

Supreme Court - State of New York  
IAS PART 6 - SUFFOLK COUNTY

**PRESENT:**

Hon. RALPH T. GAZZILLO  
A.J.S.C.

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SUFFOLK ANESTHESIOLOGY ASSOC., P.C.,	:	ROSENBERG CALICA
by its Board of Directors consisting of ELLIOT	:	& BIRNEY, LLP
ROSSEIN, M.D., ANTHONY BONANNO, M.D.,	:	Attorneys for Plaintiffs
BENJAMIN KIRSCHENBAUM, M.D., and	:	100 Garden City Plaza, Suite 408
JAMES SUAZO,	:	Garden City, N.Y. 11530-3200
	:	
Plaintiff(s),	:	DEVITT SPELLMAN
	:	BARRETT, LLP
- against -	:	Attorneys for Defendant
	:	50 Route 111
MATTHEW J. VERDONE, D.O.,	:	Smithtown, N.Y. 11787
	:	
Defendant(s).	:	

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A prior Order of this Court directed plaintiff to post an undertaking, however, the parties are not able to agree to the amount of the undertaking.

In this regard, counsel for plaintiff points to a prior determination of this Court (Weber, J.) which held that Suffolk Anesthesiology Associates P.C. had the authority to terminate the defendant from employment. On the other hand, counsel for defendant points to a portion of a Memorandum of Law previously submitted by plaintiff. There, plaintiffs claimed they would be damaged in the amount of \$20,000,000.00 if the defendant were permitted to compete against them in the 20 mile radius of St. Catherine’s Hospital.

More than a nominal amount is warranted under the unique facts of this matter. Accordingly, after considering the affirmations submitted by both sides, the Court directs plaintiff to post an undertaking in the amount of \$7,000,000.00. It has been demonstrated to the Court that this amount is reasonably related to the damages defendant would suffer if the injunction is later found to be unwarranted.

Dated: 3/24/10  
RIVERHEAD, NY

  
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Ralph T. Gazzillo  
A.J.S.C.

FINAL DISPOSITION \_\_\_\_\_ NON-FINAL DISPOSITION \_\_\_\_\_