, request a hearing to contest the application for prejudgment remedy, claim an exemption or request the posting or substitution of a bond. I claim: ("X" the appropriate boxes)

- | | |
|--|---|
| <input type="checkbox"/> that the amount sought in the application for prejudgment remedy is unreasonably high. | <input type="checkbox"/> a defense, counterclaim, set-off, or exemption. |
| <input type="checkbox"/> that any judgment that may be rendered is adequately secured by insurance. | <input type="checkbox"/> that I be allowed to substitute a bond for the prejudgment remedy. |
| <input type="checkbox"/> that the plaintiff be required to post a bond to secure me against any damages that may result from the prejudgment remedy. | |



FOR COURT USE ONLY
APR 16 P 4:36
SUPERIOR COURT
STAMFORD - NORWALK
JUDICIAL DISTRICT

I certify that a copy of the above claim was mailed/delivered to the Plaintiff or the Plaintiff's attorney on the Date Mailed/Delivered shown below.

DATE COPY(IES) MAILED/DELIVERED	SIGNED (Defendant)	DATE SIGNED
TYPE OR PRINT NAME AND ADDRESS OF DEFENDANT		DOCKET NO. PJR CV
NAME OF EACH PARTY SERVED*		ADDRESS AT WHICH SERVICE WAS MADE*

*If necessary, attach additional sheet with names of each party served and the address at which service was made.

RETURN DATE:

MICHAEL J. NASH, CONSERVATOR
OF THE ESTATE OF CHARLA NASH

v.

SANDRA HEROLD

SUPERIOR COURT

JUDICIAL DISTRICT OF

STAMFORD/NORWALK

AT STAMFORD

MARCH 13, 2009

**APPLICATION FOR PREJUDGMENT REMEDY
AND TEMPORARY RESTRAINING ORDER**

TO THE SUPERIOR COURT FOR THE JUDICIAL DISTRICT OF
STAMFORD/NORWALK AT STAMFORD:

The undersigned represents:

1. That Michael J. Nash, Conservator of the Estate of Charla Nash is about to commence an action against Sandra Herold ("Defendant") of 241 Rock Rimmon Road, Stamford, Connecticut pursuant to the attached, proposed, unsigned Summons and Complaint;

2. That based on the Affidavit of Michael J. Nash attached hereto and made a part hereof, there is probable cause that a judgment in the amount of the prejudgment remedy sought, or in an amount greater than the amount of the prejudgment remedy sought, taking into account any known defenses, counterclaims or set-offs, will be rendered in the matter in favor of the applicant and that to secure the judgment the

Applicant seeks an order from this court directing that the following prejudgment remedy be granted to secure the sum of \$50,000,000.00:

a. The attachment of the following described real property of the Defendant located in the City of Stamford and further described as follows:

(1) 0 Halloween Boulevard, Stamford, CT, more particularly known as:

All those three (3) certain lots of land, together with such improvements as may exist thereon, situated in the City of Stamford, County of Fairfield and State of Connecticut, shown and delineated as Lots Numbered 212, 213 and 214 on a certain map entitled, "Map of Seaside Park Owned by Frank B. Gurley, Stamford, Conn.", which map is on file in the office of the Town Clerk of the said City of Stamford by the Map No. 452, reference thereto being hereby had. Said lots taken together are bounded:

NORTHERLY: Ninety (90) feet by Lot Numbered 215 as shown on said map;
EASTERLY: Sixty (60) feet by Halloween Boulevard;
SOUTHERLY: Ninety (90) feet by Lot Numbered 211 as shown on said map; and
WESTERLY: Sixty (60) feet by Lots Numbered 191, 192 and 193 as shown on said map.

- (2) 59 Gleason Avenue, Stamford, CT, more particularly known as:

ALL that certain piece, parcel or tract of land, together with the buildings and improvements thereon, situated in the City of Stamford, County of Fairfield and State of Connecticut, bounded and described as follows:

NORTHERLY:	90.00 Feet by land now or formerly of Dewey B. Haugabook;
EASTERLY:	41.74 feet by Gleason Avenue;
SOUTHERLY:	90.40 feet by St. Mary's Street; and
WESTERLY:	50.18 feet by land now or formerly of Revalli Corp.

Said premises being known as Lots number 163, 164 and 165 as shown and delineated on a certain map entitled, "Map of Seaside Park Owned by Frank B. Gurley, Stamford, Conn.", which map is on file in the office of the City and Town Clerk of the City of Stamford by map numbered 452.

- (3) 15 and 17 Saint Marys St., Stamford, CT, more particularly known as:

All that certain piece, parcel and tract of land, together with the buildings thereon, located in the City of Stamford, known and designated as Lots Numbered 240, 241, 242, 243 and 244 on a certain map entitled "Map of Seaside Park Owned By Frank B. Gurley, Stamford, Conn.", which map is now on file in the office of the Town Clerk of said City of Stamford as Map #452.

Together with rights as referenced in a deed recorded in Volume 778 at Page 513 of the Stamford Land Records.

- b. The attachment of the following described real property of the Estate of Jerome A. Herold (Deceased), of which Defendant is the Executrix and sole heir, located in the City of Stamford and further described as follows:

241 Rock Rimmon Road, Stamford, CT, more particularly known as:

ALL THAT CERTAIN piece, parcel or tract of land, together with the buildings thereon, situated in the City of Stamford, County of Fairfield and State of Connecticut shown and delineated as Parcel "2" (together with accessway) as shown on a certain map entitled "Map Showing Property Subdivided For Stanley L. Smith and Irene Smith", dated June 9, 1965, Certified Substantially Correct by Robert L. Redniss, which said map is on file in the Town Clerk's Office of the City of Stamford and there numbered 8065, reference thereto being hereby had for a more particular description of said premises.

Said premises are bounded and described as follows: Northerly 412.48 feet, thence Easterly 300 feet thence Southerly 185.75 feet all by land now or formerly of Bridgeport Roman Catholic Diocesan Corp.; Westerly 275 feet by Parcel "1" as shown on said map being land of Stanley L. Smith and Irene Smith; then again Southerly 218.03 feet by said Parcel "1" and Westerly 26.68 feet by Rockrimmon Road.

c. The attachment of the following described real property of the Defendant and the Estate of Jerome A. Herold (Deceased), of which Defendant is the Executrix and sole heir, located in the City of Stamford and further described as follows:

72 Magee Avenue, Stamford, CT, more particularly known as:

ALL THAT CERTAIN piece, parcel of tract of land, together with buildings and improvements thereon, situated in the City of Stamford, County of Fairfield and State of Connecticut, known and designated as Plot A as shown and delineated on a certain map entitled "Map Showing Revision of Boundary Lines Between Lots 233 and 235 on Map 452, S.L.R. Owned by Angelo Dagostino, Stamford, Conn." which map is on file in the Office of the City and Town Clerk of the City of Stamford as Map No. 6696.

d. The attachment of the following described real property of Desire Me Motors, Inc. located in the City of Stamford and further described as follows:

11 Saint Marys St., Stamford, CT, more particularly known as:

ALL THAT CERTAIN pieces, parcels of lots of land together with the buildings and improvements thereon, situated in the City of Stamford, County of Fairfield and State of Connecticut, being known and designated as lots numbered 237, 238 and 239 on a certain map entitled "Map of Seaside Park, owned by Frank S. Gurley, Stamford, Conn.", which map is on file in the office of the Town Clerk of said City of Stamford as map numbered 452. Said lots, together, according to said map, are bounded:

NORTHERLY: 60 feet by Saint Mary Street

EASTERLY: 99.30 feet by land now or formerly of Clotilde Roberti Rossi;

SOUTHERLY: 60 feet by land now or formerly of City of Stamford; and

WESTERLY: 99.30 feet by land now or formerly of Antonio Brancato.

