

**SHORT FORM ORDER**

**SUPREME COURT OF THE STATE OF NEW YORK, COUNTY OF NASSAU**

**PRESENT:**

**Hon. Burton S. Joseph,**

**Justice.**

*Scan*

**RUFUS MARTINS,**

**Plaintiff,**

**- against -**

**Trial/IAS      Part 18  
Index No.      018152/2000  
Motion No.      001 & 002  
Motion Date    Mar. 18, 2002**

**RICHARD VITELLO, Individually and as Owner of  
AAA TAXI, MICHAEL VITELLO, Individually and  
as Employee of AAA TAXI, AAA TAXI and  
VICTORY LEASING, INC.,**

**Defendants.**

**Papers Numbered**

Notice of Motion, Affirmation & Exhibits Annexed .....	1
Order to Show Cause, Affirmation .....	2
Affirmation in Opposition.....	3
Affirmation.....	4

Upon the foregoing papers, the motion by Defendants Richard and Michael Vitello, AAA Taxi and Victory Leasing, Inc., returnable March 18, 2002, for an order striking Plaintiff Rufus Martins' complaint pursuant to CPLR 3126, for failure to provide certain discovery, is denied as procedurally defective. It is well settled that a motion related to discovery must be accompanied by an Affirmation of Good Faith by counsel detailing any consultations or efforts undertaken "to resolve the issues raised by the motion" in order to reduce the burden on the adversary and the court (22 NYCRR 202.7[a], [c]; *Sixty-Six Crosby Assocs. v Berger & Kramer*, 256 AD2d 26; *Matos v Mira Realty Mgt. Corp.*, 240 AD2d 214; *Romero v Korn*, 236 AD2d 598), and failure to provide same results in summary denial of the motion. Accordingly, since Defendants' motion fails to include that type of affirmation, it is denied.

The separate motion by Plaintiff's counsel to be relieved as counsel is granted and Glenn D. Wright, Esq. is hereby relieved as counsel of record for the Plaintiff. Following service of this order with notice of entry, Plaintiff is granted 30 days to retain new counsel or proceed pro se. This constitutes the decision and order of the Court.

**ENTERED**

Dated: Mineola, New York  
March 18, 2002

**MAR 21 2002**

**J.S.C.**

*Burton S. Joseph*

**NASSAU COUNTY  
COUNTY CLERK'S OFFICE**