

SUPREME COURT OF THE STATE OF NEW YORK — NEW YORK COUNTY  
PRESENT: HON. MARYLIN G. DIAMOND PART 48

Justice

THEODORE A. BECHTOLD, ESQ.,

Plaintiff,

-against-

STULL, STULL & BRODY et al.,

Defendants.

INDEX NO. 113053/07

MOTION DATE

MOTION SEQ. NO. 001

MOTION CAL. NO.

**FILED**

MAR 11 2008

NEW YORK COUNTY CLERK'S OFFICE

Cross-Motion:  Yes  No

Upon the foregoing papers, it is ordered that: Motion sequence numbers 001-005 are consolidated herein for decision.

In motion sequence number 001, the motion to dismiss by defendants Stull, Stull & Brody, Jules Brody, Aaron Brody and Tzivvia Brody is granted on default and the complaint is hereby dismissed as against these defendants.

In motion sequence number 002, the motion to dismiss by defendants Milberg Weiss Bershad & Schulman LLP and Melvyn I. Weiss is granted on default and the complaint is hereby dismissed as against these defendants.

In motion sequence number 003, the motion to dismiss by defendants Bernstein Liebhard & Lifshitz, LLP and Stanley Bernstein is granted on default and the complaint is hereby dismissed as against these defendants.

In motion sequence number 004, the motion to dismiss by defendants Wolf Haldenstein Adler Freeman & Herz LLP and Fred T. Isquith is granted on default and the complaint is hereby dismissed as against these defendants.

In motion sequence number 005, the motion by defendants Sirota & Sirota and Howard Sirota to dismiss the complaint is granted on default and the complaint is hereby dismissed as against these defendants.

Finally, the court notes that the plaintiff previously brought an identical action against these same defendants which, like here, was dismissed in its entirety after the plaintiff failed to oppose any of the five motions to dismiss or appear at a scheduled conference before the court. The court is therefore persuaded that the plaintiff has commenced these actions for the sole purpose of harassing these defendants. In doing so, he has wasted the time and effort not only of the defendants, but of the court. Under the circumstances, it is entirely appropriate that he be precluded from commencing any other actions against any of these defendants without prior approval of the court.

Accordingly, the plaintiff is hereby enjoined from bringing any further actions against any of the defendants named herein without the court's prior approval. The Clerk of the Court is hereby directed not to accept any further filings by plaintiff with respect to any of the defendants herein without prior leave of the court. The defendants' various applications for sanctions against the plaintiff is otherwise denied.

The Clerk Shall Enter Judgment Herein

*MGD*

Dated: 3/4/08

MARYLIN G. DIAMOND, J.S.C.

Check one:  FINAL DISPOSITION

NON-FINAL DISPOSITION