The six (6) above described properties shall be referred to herein as the "Properties".

e. The garnishment of any accounts receivable, payments, and/or distributions in the hands (or in the possession, custody or control) of any of Defendant's debtors, agents, and/or trustees;

f. The attachment and/or garnishment of all assets of the Defendant, including but not limited to, all real property and tangible and intangible personal

property, including, without limitation, all accounts and other receivables, stock shares, chattel paper, machinery, equipment, furniture, fixtures, general intangibles, instruments and inventory, together with the proceeds thereof;

g. The attachment of sufficient property of the Defendant as may be revealed in response to Applicant's Motion For Disclosure of Assets dated March 13, 2009; and

h. The garnishment of such individuals, partnerships, corporations, limited liability companies, banks and other entities that the Defendant may disclose in response to Applicant's Motion For Disclosure of Assets dated March 13, 2009, as being the agent, trustee or debtor of the Defendant and/or each having or concealing in his, her or its hands (or in his, her or its possession, custody or control) goods, effects, estate or assets of the Defendant, and/or each being indebted to the Defendant.

3. Additionally, Applicant seeks an order restraining the Defendant, individually, on behalf of the Estate of Jerome A. Herold, and on behalf of Desire Me Motors, Inc. from selling, assigning, transferring, mortgaging, encumbering, pledging, donating, gifting or otherwise conveying (1) any interest in the Properties; (2) any stock shares of Desire Me Motors, Inc. (the "Stock"); and/or (3) any personal property of the

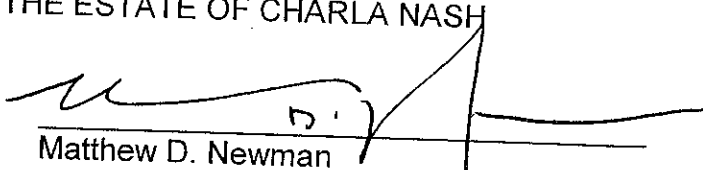
Defendant valued over \$500.00, other than in the normal course of the Defendant's business or personal affairs, pending a hearing on this Application for Prejudgment Remedy, and until twenty (20) days after the Defendant's disclosure of assets in response to Applicant's Motion For Disclosure of Assets dated March 13, 2009. In the absence of a temporary restraining order, Applicant is in danger of suffering immediate and irreparable injury, loss, and damage in that Defendant would be free to sell, assign, transfer, mortgage, encumber, pledge, donate, gift or otherwise convey an interest in the Properties, the Stock or such other valuable personal property prior to a hearing on this Application (or prior to the Defendant's disclosure of assets in response to Applicant's Motion For Disclosure of Assets dated March 13, 2009), thus preventing Applicant from obtaining the very security sought by this Application.

4. By this Application, Applicant does not seek prejudgment remedies to secure an amount greater than \$50,000,000.00. Rather, this Application cumulatively seeks the attachment of the assets, interests, and properties described above in Paragraph 3 because applicant has insufficient information to determine whether any of said assets, interests, or properties have sufficient equity and/or value to secure the

\$50,000,000.00 sum requested.

THE APPLICANT,
MICHAEL J. NASH, CONSERVATOR
OF THE ESTATE OF CHARLA NASH

By:



Matthew D. Newman
Charles J. Willinger
James A. Lenes
Willinger, Willinger & Bucci, P.C.
855 Main Street, Fifth Floor
Bridgeport, CT 06604
Juris No. 23585
Tele: (203) 366-3939
Fax: (203) 337-4588

WILLINGER, WILLINGER & BUCCI, P.C. • ATTORNEYS AT LAW
865 MAIN STREET • BRIDGEPORT, CONN. 06604 • (203) 366-3939 • JURIS NO. 23685

RETURN DATE: : SUPERIOR COURT
MICHAEL J. NASH, CONSERVATOR : JUDICIAL DISTRICT OF
OF THE ESTATE OF CHARLA NASH : STAMFORD/NORWALK
v. : AT STAMFORD
SANDRA HEROLD : MARCH 13, 2009

TEMPORARY RESTRAINING ORDER AND
ORDER FOR HEARING AND NOTICE

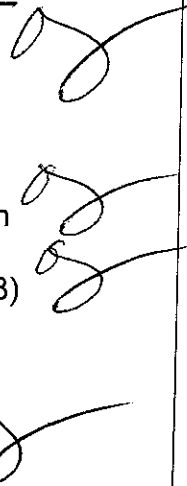
This matter having come before the Court upon the Application for Prejudgment Remedy and Temporary Restraining Order (the "Application ") of Michael J. Nash, Conservator of the Estate of Charla Nash ("Applicant"), supported by the Affidavit of Michael J. Nash, and it appearing that Applicant is in danger of suffering immediate and irreparable injury, loss, and damage, for which Applicant has demonstrated probable cause and no adequate remedy at law, before notice and a hearing may be had on the Application, it is hereby:

Ordered that a hearing be held thereon on APRIL 13, 09, 2009 at 9:30 am, at the Superior Court for the Judicial District of Stamford/Norwalk at Stamford, and that the plaintiff give notice to (1) the defendant Sandra Herold, (2) the Estate of Jerome A. Herold (Deceased), and (3) Desire Me Motors, Inc. in accordance with section 52-278c of the general statutes of the pendency of the application and of

the time when it will be heard by causing a true and attested copy of the Application, proposed order granting the Application, the proposed unsigned Writ, Summons and Direction for Attachment, the proposed Complaint, Affidavit, Motion for Prejudgment Disclosure of Property and Assets, the proposed order granting the Motion for Prejudgment Disclosure of Property and Assets and of this Order, together with such notice as is required under subsection (e) of section 52-278c, to be served upon the said defendant by some proper officer or indifferent person on or before

APRIL 1, 2009 and that due return of service be made to this Court.

AND IT IS FURTHER ORDERED that Defendant, individually, ~~on behalf of the Estate of Jerome A. Herold, and on behalf of Desire Me Motors, Inc.~~ ^{is hereby} is hereby restrained from selling, assigning, transferring, mortgaging, encumbering, pledging donating, gifting or otherwise conveying (1) ^{any of her} ~~any~~ interest in the Properties (as said term is defined in the Application); (2) any stock shares of Desire Me Motors, Inc.; ^{that she owns} and/or (3) any personal property of the Defendant valued over \$500.00, other than in the normal course of the Defendant's ^{business} ~~business~~ or personal affairs, pending said hearing and further order of the Court.



Dated at Stamford, this 16 day of March, 2009.

BY THE COURT,



JUDGE/JERK

Mintz, J.

RETURN DATE:

MICHAEL J. NASH, CONSERVATOR
OF THE ESTATE OF CHARLA NASH

v.

SANDRA HEROLD

SUPERIOR COURT

JUDICIAL DISTRICT OF

STAMFORD/NORWALK

AT STAMFORD

MARCH 13, 2009

SUMMONS

TO THE MARSHAL OF THE COUNTY OF FAIRFIELD OR HIS DEPUTIES, OR ANY
PROPER OFFICER WITHIN SAID COUNTY,

GREETINGS:

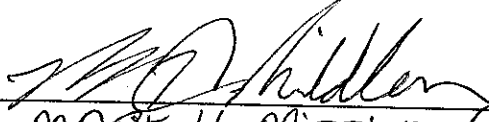
BY AUTHORITY OF THE STATE OF CONNECTICUT, you are hereby
commanded to serve a true and attested copy of the above Application, Temporary
Restraining Order And Order For Hearing And Notice Application, proposed order
granting the Application, the proposed unsigned Writ, Summons and Direction for
Attachment, the proposed Complaint, Affidavit, Motion for Prejudgment Disclosure of
Property and Assets, the proposed order granting the Motion for Prejudgment
Disclosure of Property and Assets and of this Order, upon (1) the defendant, Sandra
Herold of 241 Rock Rimmon Road, Stamford, Connecticut, (2) the Estate of Jerome A.
Herold (Deceased), by its Executrix (who is also the deceased's only heir), Sandra
Herold of 241 Rock Rimmon Road, Stamford, Connecticut, and (3) Desire Me Motors,

WILLINGER, WILLINGER & BUCCI, P.C. • ATTORNEYS AT LAW
855 MAIN STREET • BRIDGEPORT, CONN. 06604 • (203) 366-3939 • JURIS NO. 23585

Inc., 15 Saint Mary's St, Stamford, CT, 06902, whose statutory agent for service is Sandra Herold of 241 Rock Rimmon Road, Stamford, Connecticut, in the manner provided by law for service of process, on or before APRIL 1, 2009.

