

SUPREME COURT - STATE OF NEW YORK  
CALENDAR CONTROL PART - SUFFOLK COUNTY

COPY

**PRESENT:**

**HON. PAUL J. BAISLEY, JR., J.S.C.**

-----X  
RAUL MONTANEZ,

Plaintiff,

-against-

JEFFREY M. BROWN ASSOCIATES, INC., GMH  
MILITARY HOUSING-NAVY NORTHEAST LLC,  
GMH MILITARY HOUSING MANAGEMENT LLC,  
GMH NORTHEAST HOUSING DESIGN/BUILD  
LLC, NORTHEAST HOUSING LLC, ALL  
SYSTEMS MAINTENANCE, INC., CENTEX  
CONSTRUCTION LLC, LEVIEN-RICH  
ASSOCIATES, INC., BALFOUR BEATTY  
CONSTRUCTION, ALL SYSTEMS PLUMBING &  
HEATING CORPORATION, CENTEX  
CONTRACTING CORP. and THE BENHAM  
COMPANIES, LLC,

Defendants.

-----X  
JEFFREY M. BROWN ASSOCIATES, INC.,

Third-Party Plaintiff,

-against-

WYNNE MANAGEMENT, INC.,

Third-Party Defendant.

-----X

Upon the following papers numbered 1 to 10 read on this motion to stay disbursement of attorneys fees: Notice of Motion/  
Order to Show Cause and supporting papers 1-8; Notice of Cross Motion and supporting papers    ; Answering Affidavits and  
supporting papers 9-10; Replying Affidavits and supporting papers    ; Other    ; (and after hearing counsel in support and  
opposed to the motion) it is,

**ORDERED** that this motion by the law firm of Silberstein, Awad & Miklos, P.C., brought  
on by Order to Show Cause dated May 30, 2014 seeking an order staying the law firm's time within  
which to disburse moneys to the law offices of Edmond C. Chakmakian, P.C., until the  
determination of the law firm's appeal of this Court's short form Order dated January 29, 2014 by  
the Appellate Division, Second Department is granted; and it is further

**ORDERED** that the law firm of Silberstein, Awad & Miklos, P.C., is hereby directed to deposit the sum of \$43,471.02, representing the amount of legal fees awarded to the law offices of Edmond C. Chakmakian, P.C., for services rendered on behalf of the plaintiff, with the Suffolk County Treasurer's Office within ten days of the date of this order with notice of entry.

The underlying action sought damages for injuries sustained by the plaintiff in a construction site accident. The action was settled for \$825,000.00. During the prosecution of the action, plaintiff was represented by two law firms: Silberstein, Awad & Miklos, P.C. and Edmond C. Chakmakian, P.C. By short form order dated January 29, 2014 this Court awarded the law office of Edmond C. Chakmakian, P.C., counsel fees in the sum of \$43,471.02 representing 20% of the attorneys fees awarded in the action. By short form order dated April 29, 2014 the Silberstein firm's motion seeking leave to reargue the January 29, 2014 order was denied and counsel was directed to disburse to the Chakmakian firm the sum of \$43,471.02 within ten days of service of the order.

The Silberstein firm's motion seeks an order staying disbursement of the attorney's fee to the Chakmakian firm until a determination has been made by the Appellate Division, Second Department of the appeal filed by the law firm. Movant claims that there is a strong likelihood that the January 29, 2014 order will be reversed and that Chakmakian's fee will be drastically reduced by the appellate court. In opposition the Chakmakian firm argues that it is unlikely that the appeal will be upheld and therefore the Silberstein firm's application should be denied.

The Silberstein firm has provided reasonable grounds to stay the disbursement of the attorneys fees until a final determination has been rendered by the Appellate Division, Second Department. Accordingly counsel's motion is granted and the law firm is directed to deposit the sum in dispute with the Suffolk County Treasurer's Office for final disbursement upon receipt of the appellate court's ruling.

Dated: July 14, 2014

**HON. PAUL J. BAISLEY, JR.**

J.S.C.