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SUPREME COURT - STATE OF NEW YORK  
I.A.S. PART 17 - SUFFOLK COUNTY

**PRESENT:**

Hon. PETER H. MAYER  
Justice of the Supreme Court

MOTION DATE 5-21-14  
ADJ. DATE 5-27-14  
Mot. Seq. # 001 - MG

-----X			<b>Tabat, Cohen, Blum &amp; Yovino, LLP</b>
TABAT, COHEN, BLUM & YOVINO, LLP,	:		Petitioner Pro Se
	:		150 Motor Parkway, Suite 425
Petitioner,	:		Hauppauge, New York 11788
	:		
- against -	:		<b>Tina D'Antonio</b>
	:		Respondent Pro Se
	:		7 Rumsford Road
TINA D'ANTONIO,	:		Kings Park, New York 11754
	:		
Respondent.	:		
-----X			

Upon the reading and filing of the following papers in this matter: (1) Notice of Petition by the petitioner, dated May 2, 2014, and supporting papers; and now

UPON DUE DELIBERATION AND CONSIDERATION BY THE COURT of the foregoing papers, the motion is decided as follows: it is

**ORDERED** that the petitioner's unopposed application by notice of petition, for an order pursuant to CPLR §7510 confirming the December 5, 2013 arbitration award in the amount of \$5,151.88, is granted and such arbitration award is hereby confirmed without opposition; and it is further

**ORDERED** that the petitioner may submit a judgment to the Clerk of the Court in accordance with the requirements of CPLR §7514; and it is further

**ORDERED** that the petitioner shall promptly serve a copy of this Order upon the respondent by certified mail (return receipt requested), and by first class mail, and shall promptly thereafter file the affidavit(s) of service with the Suffolk County Clerk.

With regard to arbitration awards, CPLR §7510 states that "[t]he Court shall confirm an 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 section 7511" (emphasis supplied). The respondent has not filed an application to vacate or modify the award and has failed to oppose the instant petition. Therefore, the uncontradicted factual allegations set forth in the petition and supporting papers are deemed admitted (*Kuehne & Nagel, Inc. v Baiden*, 36 NY2d 539, 369 NYS2d 667 [1975]; *Tortorello v Carlin*, 260 AD2d 201, 688 NYS2d 641 [1<sup>st</sup> Dept 1999]; see also, *Hermitage Ins. Co. v Trance Nite Club, Inc.*, 40 AD3d 1032, 834 NYS2d 870 [2d Dept 2007]). Accordingly, the petition is granted, as unopposed.

This constitutes the Decision and Order of the Court.

Dated: July 9, 2014

  
PETER H. MAYER, J.S.C.

FINAL DISPOSITION

NON FINAL DISPOSITION