HEREOF, FAIL NOT, but due service and return make.

Dated at Stamford, Connecticut on MARCH 16, 2009.



MARK H. MIDDLEEN
Commissioner of the Superior Court

RETURN DATE:

MICHAEL J. NASH, CONSERVATOR
OF THE ESTATE OF CHARLA NASH

v.

SANDRA HEROLD

SUPERIOR COURT

JUDICIAL DISTRICT OF

STAMFORD/NORWALK

AT STAMFORD

MARCH 13, 2009

ORDER GRANTING PREJUDGMENT REMEDY AFTER HEARING

WHEREAS, application has been made by the plaintiff Michael J. Nash, Conservator of the Estate of Charla Nash ("Plaintiff") in the above-entitled action for a prejudgment remedy to attach the goods or estate of the defendant Sandra Herold ("Defendant"), and the goods and estate of Desire Me Motors, Inc. and the Estate of Jerome A. Herold.

WHEREAS, after due hearing at which Plaintiff and Defendant appeared and were fully heard, and/or failed to appear despite receiving due notice of this hearing, it is found that there is probable cause that a judgment in the amount of the prejudgment remedy sought, or in an amount greater than the amount of the prejudgment remedy sought, taking into account any known defenses, counterclaims or set-offs, claims of exemption and claims of adequate insurance, shall be rendered in favor of Plaintiff, and therefore that the Application should be granted;

NOW, THEREFORE, it is hereby ORDERED that the following prejudgment remedy be issued in favor of Plaintiff and against Defendant to secure the sum of

\$ _____:

a. The attachment of the following described real property of the Defendant located in the City of Stamford and further described as follows:

(1) 0 Halloween Boulevard, Stamford, CT, more particularly known as:

All those three (3) certain lots of land, together with such improvements as may exist thereon, situated in the City of Stamford, County of Fairfield and State of Connecticut, shown and delineated as Lots Numbered 212, 213 and 214 on a certain map entitled, "Map of Seaside Park Owned by Frank B. Gurley, Stamford, Conn.", which map is on file in the office of the Town Clerk of the said City of Stamford by the Map No. 452, reference thereto being hereby had. Said lots taken together are bounded:

NORTHERLY: Ninety (90) feet by Lot Numbered 215 as shown on said map;
EASTERLY: Sixty (60) feet by Halloween Boulevard;
SOUTHERLY: Ninety (90) feet by Lot Numbered 211 as shown on said map; and
WESTERLY: Sixty (60) feet by Lots Numbered 191, 192 and 193 as shown on said map.

(2) 59 Gleason Avenue, Stamford, CT, more particularly known as:

ALL that certain piece, parcel or tract of land, together with the buildings and improvements thereon, situated in the City of Stamford, County of Fairfield and State of Connecticut, bounded and described as follows:

NORTHERLY:	90.00 Feet by land now or formerly of Dewey B. Haugabook;
EASTERLY:	41.74 feet by Gleason Avenue;
SOUTHERLY:	90.40 feet by St. Mary's Street; and
WESTERLY:	50.10 feet by land now or formerly of Kevalli Corp.

Said premises being known as Lots number 163, 164 and 165 as shown and delineated on a certain map entitled, "Map of Seaside Park Owned by Frank B. Gurley, Stamford, Conn.", which map is on file in the office of the City and Town Clerk of the City of Stamford by map numbered 452.

(3) 15 and 17 Saint Marys St., Stamford, CT, more particularly known as:

All that certain piece, parcel and tract of land, together with the buildings thereon, located in the City of Stamford, known and designated as Lots Numbered 240, 241, 242, 243 and 244 on a certain map entitled "Map of Seaside Park Owned By Frank B. Gurley, Stamford, Conn.", which map is now on file in the office of the Town Clerk of said City of Stamford as Map #452.

Together with rights as referenced in a deed recorded in Volume 778 at Page 513 of the Stamford Land Records.

b. The attachment of the following described real property of the Estate of Jerome A. Herold (Deceased) located in the City of Stamford and further described as follows:

241 Rock Rimmon Road, Stamford, CT, more particularly known as:

ALL THAT CERTAIN piece, parcel or tract of land, together with the buildings thereon, situated in the City of Stamford, County of Fairfield and State of Connecticut shown and delineated as Parcel "2" (together with accessway) as shown on a certain map entitled "Map Showing Property Subdivided For Stanley L. Smith and Irene Smith", dated June 9, 1965, Certified Substantially Correct by Robert L. Redniss, which said map is on file in the Town Clerk's Office of the City of Stamford and there numbered 8065, reference thereto being hereby had for a more particular description of said premises.

Said premises are bounded and described as follows: Northerly 412.48 feet, thence Easterly 300 feet thence Southerly 185.75 feet all by land now or formerly of Bridgeport Roman Catholic Diocesan Corp.; Westerly 275 feet by Parcel "1" as shown on said map being land of Stanley L. Smith and Irene Smith; then again Southerly 218.03 feet by said Parcel "1" and Westerly 26.68 feet by Rockrimmon Road.

c. The attachment of the following described real property of the Defendant and the Estate of Jerome A. Herold (Deceased) located in the City of Stamford and further described as follows:

72 Magee Avenue, Stamford, CT; more particularly known as:

ALL THAT CERTAIN piece, parcel of tract of land, together with buildings and improvements thereon, situated in the City of Stamford, County of Fairfield and State of Connecticut, known and designated as Plot A as shown and delineated on a certain map entitled "Map Showing Revision of Boundary Lines Between Lots 233 and 235 on Map 452, S.L.R. Owned by Angelo Dagostino, Stamford, Conn." which map is on file in the Office of the City and Town Clerk of the City of Stamford as Map No. 6696.

d. The attachment of the following described real property of Desire Me Motors, Inc. located in the City of Stamford and further described as follows:

11 Saint Marys St., Stamford, CT, more particularly known as:

ALL THAT CERTAIN pieces, parcels of lots of land together with the buildings and improvements thereon, situated in the City of Stamford, County of Fairfield and State of Connecticut, being known and designated as lots numbered 237, 238 and 239 on a certain map entitled "Map of Seaside Park, owned by Frank B. Gurley, Stamford, Conn.", which map is on file in the office of the Town Clerk of said City of Stamford as map numbered 452. Said lots, together, according to said map, are bounded:

NORTHERLY: 60 feet by Saint Mary Street

EASTERLY: 99.30 feet by land now or formerly of Clotilda Roberti Rossi;

SOUTHERLY: 60 feet by land now or formerly of City of Stamford; and

WESTERLY: 99.30 feet by land now or formerly of Antonio Brancato.

