

**SUPREME COURT-STATE OF NEW YORK  
SHORT FORM ORDER**

**Present:**

**HON. TIMOTHY S. DRISCOLL**  
**Justice Supreme Court**

-----X  
**In the Matter of the Arbitration Between**

**TRIAL/IAS PART: 16  
NASSAU COUNTY**

**ESTHER GERSON and HARRY GEFEN, as Trustees  
of the POLA GEFEN TRUST f/b/o MORRIS GEFEN,  
ESTHER GERSON, ARNOLD GERSON, HARRY  
GEFEN and SUSAN GEFEN,**

**Index No: 601280-11  
Motion Seq. No: 1  
Submission Date: 11/28/11**

**Petitioners,**

**-against-**

**STEVEN DOUGLAS KLEIN,**

**Respondent.**

-----X

**Papers Read on this Motion:**

**Order to Show Cause, Verified Petition and Exhibits.....X  
Affidavit of Service.....X**

This matter is before the court on the unopposed Order to Show Cause by Petitioners filed November 4, 2011 and submitted November 28, 2011. For the reasons set forth below, the Court grants Petitioners' Order to Show Cause, confirms the award of the arbitrator and directs that judgment be entered thereon. The Court will sign the proposed judgment submitted by Petitioners.<sup>1</sup>

<sup>1</sup> The Court will delete the provision in the proposed judgment awarding interest on the punitive damages awarded by the arbitrator, in light of the fact that the arbitrator specifically directed that Petitioners were entitled to interest on certain awards, but made no mention of Petitioners' entitlement to interest on the punitive damages award.

## BACKGROUND

### A. Relief Sought

Petitioners move for an Order, pursuant to CPLR § 7510, confirming the award of the arbitrator and directing that judgment be directed thereon.

Respondent has submitted no opposition or other response to Petitioners' application.

### B. The Parties' History

The Verified Petition ("Petition") alleges as follows:

This is a special proceeding, brought pursuant to CPLR §§ 7502 and 7510, to confirm an arbitration award rendered on September 12, 2011 under the auspices of the FINRA Dispute Resolution program, in an arbitration ("Arbitration") titled Matter of the Arbitration between Esther Gerson and Harry Gefen as Trustees of the Pola Gefen Trust f/b/o Morris Gefen, Esther Gerson, Arnold Gerson, Harry Gefen and Susan Gefen (Claimants) v. Stephen Douglas Klein (Respondent), FINRA Case No. 11-00878.

Petitioners were customers of Respondent. A dispute arose between the parties and, in accordance with the Code of Arbitration Procedure for Customer Disputes ("Code of Arbitration Procedure"), Petitioners filed a statement of claim ("Statement of Claim") against Respondent and an entity known as Alternative Wealth Strategies, Inc. Respondent failed to appear in the Arbitration and, by letter dated January 31, 2011, Petitioners elected to proceed against Respondent and to bifurcate the claims against Alternative Wealth Strategies, Inc.

In connection with the Arbitration, an award ("Award") was issued in favor of Petitioners and against Respondent. In the Award (Ex. B to Pet.), the arbitrator ("Arbitrator") made numerous determinations which are set forth in paragraph 12 of the Petition. Respondents affirm that this special proceeding was brought within one year after delivery of the Award, and the Award has not been vacated or modified on any grounds set forth in CPLR § 7511.

### C. The Parties' Positions

Petitioners move to confirm the arbitration award, pursuant to CPLR § 7510, affirming that they have filed the motion within the one year period of limitation and that the award has not been vacated or modified on any ground specified in CPLR § 7511.

Respondent has not submitted a response to Petitioners' motion.

RULING OF THE COURT

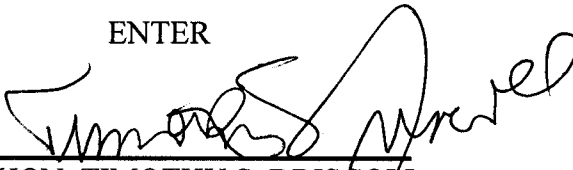
CPLR § 7510 provides that the court shall confirm an arbitration award upon application of a party made within one year after its delivery to him, unless the award is vacated or modified upon a ground specified in CPLR § 7511. Upon consideration of Petitioners' motion papers, and there being no objection thereto, the Court grants Petitioners' motion and will sign the proposed judgment of Petitioners, with the exception noted *infra*.

All matters not decided herein are hereby denied.

This constitutes the decision and order of the Court.

DATED: Mineola, NY  
February 2, 2012

ENTER

  
HON. TIMOTHY S. DRISCOLL

J.S.C.

X22

**ENTERED**

FEB 10 2012

NASSAU COUNTY  
COUNTY CLERK'S OFFICE