

**DISTRICT COURT OF NASSAU COUNTY
FIRST DISTRICT SMALL CLAIMS PART**

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ALLEN SPIEGLER,
BRENDA SPIEGLER,

Plaintiff(s)

INDEX NO. NSC 00923/09

Present:

against

Hon. TRICIA M. FERRELL

LEEDS MORELLI & BROWN, P.C.,

Defendant(s)
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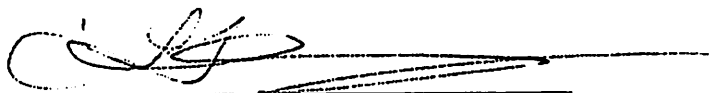
The following named papers numbered 1 to 4
submitted on this motion on April 21, 2010

	papers numbered
Notice of Motion and Affidavits Annexed	1-2
Order to Show Cause and Affidavits Annexed	
Answer Affidavits	3
Reply Affidavits	4

Defendants motion for an order dismissing the small claims summons and for summary judgment are denied.

Pretrial motion practice is strongly disfavored in the small claims part of the court. The informality and convenience of small claims practice is frustrated by formal motion practice. (*Gelb v. T & S Anzalone, Inc.*, 6 Misc.3d 1001(A)800 NYS2d 346 [Nassau Dist Ct 2004]). Moreover, "[p]retrial motions to dismiss for failure to state a cause of action should rarely, if ever, be entertained in Small Claims Court." "Substantial justice" will best be rendered in this unexceptionable matter by a prompt trial of the simple issues in dispute. (*Friedman v. Seward Park Housing Corp.*, 167 Misc 2d 57, 639 NYS2d 648 [App Term, 1st Dept 1995]).

So Ordered:



DISTRICT COURT JUDGE

Dated: April 27, 2010

CC: Allen and Brenda Spiegler, *pro se*
Leeds, Morelli & Brown, P.C.

TMF:blm