The six (6) above described properties shall be referred to herein as the "Properties".

e. The garnishment of any accounts receivable, payments, and/or distributions as are in the hands (or in the possession, custody or control) of any of Defendant's debtors, agents, and/or trustees;

f. The attachment and/or garnishment of all assets of the Defendant, including but not limited to, all real property and tangible and intangible personal

property, including, without limitation, all accounts and other receivables, chattel paper, machinery, equipment, furniture, fixtures, general intangibles, instruments and inventory, together with the proceeds thereof;

g. The attachment of sufficient property of the Defendant as may be revealed in response to Applicant's Motion For Disclosure of Assets dated March 13, 2009; and

h. The garnishment of such individuals, partnerships, corporations, limited liability companies, banks and other entities that the Defendant may disclose in response to Applicant's Motion For Disclosure of Assets dated March 13, 2009, as being the agent, trustee or debtor of the Defendant and/or each having or concealing in his, her or its hands (or in his, her or its possession, custody or control) goods, effects, estate or assets of the Defendant, and/or each being indebted to the Defendant.

AND IT IS FURTHER ORDERED that Defendant, individually, on behalf of the Estate of Jerome A. Herold, and on behalf of Desire Me Motors, Inc. is hereby restrained from selling, assigning, transferring, mortgaging, encumbering, pledging donating, gifting or otherwise conveying (1) any interest in the Properties (as said term is defined in the Application); (2) any stock shares of Desire Me Motors, Inc.; and/or (3) any personal property of the Defendant valued over \$500.00, other than in the normal

course of the Defendant's business or personal affairs, until twenty (20) days after the Defendant's disclosure of assets in response to Applicant's Motion For Disclosure of Assets dated March 13, 2009.

Dated at Stamford, Connecticut this ____ day of _____, 2009.

Judge of the Superior Court

RETURN DATE:

MICHAEL J. NASH, CONSERVATOR
OF THE ESTATE OF CHARLA NASH

v.

SANDRA HEROLD

SUPERIOR COURT

JUDICIAL DISTRICT OF

STAMFORD/NORWALK

AT STAMFORD

MARCH 13, 2009

**WRIT, SUMMONS AND
DIRECTION FOR ATTACHMENT**

TO ANY PROPER OFFICER:

By authority of the state of Connecticut, you are hereby commanded, without delay, in accordance with the accompanying order, to pursue as indicated below, to the aggregate value and amount of \$50,000,000.00 the following prejudgment remedies:

- a. The attachment of the following described real property of the Defendant located in the City of Stamford and further described as follows:
 - (1) 0 Halloween Boulevard, Stamford, CT, more particularly known as:

All those three (3) certain lots of land, together with such improvements as may exist thereon, situated in the City of Stamford, County of Fairfield and State of Connecticut, shown and delineated as Lots Numbered 212, 213 and 214 on a certain map entitled, "Map of Seaside Park Owned by Frank B. Gurley, Stamford, Conn.", which map is on file in the office of the Town Clerk of the said City of Stamford by the Map No. 452, reference thereto being hereby had. Said lots taken together are bounded:

NORTHERLY: Ninety (90) feet by Lot Numbered 215 as shown on said map;
EASTERLY: Sixty (60) feet by Halloween Boulevard;
SOUTHERLY: Ninety (90) feet by Lot Numbered 211 as shown on said map; and
WESTERLY: Sixty (60) feet by Lots Numbered 191, 192 and 193 as shown on said map.

(2) 59 Gleason Avenue, Stamford, CT, more particularly known as:

ALL that certain piece, parcel or tract of land, together with the buildings and improvements thereon, situated in the City of Stamford, County of Fairfield and State of Connecticut, bounded and described as follows:

NORTHERLY: 90.00 Feet by land now or formerly of Dawey B. Haugabook;
EASTERLY: 41.74 feet by Gleason Avenue;
SOUTHERLY: 90.40 feet by St. Mary's Street; and
WESTERLY: 50.18 feet by land now or formerly of Kevalli Corp.

Said premises being known as Lots number 163, 164 and 165 as shown and delineated on a certain map entitled, "Map of Seaside Park Owned by Frank B. Gurley, Stamford, Conn.", which map is on file in the office of the City and Town Clerk of the City of Stamford by map numbered 452.

(3) 15 and 17 Saint Marys St., Stamford, CT, more particularly known as:

All that certain piece, parcel and tract of land, together with the buildings thereon, located in the City of Stamford, known and designated as Lots Numbered 240, 241, 242, 243 and 244 on a certain map entitled "Map of Seaside Park Owned By Frank B. Gurley, Stamford, Conn.", which map is now on file in the office of the Town Clerk of said City of Stamford as Map #452.

Together with rights as referenced in a deed recorded in Volume 778 at Page 513 of the Stamford Land Records.

b. The attachment of the following described real property of the Estate of Jerome A. Herold (Deceased) located in the City of Stamford and further described as follows:

241 Rock Rimmon Road, Stamford, CT, more particularly known as:

ALL THAT CERTAIN piece, parcel or tract of land, together with the buildings thereon, situated in the City of Stamford, County of Fairfield and State of Connecticut shown and delineated as Parcel "2" (together with accessway) as shown on a certain map entitled "Map Showing Property Subdivided For Stanley L. Smith and Irene Smith", dated June 9, 1965, Certified Substantially Correct by Robert L. Redniss, which said map is on file in the Town Clerk's Office of the City of Stamford and there numbered 8065, reference thereto being hereby had for a more particular description of said premises.

Said premises are bounded and described as follows: Northerly 412.48 feet, thence Easterly 300 feet thence Southerly 185.75 feet all by land now or formerly of Bridgeport Roman Catholic Diocesan Corp.; Westerly 275 feet by Parcel "1" as shown on said map being land of Stanley L. Smith and Irene Smith; then again Southerly 218.03 feet by said Parcel "1" and Westerly 26.68 feet by Rockrimmon Road.

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c. The attachment of the following described real property of the Defendant and the Estate of Jerome A. Herold (Deceased) located in the City of Stamford and further described as follows:

72 Magee Avenue, Stamford, CT, more particularly known as:

ALL THAT CERTAIN piece, parcel of tract of land, together with buildings and improvements thereon, situated in the City of Stamford, County of Fairfield and State of Connecticut, known and designated as Plot A as shown and delineated on a certain map entitled "Map Showing Revision of Boundary Lines Between Lots 233 and 235 on Map 452, S.L.R. Owned by Angelo Dagostino, Stamford, Conn." which map is on file in the Office of the City and Town Clerk of the City of Stamford as Map No. 6696.

d. The attachment of the following described real property of Desire Me Motors, Inc. located in the City of Stamford and further described as follows:

11 Saint Marys St., Stamford, CT, more particularly known as:

ALL THAT CERTAIN pieces, parcels of lots of land together with the buildings and improvements thereon, situated in the City of Stamford, County of Fairfield and State of Connecticut, being known and designated as lots numbered 237, 238 and 239 on a certain map entitled "Map of Seaside Park, owned by Frank B. Gurley, Stamford, Conn.", which map is on file in the office of the Town Clerk of said City of Stamford as map numbered 452. Said lots, together, according to said map, are bounded:

NORTHERLY: 60 feet by Saint Mary Street
EASTERLY: 99.30 feet by land now or formerly of Clotilda Roberti Rossi;
SOUTHERLY: 60 feet by land now or formerly of City of Stamford; and
WESTERLY: 99.30 feet by land now or formerly of Antonio Brancato.

e. The garnishment of any accounts receivable, payments, and/or distributions as are in the hands (or in the possession, custody or control) of any of Defendant's debtors, agents, and/or trustees;

f. The attachment and/or garnishment of all assets of the Defendant, including but not limited to, all real property and tangible and intangible personal property, including, without limitation, all accounts and other receivables, chattel paper, machinery, equipment, furniture, fixtures, general intangibles, instruments and inventory, together with the proceeds thereof;

g. The attachment of sufficient property of the Defendant as may be

revealed in response to Applicant's Motion For Disclosure of Assets dated March 13, 2009; and

h. The garnishment of such individuals, partnerships, corporations, limited liability companies, banks and other entities that the Defendant may disclose in response to Applicant's Motion For Disclosure of Assets dated March 13, 2009, as being the agent, trustee or debtor of the Defendant and/or each having or concealing in his, her or its hands (or in his, her or its possession, custody or control) goods, effects, estate or assets of the Defendant, and/or each being indebted to the Defendant.

