

SHORT FORM ORDER

SUPREME COURT - STATE OF NEW YORK

Present:

HON. EDWARD W. MC CARTY III

Justice

TRIAL/IAS, PART 6
NASSAU COUNTY

GASPARE PUCCIO and JANE VAN BUREN, as
Co-Administrators of the ESTATE OF SHEILA
JOAN PUCCIO and GASPARE PUCCIO and
JAMES PUCCIO, as Co-Executors of the
ESTATE OF PHILIP C. PUCCIO a/k/a PHILIP
CHRISTOPHER PUCCIO,

Plaintiff(s),

INDEX No. 21794/92

-against-

ZIEGIE'S RESTAURANT CORP., d/b/a TIDES
OF THE BAY, MCD RESTAURANT CORP.,
and HARVEY MANES, M.D.

MOTION DATE: 2/20/01
MOTION SEQ.#11

Defendant(s).

The following papers read on this motion:

- Notice of Motion/ Order to Show Cause X
- Cross-Motion
- Answering Affidavit X
- Replying Affidavits X

This application by plaintiffs' former counsel seeking to vacate his default in appearing before this Court on January 29, 2001 is granted on condition that movant pay to plaintiffs' counsel the sum of \$400.00 for attorney's fees. In addition, movant shall pay to plaintiff Gaspare Puccio the sum of \$100.00. Said payments to be made within twenty days of the date of this order. The cost of counsel's forgetfulness should properly be his responsibility. Upon proof of payment the Court will fix a hearing date to determine the

value of movant's charging lien, if any. If the version of events recounted by plaintiffs is accurate, movant has waived his right to any charging lien.

Date 3-08-01

EWM: Carthy
J.S.C.

ENTERED

MAR 15 2001

**NASSAU COUNTY
COUNTY CLERK'S OFFICE**