

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

STEPHEN PHILLIP ROMINE
PLAINTIFF,

VS.

JAMES P. LAURITO and STEVEN V. LANT
DEFENDANTS

)
)
)
)
)
)
)

INDEX NO. 16-1351

Assigned to:
Hon. Christopher E. Cahill

AMENDED MOTION TO VACATE AND ENTER DEFAULT JUDGMENT

- 1) **The Plaintiff, STEPHEN PHILLIP ROMINE**, ("Plaintiff"), affirms, I am pro se, pro per, sui juris litigant and as much and am familiar with the facts and circumstances surrounding this matter and submit this Motion pursuant to CPLR 2214.
- 2) The Plaintiff respectfully moves Ulster County Supreme Court to vacate its February 14th, 2018 Summary Judgment decision pursuant to CPLR 5015(a)(2)(3), CPLR 2221(a) and CPLR 3016(b). As will be set forth below defendants "*fraud, misrepresentation, or other misconduct of an adverse party*" involving 26 fraudulent statements that changed the course of this case being litigated and consequently being dismissed. Plaintiff affirms that where a Court finds, by clear and convincing evidence, conduct that constitutes fraud, the Court may vacate its decision. When a pattern and practice demonstrating fraud on the Court, the Court may impose sanctions, including striking Pleadings and entering a Default Judgment against the offending parties to ensure the continuing integrity of our judicial system.
- 3) The Plaintiff has documented a pattern and practice of deception and fraud by the Defendants, their lawyers and their agents/representatives:
 - a) The fraud that analog utility meters cannot be issued to the Plaintiff and to other utility customers because they are not available is made up of three frauds:

- (1) The fraud that a used analog utility meter taken off of a Central Hudson's customers home and is still accurate cannot be used on the home of another customer who requests one.
 - (2) The fraud that a customer must have a digital transmitting utility meter installed on their home after new construction or an upgrade and not be allowed to keep their analog meter.
 - (3) The fraud that a used analog meter taken off of a customer home and located in any of the facilities of Central Hudson cannot be used on a customer home who requests one.
- b) The fraud that there are "ample studies" done by medical professionals, which demonstrate digital smart transmitting and non-transmitting utility meters that Central Hudson installs on customer homes are biologically safe.
 - c) The fraud that analog-utility-meters are no longer manufactured.
 - d) The fraud that James P. Laurito departed Central Hudson to pursue other employment and is no longer with Central Hudson.
 - e) The fraud that Defendants James P. Laurito and Steven V. Lant cannot answer interrogatory questions and deposition questions because they are no longer with Central Hudson.
 - f) The fraud that James P. Laurito was no longer with Central Hudson when the Plaintiff filed his Ulster County Supreme Court Complaint in May of 2016.
 - g) That Plaintiffs Notice of Demand contained the Plaintiffs "inquiries" and "concerns" and are not "proper" lawful notices.
 - h) The fraud that the GE I-210, AMR transmitting utility meter are not smart meters.

- i) The fraud that Central Hudson conferred with Plaintiffs electrical Contractor, James Ferraro, and let him know a GE I-210 smart transmitting utility meter would be installed on Plaintiffs residence.
- j) The claim that Central Hudson Service Supervisor, Daniel Harkenrider, responded to the Plaintiff's lawful notices and rebutted the facts, terms, conditions and citations of law.
- k) The fraud that Central Hudson Service Supervisor, Daniel Harkenrider, mentioned, stated and/or inferred in any way, in his April 1st, 2013 letter to the Plaintiff, that he was responding to the Notice of Demand and that as a representative/agent of the Defendants and/or Central Hudson, he did not accept the Plaintiff's agreement.
- l) The fraud that Central Hudson counsel, Paul Colbert, mentioned, stated or inferred in any way, in his June 21st and September 20th, 2013 letters to the Plaintiff, that as representative/agent of the Defendants or Central Hudson, that he did not accept Plaintiff's agreement or the terms and conditions and citations of law contained therein of the Notice of Demand or that he objected to the Notice of Default/Warning of Liability declaration.
- m) The fraud that the Notice of Demand, followed by Notice of Default/Warning of Liability, with its terms and conditions and acceptance by silence is the Plaintiffs "unusual...theory of liability".
- n) The fraud that the Plaintiff or the public received "proper notice" of the comment period and deliberation on the Tariff or the deployment of smart transmitting GE I-210 digital meters.
- o) The fraud that Plaintiff or the Public gave informed physical consent to Central Hudson to install a GE I-210 smart transmitting digital utility meter on their Plaintiff homes.

- p) The fraud that the Plaintiff violated any purported contract with Central Hudson and violated any laws by removing the GE I-210 smart transmitting analog utility meter from his home and replaced it with an ANSI approved, remanufactured analog utility meter.
- q) The fraud that unused analog utility meters can no longer be obtained.
- r) The fraud that a GE I-210 smart transmitting digital utility meter is necessary or mandated by the NYS Public Service Commission for an upgrade from 60 AMP to 100 AMP service.
- s) The fraud that the Defendants were not part of the utility meter dispute.
- t) The fraud that the FCC maximum permissible exposure guidelines, cited by Central Hudson Counsel, Attorney Paul Colbert, in his June 21st, 2013 letter to the Plaintiff, protects the public from all biological harm of electromagnetic exposure.
- u) The fraud that Central Hudson, under the Defendants leadership, were not in a position to offer an analog utility meter to the Plaintiff.
- v) The fraud that the Defendants are not liable to the Plaintiff.
- w) The fraud that the Plaintiff's Lawful Notices were merely a "writing".
- x) The fraud that the public gave informed physical consent to the approval of smart transmitting digital microwave emitting meters being deployed on their homes and residences.
- y) The fraud that the Plaintiff already litigated his case with the Public Service Commission.
- z) The fraud that installing an analog meter on a residence of a Central Hudson customer who requests one would need PSC approval.

(4) In light of the clear pattern and practice fraud of the Defendants, their representatives, their agents and their attorneys, the volume of which constitutes fraud on the court, is supported by Plaintiff's Amended Affirmation of Support Affidavit documenting items a) through z), with Exhibits A through Z and AA through OO pursuant to CPLR 3016(b) requirements, New York case law, binding New York Appellate decisions, binding New York Court of Appeals decisions, and binding U.S. Supreme Court decisions in the Plaintiffs Memorandum of Law, the Plaintiff moves this Court to Vacate its February 14th, 2018 Decision/Order which granted Summary Judgment to Defendants, to strike their Pleadings and enter a Default Judgment in favor of the Plaintiff.

The Plaintiff, Stephen Phillip Romine, does hereby swear, under the pain and penalty of perjury, that all the statements in this Amended Motion to Vacate are true to the best of my knowledge.

Respectfully Submitted by Pro Se, Pro Per, Sui Juris

Stephen Phillip Romine

Stephen Phillip Romine - Signature

Date

Sworn to before me this ____ day of _____ 2018

Notary