Said prejudgment remedies being authorized by the Connecticut Superior Court pursuant to Conn. Gen. Stat. § 52-278d, and to summon the defendant Sandra Herold ("Defendant") of 241 Rock Rimmon Road, Stamford, Connecticut to appear before the Superior Court, within and for the Judicial District of Stamford/Norwalk at Stamford on _____, 2009, such appearance to be made by Defendant or her attorney by filing a written statement of appearance with the clerk of the court whose address is 123 Hoyt Street, Stamford, CT, on or before the second day following the return date;

I hereby certify that I have personal knowledge of the financial responsibility of the plaintiff and deem it sufficient to pay the costs of this action.

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HEREOF, FAIL NOT, but with this writ and summons and your doings thereon,
make due service and return.

Dated at Stamford, Connecticut, on _____, 2009.

Commissioner of the Superior Court

3. Upon information and belief, Sandra Herold ("Defendant") is an individual residing at 241 Rock Rimmon Road in Stamford, Connecticut ("Defendant's Premises").

4. On or about February 16, 2009, and for approximately fourteen years prior thereto, the Defendant was the owner and/or possessor of a wild animal, believed to be a chimpanzee (the "Chimpanzee"), which she acquired in its infancy.

5. The Defendant permitted the Chimpanzee to live with her inside the Defendant's house (the "House") at the Defendant's Premises. The Defendant reportedly treated the Chimpanzee in a quasi-familial manner, allowing the wild animal to ride in cars, drink wine from a stemmed glass, dress and bathe itself, and even to use a computer.

6. Upon information and belief, prior to February 16, 2009, the Chimpanzee had displayed violent and erratic behavior typical of its wild nature. Upon information and belief the Chimpanzee, in 1996, bit a woman on her hand and tried to drag her into a car; in 1998, the Chimpanzee bit a man on his thumb; in 2003 the Chimpanzee escaped the Defendant's vehicle and roamed for hours in downtown Stamford traffic before it could be captured.

7. On February 16, 2009, the Chimpanzee escaped from the House and/or was allowed to roam on the Defendant's Premises outside of the House, and the

Defendant was unable to shepherd the Chimpanzee back inside the House.

8. Thereafter, the Defendant telephoned Charla and requested that she come to the Defendant's Premises to assist the Defendant to shepherd the Chimpanzee back into the House.

9. Shortly after Charla arrived at the Defendant's Premises, the Chimpanzee violently and savagely attacked Charla without provocation causing her egregious, life-threatening and catastrophic injuries.

10. In the midst of this savage and ferocious attack, the Defendant called 911 in order to obtain emergency assistance.

11. When police and emergency personnel arrived to render assistance to Charla, the Chimpanzee fled, but shortly thereafter returned and attacked the police and emergency personnel, causing damage to a police vehicle and cornering a police officer inside a vehicle, who was forced to shoot and kill the Chimpanzee in self defense and to avoid additional bloodshed.

12. Immediately after the Chimpanzee attack, Charla was rushed to Stamford Hospital by ambulance where she underwent eight hours of emergency surgery in order to stabilize her and to begin to address some of her many catastrophic wounds. On February 19, 2009, Charla was airlifted to the Cleveland Clinic on the clinic's private

critical-care airplane. To date, she remains in critical condition and is heavily sedated.

13. Charla suffered egregious, life-threatening and catastrophic injuries, all or some of which are permanent in nature, including but not limited to:

- a. traumatic facial injury (including loss of her nose, upper and lower lips, eyelids and the bony structures in her mid-face);
- b. loss of both hands;
- c. traumatic brain injury;
- d. traumatic eye injury that threatens her vision;
- e. broken bones; and,
- f. lacerations.

14. Charla has been forced to expend (or is or will be obliged to pay) large sums of money for surgeries, procedures, medications, emergency room, doctor and hospital bills, and the like, and will likely require additional multiple surgeries, procedures, transplants, therapies, medications, psychiatric care, in-home assistance to perform activities of daily living, and other medical care in the future.

15. Charla has been forced to suffer and will continue to suffer debilitating physical pain, severe psychological trauma, other psychic injuries and severe emotional distress.

16. Charla has been forced to suffer and will continue to suffer a complete and/or dramatic loss of her ability to participate in and enjoy all of life's leisure activities and pursuits.

17. Charla has been unable to, and likely never will be able to, attend to her usual employment, thereby causing her to sustain lost wages and benefits, resulting in economic loss and future economic loss.

18. Charla's injuries, losses and damages resulted from a dangerous propensity:

- a. that is characteristic of wild animals such as the Chimpanzee, and/or
- b. of which the Defendant knew or had reason to know.

19. The Defendant is strictly liable to Charla for her injuries, loss and damages.

Second Count – Negligence

1 –12. Paragraphs One through Twelve of the First Count are restated as Paragraphs One through Twelve of the Second Count as though fully contained herein.

13. The Chimpanzee attack on Charla was due to the negligence and carelessness of the Defendant in one or more of the following ways:

- a. The Defendant possessed a wild animal with violent propensities, even

though she lacked sufficient skill, strength, and/or experience to subdue the Chimpanzee when necessary;

b. The Defendant failed to hire individuals with sufficient skill, strength, and/or experience to subdue the Chimpanzee when necessary;

c. The Defendant failed to properly secure the Chimpanzee inside the House;

d. The Defendant failed to install adequate locks or other safety devices which would have prevented the Chimpanzee from escaping from the House;

e. The Defendant failed to install adequate fences or other safety devices at her residence which would have prevented the Chimpanzee from reaching Charla;

f. The Defendant allowed the Chimpanzee to roam outside of the House;

g. The Defendant failed to prevent the Chimpanzee from escaping from the House;

h. The Defendant failed to properly warn Charla of the danger she faced when the Defendant asked Charla to assist her to shepherd the Chimpanzee back into the House;

i. The Defendant requested Charla to enter the Defendant's Premises, knowing that the Chimpanzee had been in an agitated state;

j. The Defendant possessed a wild animal which she knew had exhibited aggressive behavior to one or more other persons and failed to take sufficient actions to safeguard third parties from the wild animal; and,

k. The Defendant, upon information and belief, caused the Chimpanzee to take medications that exacerbated the Chimpanzee's violent propensities.

14. As a result of the Chimpanzee attack caused by the negligence and carelessness of the Defendant, Charla suffered egregious, life-threatening and catastrophic injuries, all or some of which are permanent in nature, including but not limited to:

- a. traumatic facial injury (including loss of her nose, upper and lower lips, eyelids and the bony structures in her mid-face);
- b. loss of both hands;
- c. traumatic brain injury;
- d. traumatic eye injury that threatens her vision;
- e. broken bones; and,
- a. lacerations.

15. As a result of the Chimpanzee attack caused by the negligence and carelessness of the Defendant, Charla has been forced to expend (or is or will be

obliged to pay) large sums of money for surgeries, procedures, medications, emergency room, doctor and hospital bills, and the like, and will likely require additional multiple surgeries, procedures, transplants, therapies, medications, psychiatric care, in-home assistance to perform activities of daily living, and other medical care in the future.

16. As a result of the Chimpanzee attack caused by the negligence and carelessness of the Defendant, Charla has been forced to suffer and will continue to suffer debilitating physical pain, severe psychological trauma, other psychic injuries and severe emotional distress.

