

**FILED**

**MAR 21 2011**

**JOHN F. MALONE  
J.S.C.**

**BRACH EICHLER L.L.C.**  
101 Eisenhower Parkway  
Roseland, New Jersey 07068-1067  
(973) 364-5206  
Attorneys for Defendant, Joseph Margeton

In the matter of  
**MARIE AMANDA FECOSKAY, an**  
alleged incapacitated person.

**SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION:  
UNION COUNTY, PROBATE PART**

**DOCKET NO.: P-5245**

**Civil Action**

**MARIE AMANDA FECOSKAY, by  
JOSEPH MARGETON as attorney in fact,**

**SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION:  
UNION COUNTY**

**Plaintiff,**

**DOCKET NO.: C40-09**

**vs.**

**Civil Action**

**KEY PRIVATE BANK et. al.,**

**Defendant.**

**ORDER**

THIS MATTER being opened to the Court by Louis H. Miller, Esquire, attorney for Plaintiff, Gladys Grasso, and in the presence of Jay J. Freireich, Esquire, attorney for Joseph Margeton, Nicholas A. Giuditta, III, Esquire, court-appointed attorney for Marie Fecoskay, and Andrew M. Epstein, Esquire, guardian *ad litem* for Marie Fecoskay, and in compliance with the Opinion Letter of the Court dated March 8, 2011;

IT IS on this 21 day of March, 2011,

ORDERED as follows:

1. The Order of this Court dated January 7, 2011, directing Morristown Memorial Hospital to attempt to keep Marie Amanda Fecoskay (d.o.b. October 21, 1923), alive under all circumstances is vacated, effective immediately.

2. The Orders of this Court dated January 6, 2011 and February 23, 2011, designating Andrew B. Epstein, Esquire, court-appointed guardian *ad litem* for Marie Amanda Fecoskay, and as the individual authorized to make health care decisions on behalf of Marie Amanda Fecoskay are vacated, effective immediately.

3. The Order of this Court dated March 3, 2011 directing Harborage and any other facility wherein Ms. Fecoskay resides to keep Ms. Fecoskay alive under all circumstances is vacated, effective immediately.

4. Gladys Grasso, of 440 U.S. Highway 22, Whitehouse Station, New Jersey 08889, daughter of Marie Amanda Fecoskay, is authorized as surrogate decision maker regarding the continuation of life support treatment for Marie Amanda Fecoskay and is specifically authorized to approve the removal of life support systems from Mrs. Fecoskay. *Ms. Grasso is further designated as guardian of Mrs. Fecoskay's person with the authority to make all health care decisions for Mrs. Fecoskay, including but not limited to the transfer of Mrs. Fecoskay*

5. Gladys Grasso through her counsel, shall provide Joseph Margeton, through his counsel at least 24 hours notice of the time that the life support systems will be removed from Ms. Fecoskay.

6. Joseph Margeton shall be permitted to be in the room at the time that the life support systems will be removed, *on a non-exclusive basis and for a period of two hours thereafter, and for 2 hours in each 24 hour period thereafter Gladys Grasso and her family shall be entitled to 2 hours alone with Mrs. Fecoskay before life support is withdrawn*

7. A copy of this Order shall be served by counsel for Gladys Grasso on all counsel of record and any medical or rehabilitation facility wherein Marie Amanda Fecoskay may be registered as a patient via certified and regular mail within        days of the date hereof.

8. A copy of this Order shall also be served by counsel for Gladys Grasso on Nancy Baxter and Joan Maaser, children of Marie Amanda Fecoskay within        days of the date hereof by certified mail, return receipt requested and regular mail.

9. ~~The provisions of this order are stayed for        days to permit Margeton to file an appeal.~~

AGREED TO AS A NONAPPEALABLE CONSENT ORDER

  
John F. Malone, J.S.C.

ROS:1195155.1/MAR632-259849

*David Grasso*  
Gladys Grasso Plaintiff

*Joseph Margeton*  
Joseph Margeton

*Joseph Margeton*  
Joseph Margeton

*Day Freireich*  
Day Freireich