

SHORT FORM ORDER

**SUPREME COURT - STATE OF NEW YORK
COUNTY OF NASSAU**

PRESENT:

**HON. IRA B. WARSHAWSKY,
Justice.**

TRIAL/IAS PART 16

**OLD MERCHANTS MORTGAGE, INC.
d/b/a OLD MERCHANTS MORTGAGE BANKERS,**

Plaintiff,

**INDEX NO.: 011808/2005
MOTION DATE: 10/26/2005
MOTION SEQUENCE: 001**

-against-

**WELLS FUNDING GROUP, INC., OLD
COMMONWEALTH MORTGAGE L.L.C.,
NEAL ELBAUM, individually, and
KONSTANTINE KEFALAS, individually,**

Defendant.

The following papers read on this motion:

Order to Show Cause, Affirmation, Affidavits & Exhibits Annexed.....	1
Emergency Affirmation in Support of Order to Show Cause and Temporary Restraining Order & Exhibits Annexed.....	2

A regularly scheduled Preliminary Conference having been scheduled for December 2, 2005, at 9:30 A.M., and there having been no appearance by plaintiff, and defendants Commonwealth Mortgage L.L.C. and Neal Elbaum having appeared by counsel Lawrence B. Newman, Esq., therefore, the court, on its own motion, pursuant to 22 NYCRR 202.27 hereby

ORDERS a Preliminary Conference shall be held on December 20, 2005, at 9:30 A.M. Counsel for all parties are reminded that this matter has been assigned to the Commercial Division of the Supreme Court of Nassau County and the parties are directed to follow the Rules of this Division. It is further

ORDERED that the temporary injunction granted in the order to show cause on July 27, 2005 and agreed to by Commonwealth Mortgage and Neal Elbaum shall remain in full force and effect until December 20, 2005, and any restraints previously ordered shall on that date no longer be in force and effect. It is further

ORDERED that sanctions are imposed pursuant to 130-2.1 upon counsel for plaintiff in the form of counsel fees incurred by defense counsel for waiting for 1½ hours at a rate of \$400.00 an hour. It is directed that the sum of \$600.00 be forwarded to Lawrence B. Newman, Esq. on or before December 20, 2005.

Dated: December 9, 2005



J.S.C.

ENTERED

DEC 14 2005

**NASSAU COUNTY
COUNTY CLERK'S OFFICE**