17. As a result of the Chimpanzee attack caused by the negligence and carelessness of the Defendant, Charla has been forced to suffer and will continue to suffer a complete and/or dramatic loss of her ability to participate in and enjoy all of life's leisure activities and pursuits.

18. As a result of the Chimpanzee attack caused by the negligence and carelessness of the Defendant, Charla has been unable to, and likely never will be able to, attend to her usual employment, thereby causing her to sustain lost wages and benefits, resulting in economic loss and future economic loss.

Third Count – Recklessness

1 –12. Paragraphs One through Twelve of the First Count are restated as Paragraphs One through Twelve of the Third Count as though fully contained herein.

13. The Defendant possessed the Chimpanzee without taking adequate precautions to insure the safety of others, knew of the Chimpanzee's prior violent and erratic behavior, and/or knew of the Chimpanzee's agitated state present on the day of the attack.

14. The Defendant acted in a highly unreasonable manner in a situation where a high degree of danger is present; and, acted with knowledge of a dangerous condition and/or made a conscious choice of a course of action with knowledge of facts which would disclose the danger to any reasonable person.

15. As a result of the Chimpanzee attack caused by the recklessness of the Defendant, Charla suffered egregious, life-threatening and catastrophic injuries, all or some of which are permanent in nature, including but not limited to:

- f. traumatic facial injury (including loss of her nose, upper and lower lips, eyelids and the bony structures in her mid-face);
- g. loss of both hands;
- h. traumatic brain injury;

- i. traumatic eye injury that threatens her vision;
- j. broken bones; and,
- a. lacerations.

16. As a result of the Chimpanzee attack caused by the recklessness of the Defendant, Charla has been forced to expend (or is or will be obliged to pay) large sums of money for surgeries, procedures, medications, emergency room, doctor and hospital bills, and the like, and will likely require additional multiple surgeries, procedures, transplants, therapies, medications, psychiatric care, in-home assistance to perform activities of daily living, and other medical care in the future.

17. As a result of the Chimpanzee attack caused by the recklessness of the Defendant, Charla has been forced to suffer and will continue to suffer debilitating physical pain, severe psychological trauma, other psychic injuries and severe emotional distress.

18. As a result of the Chimpanzee attack caused by the recklessness of the Defendant, Charla has been forced to suffer and will continue to suffer a complete and/or dramatic loss of her ability to participate in and enjoy all of life's leisure activities and pursuits.

19. As a result of the Chimpanzee attack caused by the recklessness of the

Defendant, Charla has been unable to, and likely never will be able to, attend to her usual employment, thereby causing her to sustain lost wages and benefits, resulting in economic loss and future economic loss.

Wherefore, the Plaintiff claims:

1. Money damages;
2. Punitive damages
3. Attorneys fees and expenses; and,
4. Such other and further relief as the Court may deem proper.

THE PLAINTIFF
MICHAEL J. NASH, CONSERVATOR
OF THE ESTATE OF CHARLA NASH

By: _____

Matthew D. Newman
Charles J. Willinger
James A. Lenos
Willinger, Willinger & Bucci, P.C.
855 Main Street, Fifth Floor
Bridgeport, CT 06604
Juris No. 23585
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855 MAIN STREET • BRIDGEPORT, CONN. 06604 • (203) 366-3939 • JURIS NO. 23585

RETURN DATE: SUPERIOR COURT
MICHAEL J. NASH, CONSERVATOR OF THE ESTATE OF CHARLA NASH JUDICIAL DISTRICT OF
v. STAMFORD/NORWALK
AT STAMFORD
SANDRA HEROLD MARCH 13, 2009

STATEMENT OF DEMAND

The amount, legal interest or property in demand is more than Fifteen Thousand Dollars (\$15,000.00), exclusive of interest and costs.

THE PLAINTIFF
MICHAEL J. NASH, CONSERVATOR
OF THE ESTATE OF CHARLA NASH

By: _____
Matthew D. Newman
Charles J. Willinger
James A. Lenos
Willinger, Willinger & Bucci, P.C.
855 Main Street, Fifth Floor
Bridgeport, CT 06604
Juris No. 23585
Tele: (203) 366-3939
Fax: (203) 337-4588

RETURN DATE: : SUPERIOR COURT
: :
MICHAEL J. NASH, CONSERVATOR : JUDICIAL DISTRICT OF
OF THE ESTATE OF CHARLA NASH : :
: : STAMFORD/NORWALK
v. : :
: : AT STAMFORD
: :
SANDRA HEROLD : :

**AFFIDAVIT IN SUPPORT OF
PREJUDGMENT REMEDY APPLICATION
AND TEMPORARY RESTRAINING ORDER**

STATE OF CONNECTICUT)
) ss.: March 13, 2009
COUNTY OF FAIRFIELD)

I, Michael J. Nash, being duly sworn, hereby depose and say:

1. I am over the age of 18 years and understand the obligations of an oath. I make this Affidavit in support of the Application for Prejudgment Remedy and Temporary Restraining Order. I am the brother of Charla Nash ("Charla") and reside in Pleasant Valley, New York.

2. Charla Nash is an individual residing in Stamford, Connecticut, who prior to the events described herein was physically able-bodied and carried on a vibrant and diverse personal and professional life. She is currently a patient at the Cleveland Clinic

in Cleveland, Ohio where she is heavily sedated and in critical condition.

3. For the reasons described below, on or about February 24, 2009, by ex parte order of the State of Connecticut Court of Probate, District of Stamford (the "Probate Court"), I was appointed as the Temporary Conservator of the Estate of Charla Nash, which order was confirmed by the Probate Court after hearing on March 2, 2009. A hearing to appoint me as Conservator on a non-temporary basis is scheduled for March 24, 2009.

4. Upon information and belief, Sandra Herold ("Defendant") is an individual residing at 241 Rock Rimmon Road in Stamford, Connecticut ("Defendant's Premises").

5. On or about February 16, 2009, and for approximately fourteen years prior thereto, the Defendant was the owner and/or possessor of a wild animal, believed to be a chimpanzee (the "Chimpanzee"), which she acquired in its infancy.

6. The Defendant permitted the Chimpanzee to live with her inside the Defendant's house (the "House") at the Defendant's Premises. It has been reported in the New York Times that the Defendant treated the Chimpanzee in a quasi-familial manner, allowing the wild animal to ride in cars, drink wine from a stemmed glass, dress and bathe itself, and even to use a computer.

7. On February 16, 2009, the Chimpanzee escaped from the House and/or

was allowed to roam on the Defendant's Premises outside of the House, and the Defendant was unable to shepherd the Chimpanzee back inside the House.

8. Thereafter, the Defendant telephoned Charla and requested that she come to the Defendant's Premises to assist the Defendant to shepherd the Chimpanzee back into the House.

9. Shortly after Charla arrived at the Defendant's Premises, the Chimpanzee violently and savagely attacked Charla without provocation causing her egregious, life-threatening and catastrophic injuries.

10. In the midst of this savage and ferocious attack, the Defendant called 911 in order to obtain emergency assistance.

11. When police and emergency personnel arrived to render assistance to Charla, the Chimpanzee fled, but shortly thereafter returned and attacked the police and emergency personnel, causing damage to a police vehicle and cornering a police officer inside a vehicle, who was forced to shoot and kill the Chimpanzee in self defense and to avoid additional bloodshed.

12. Immediately after the Chimpanzee attack, Charla was rushed to Stamford Hospital by ambulance where she underwent eight hours of emergency surgery in order to stabilize her and to begin to address some of her many catastrophic wounds. On

February 19, 2009, Charla was airlifted to Cleveland Clinic on the clinic's private critical-care airplane. To date, she remains in critical condition and is heavily sedated.

13. While complete and detailed medical reports are not yet available, I have come to learn that Charla suffered egregious, life-threatening and catastrophic injuries, all or some of which are permanent in nature, including but not limited to:

- a. traumatic facial injury (including loss of her nose, upper and lower lips, eyelids and the bony structures in her mid-face);
- b. loss of both hands;
- c. traumatic brain injury;
- d. traumatic eye injury that threatens her vision;
- e. broken bones; and,
- f. lacerations.

14. Charla has been forced to expend (or is or will be obliged to pay) large sums of money for surgeries, procedures, medications, emergency room, doctor and hospital bills, and the like, and will likely require additional multiple surgeries, procedures, transplants, therapies, medications, psychiatric care, in-home assistance to perform activities of daily living, and other medical care in the future.

15. Charla has been forced to suffer and will continue to suffer debilitating

physical pain, severe psychological trauma, other psychic injuries and severe emotional distress.

16. Charla has been forced to suffer and will continue to suffer a complete and/or dramatic loss of her ability to participate in and enjoy all of life's leisure activities and pursuits.

17. Charla has been unable to, and likely never will be able to, attend to her usual employment, thereby causing her to sustain lost wages and benefits, resulting in economic loss and future economic loss.

18. Since the attack, I have come to learn from published reports that the Chimpanzee had been violent in the past. Apparently, Leslie Mostel-Paul, a former Stamford resident, told NBC's "Today" show that in 1996, the Chimpanzee had bit her hand and tried to drag her into a car. The Associated Press reported that Bill Janocha was bitten by the Chimpanzee in 1998 when he tried to pick up a toy doll that the Chimpanzee had dropped. Also, Lynn DellaBianca, who ran Stamford's animal shelter, told the Associated Press that she warned Sandra Herold of possible dangers in 2003 after the Chimpanzee escaped Herold's vehicle and roamed in downtown Stamford traffic for a few hours. Accordingly, it would appear that the Defendant was aware of the Chimpanzee's violent tendencies, its likelihood to escape confinement,

and the difficulty in recovering the Chimpanzee once it escaped.

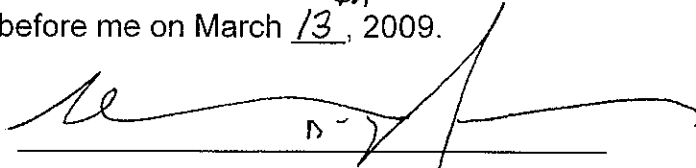
19. In addition to a prejudgment remedy I am seeking a temporary restraining order because in the absence of a temporary restraining order, Charla is in danger of suffering immediate and irreparable injury, loss, and damage in that Defendant would be free to sell, assign, transfer, mortgage, encumber, pledge, donate or gift or otherwise convey an interest in the real and personal property owned or controlled by the Defendant prior to a hearing on this Application, thus preventing Charla Nash from obtaining the very security sought by this Application.

20. I am aware of no defense, counterclaim or set off which Defendant might assert.

21. No amount of money can compensate my sister for the injuries she has suffered. Nevertheless, it is my belief that probable cause exists that judgment will enter in favor of Plaintiff in the amount of at least \$50,000,000.00.


Michael J. Nash

Subscribed and sworn to before me on March th 13, 2009.



Commissioner of the Superior Court/
Notary Public

RETURN DATE: : SUPERIOR COURT
MICHAEL J. NASH, CONSERVATOR :
OF THE ESTATE OF CHARLA NASH : JUDICIAL DISTRICT OF
v. : STAMFORD/NORWALK
SANDRA HEROLD : AT STAMFORD
: MARCH 13, 2009

**MOTION FOR PREJUDGMENT
DISCLOSURE OF PROPERTY AND ASSETS**

Pursuant to Connecticut General Statutes Section 52-278n and Section 13-13 of the Connecticut Practice Book, the Plaintiff moves that the defendant Sandra Herold ("Defendant") be ordered to disclose under oath any and all property, real and personal, tangible and intangible, in which Defendant has an interest and any and all debts and obligations owing to Defendant (all such property, debts and obligations being herein collectively referred to as the "Assets"), including, but not limited to, the following:

1. Bank Accounts: The type of account (e.g., checking, savings, certificate of deposit); the names and addresses of the institutions where such accounts are maintained; the present balance in each such account; the account numbers.
2. Money Market Funds or Accounts: The names of the money market funds or any other accounts of any kind whatsoever; the names and addresses of the institutions where such funds or accounts are maintained; the present balance in each such account; the account numbers.

3. Real Property: The record owner(s); the location(s) and address(es) of the property; the legal property description(s); the nature of the interest in the property; the estimated market value of your interest; the names and addresses of any lienholders on the property and the amount of such liens.

4. Stocks, Bonds, Treasury Bills, Commercial Paper and Securities (collectively, the "Securities"): The entities issuing the Securities; the type of Securities, the amount of shares owned in each entity (if the Securities are capital stock) or the principal amount of the Securities, as the case may be; the market value of the Securities; the present location of the Securities; the series numbers of any stock and bond certificates.

5. Partnership Interests: The name of the partnership; the type of partnership (i.e., general or limited); the place of business of the partnership; the managing agent of the partnership and its address; the nature of the partnership interest (i.e., general or limited); the percentage interest in the partnership and the market value of such interest as evidenced by the partnership's most recent financial statements; the estimated dates in the future when partnership distributions will be made to you and the estimated amount(s) of such distributions.

6. Corporate and Limited Liability Company Interests: The name of the corporation or limited liability company; the place of business and address of the corporation or limited liability company; the officers and directors of the corporation; the members of the limited liability company; the nature of Defendant's interest in the

corporation; the percentage interest in the corporation or limited liability company and the market value of such interest as evidenced by the corporation's or limited liability company's most recent financial statements; the estimated dates in the future when distributions will be made to Defendant and the estimated amount(s) of such distributions.

7. Accounts Receivable: The name and address of each account debtor; the amount of each account debtor's obligation; the date on which each obligation was incurred; the date on which each obligation became or becomes due.

8. Annuities [not exempt under Conn. Gen. Stat. Section 52-352b(m)]: The names and addresses of the parties to the annuity contract; the face value of the annuity; the amount, if any, that you have the right to borrow against the annuity; the date when payments begin under the annuity contract.

9. IRAs [not exempt under Conn. Gen. Stat. Section 52-352b(m)]: The names and addresses of the institutions where IRA(s) are maintained; the present balance in each IRA account; the IRA account number(s).

10. Pension Benefits [not exempt under Conn. Gen. Stat. Section 52-352b(m)]: The type of pension or profit-sharing plan; the name of the plan; the name and address of the plan administrator; the amount, if any, that you have the right to borrow against vested benefits; the amount of vested benefits.

11. Life Insurance: The type of insurance; the name and address of the insurer; the name and address of the beneficiary; the cash value of the policy; the

amount, if any, that you have the right to borrow against the policy.

12. Motor Vehicles, Boats and Airplanes: The description and registration number; the city or town where registered; the names and addresses of any lienholders and the amount of such liens; the estimated fair market value.

13. All Assets Transferred To Third Parties Within Three (3) Years Prior To The Date Hereof By Gift, For Less Than Full Consideration, or For Full Consideration and all proceeds of the same: The description of each asset; the date of transfer of each asset; the consideration, if any, paid by the transferee; the fair market value of each asset at the time of transfer; and the disposition of the proceeds of the transfer, if any.

14. All Jewelry, Artwork, Furniture, Collection Pieces of Any Kind Having Value of \$500.00 Or More (collectively, the "Collection Pieces"): The description(s) and location(s) of the Collection Pieces; the names and addresses of any lienholders and the amount of such liens; the estimated fair market value of the Collection Pieces.

15. All other Tangible and Intangible Assets Having Value of \$500.00 or More, including, without limitation, all Equipment and Personal Property of any kind whatsoever: The description of each asset; the location of each asset; the names and addresses of lienholders and the amount of such liens; the estimated market value of each asset.

16. Any matter which the Defendant has contracted to perform in the future and for which it/he/her, individually and/or collectively, either has or will receive funds,

including the names and addresses of the other parties to said contracts and a statement of the sums due, including the dates upon which sums are due and payable.

17. Any trusts and/or trust funds of any kind whatsoever which the Defendant has (i) created or established or controlled or controls, (ii) acted or acts as trustee for the same, (iii) conveyed, pledged, sold or transferred in any way whatsoever any property and/or assets of any kind whatsoever to any such trust and/or trust funds or contributed to the same or donated to the same in any way whatsoever, as well as any trusts and/or trust funds of any kind whatsoever which the Defendant and/or any other affiliated or related persons or entities of any kind whatsoever hold any real, beneficial or equitable interest of any kind whatsoever in the same; including, without limitation, the dates of the establishment of each trust and/or trust fund; the beneficiaries of each trust and/or trust fund; the source and value of each trust and/or trust fund property or asset; the trustees of each trust and/or trust fund; the location of the documents and records for each trust and/or trust fund; and the amount of any income, payments, monies, fees, expenses or disbursements paid to or received by the Defendant, and/or the description and the value of any property or assets of any kind whatsoever transferred to or received by the Defendant, in connection with or relating to any trusts or trust funds, and the dates of each or any such payment or transfer, and copies of all checks and/or all documents relating to the same.

Additionally, the Plaintiff requests that at the time of such disclosure, the Defendant be ordered to produce all documents in the Defendant's possession, custody

or control concerning, relating to, referring to, or evidencing such Assets of the Defendant or of any entity that the Defendant owns or controls, from January 1, 2006 through the present, including but not limited to:

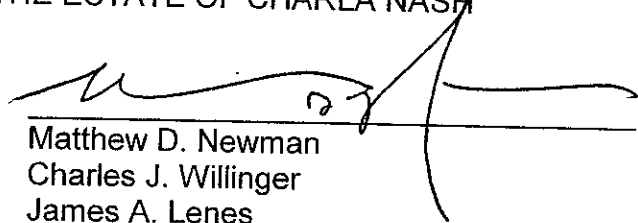
- a. Copies of state and federal tax returns from 2006 through the present, including all schedules, lists, payroll vouchers, 1099 and W-2 forms and information returns;
- b. All account statements and registers from any account with any bank, brokerage or other financial institution, whether open or closed at this time;
- c. Any financial statements, financial affidavits prepared for yourself or any entity that you own or control;
- d. Any policies of insurance including, homeowner's insurance, automobile insurance, umbrella policies, and life insurance or annuities on your life;
- e. Any security certificates, stock certificates, bond certificates, promissory notes;
- f. For any private or closely held corporation in which you have an interest and for any partnerships or businesses in which you have an interest: a) copies of any partnership or business agreements which you have signed or which reflect your interest in the entities; b) copies of all financial books and records; c) copies of all balance sheets; d) all bank records including cancelled checks, bank statements and deposit slips for such business; and e) all federal and state tax returns.

- g. Any real property deeds, closing statements for any property sold, including any conveyances of real property in the Defendant's name individually, or in conjunction with any other person(s) for which you have a legal, beneficial or equitable interest, including any leasehold arrangements that you may have in your name individually or in conjunction with any other person(s) for which you have a legal beneficial or equitable interest.
- h. Any gifts received by Defendant;
- i. Any profit sharing plan or fund, pension plan or fund, deferred income plan, any type of retirement fund, including IRA's, tax deferred annuity plan, stock option plan or fund or similar type of fund or plan;
- j. Title to any vehicles, campers, boats, trailers, motorcycles any and all motorized vehicles;
- k. All trust instruments, trust tax returns, statement of trust inventory and accounts for trusts in which you are a settlor or beneficiary;
- l. The Will, any inventories, accounting and tax returns for any estate now in probate and/or in which you have an interest or have received an interest;
- m. Defendant's most recent benefits statements provided by her employer indicating the benefits available to her at any place of employment;
- n. Copies of any and all credit reporting information;
- o. Any written appraisals concerning assets, including real property owned solely or jointly with any other individuals or entities;

- p. All records, documents, papers and memoranda pertaining to monies received by you from all sources, including but not limited to, salaries, draw, wages, dividends, loan proceeds, tax refunds and checks made payable to you; and
- q. For those items you are not able, after diligent search, to produce, furnish signed written authorizations for Matthew D. Newman, Esq. to obtain same.

THE APPLICANT,
MICHAEL J. NASH, CONSERVATOR
OF THE ESTATE OF CHARLA NASH

By:



Matthew D. Newman
Charles J. Willinger
James A. Lenas
Willinger, Willinger & Bucci, P.C.
855 Main Street, Fifth Floor
Bridgeport, CT 06604
Juris No. 23585
Tele: (203) 366-3939
Fax: (203) 337-4588

RETURN DATE: : SUPERIOR COURT
: :
MICHAEL J. NASH, CONSERVATOR : JUDICIAL DISTRICT OF
OF THE ESTATE OF CHARLA NASH : :
: :
v. : STAMFORD/NORWALK
: :
: AT STAMFORD
: :
SANDRA HEROLD : MARCH 13, 2009

ORDER FOR DISCLOSURE OF PROPERTY AND ASSETS

The foregoing Motion for Prejudgment Disclosure of Property and Assets having been presented to the Court and probable cause sufficient for the issuance of prejudgment remedies in the aggregate amount of \$_____ having been established; it is ORDERED that the defendant Sandra Herold (the "Defendant") disclose to the Plaintiff, within five (5) business days of the date hereof, the information and documents requested in the foregoing Motion For Disclosure of Assets, said disclosure to be made by testimony under oath which Plaintiff may take on or before _____, 2009 and delivery of such documents at that time at the office of Plaintiff's appearing legal counsel.

Judge of the Superior Court

RETURN DATE:

SUPERIOR COURT

MICHAEL J. NASH, CONSERVATOR
OF THE ESTATE OF CHARLA NASH

J.D. OF STAMFORD/NORWALK

V.

AT STAMFORD

SANDRA HEROLD

MARCH 16, 2009

PRACTICE BOOK §4-5 NOTICE

Pursuant to Practice Book §4-5, the Applicant, through counsel, hereby certifies that the Applicant gave notice to the opposing party's attorney, pursuant to Practice Book §4-5(a)(1).

1. The opposing party's attorney is Joseph Gerardi, 1074 Hope Street, Stamford, Connecticut. Attorney Gerardi is the attorney of record for the Estate of Jerome Herold, of which the Defendant, Sandra Herold, is the executrix.
2. According to news reports published in the past ten (10) to fourteen (14) days, Attorney Gerardi is the Defendant's attorney.
3. The Plaintiff, through counsel, shall present the Application for Prejudgment Remedy and Temporary Restraining Order at Stamford Superior Court at or about 3:00 p.m. on March 16, 2009.
4. At or about 10:00 a.m. on March 16, 2009, a copy of this Notice and the Plaintiff's Application for Prejudgment Remedy and Temporary Restraining Order was

transmitted electronically to Attorney Gerardi. Also, at that time, he was contacted via telephone and advised of the electronic transmission and the time and place when the Application for Prejudgment Remedy and Temporary Restraining Order would be presented.

THE APPLICANT,
MICHAEL J. NASH, CONSERVATOR
OF THE ESTATE OF CHARLA NASH

By: 

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Charles J. Willinger
James A. Lenas
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