

SCAN

SHORT FORM ORDER

SUPREME COURT - STATE OF NEW YORK

PRESENT:

HON. VICTOR M. ORT

Justice

MADISON HOME EQUITIES, INC,
Plaintiffs

TRIAL/IAS PART 37

NASSAU COUNTY
INDEX NO. 26782/96
MOTION SEQUENCE: 008

-against-

JOHN MCAULAY, NEW YORK HOLDING
CORPORATION, CARL MAZA, GOLDMAN &
MAZA, THERESA DAVIS, AND IRA ECKSON d/b/a
I & B CONSTRUCTION,

Defendants

MADISON HOME EQUITIES, INC,
Plaintiffs

INDEX NO. 26952/96
MOTION SEQUENCE:004

-against-

SAMUEL COLON, NEW YORK HOLDING
CORPORATION, CARL MAZA, GOLDMAN & MAZA,
and IRA DAVIS,

Defendants

MADISON HOME EQUITIES, INC,
Plaintiffs

INDEX NO. 29209/96

-against-

BERTRAM F. SHEPHERD, NEW YORK HOLDING
CORPORATION, CARL MAZA and GOLDMAN & MAZA,

Defendants

MADISON HOME EQUITIES, INC,
Plaintiffs

INDEX NO. 29208/96

-against-

AUBREY LIONEL TUDOR, NEW YORK
HOLDING CORPORATION, CARL MAZA,
GOLDMAN & MAZA

Defendants

MADISON HOME EQUITIES, INC,
Plaintiffs

INDEX NO. 17622/97

-against-

BYRON M. DAVIS, NEW YORK
HOLDING CORPORATION, CARL MAZA,
GOLDMAN & MAZA, HARRY'S GENERAL HOME
IMPROVEMENT, and INTRACOASTAL ABSTRACT
CO., INC.

Defendants

MADISON HOME EQUITIES, INC,
Plaintiffs

INDEX NO. 17623/97

-against-

CARL CAMPBELL, NEW YORK
HOLDING CORPORATION, CARL MAZA,
GOLDMAN & MAZA, NEVILLE A. GARNES,
LION & ZACKERY ELECTRICAL CONTRACTORS, INC.

MADISON HOME EQUITIES, INC,
Plaintiffs

INDEX NO. 017625/97

-against-

HAZEL BARDOWELL, PATRICK SALMON,
NEW YORK HOLDING CORPORATION, CARL
MAZA, GOLDMAN & MAZA, BILL'S CLEANERS
and BONNIE ANDERSON,

Defendants

MADISON HOME EQUITIES, INC,
Plaintiffs

INDEX NO. 017624/97

-against-

SIDNEY HOYLE WILLIAMS, NEW YORK
HOLDING CORPORATION, CARL MAZA,
GOLDMAN & MAZA, THERESA DAVIS,
INTRACOASTAL ABSTRACT CO., INC., and
STAR FILE PHOTO, INC.

Defendants

By short form order dated September 8, 2000, the Hon. Alan L. Honorof granted plaintiff's motion seeking sanctions against Derrick Arjune, Esq., counsel for defendants Ira and Theresa Davis, for making a frivolous motion to disqualify counsel for plaintiff. A previous motion to disqualify plaintiff's counsel had been denied by Hon. Howard E. Levitt, and Judge Honorof found there were in fact no grounds for disqualification. In his order, Judge Honorof also granted plaintiff's motion for costs, attorney's fees, and sanctions against defendant New York Holding Corporation for its pattern of deliberate delay in obstructing discovery in this action.

A hearing on the amount of costs, sanctions and attorney's fees as to both Mr. Arjune and New York Holding Corporation was held before the undersigned on January 18, 2001. An affirmation of attorney's services was received by Michael B. Raphan, Esq., counsel for plaintiff on January 31, 2001.

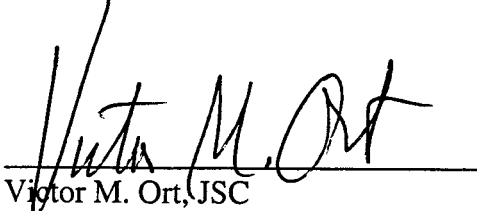
Based on the evidence submitted and after due deliberation thereon, the court finds as follows. Plaintiff's attorneys spent 1.5 hours of legal work preparing their opposition to Mr. Arjune's motion to disqualify. They have requested compensation for this service at the rate of \$175 per hour, which is the rate that the firm bills for associate's time and the court finds to be reasonable. Accordingly, attorney's fees in the amount of \$262.50 are awarded for plaintiff's opposition to Mr. Arjune's motion to disqualify. Plaintiff's attorneys devoted 2.75 hours preparing their cross-motion for sanctions. Applying the requested rate of \$175 per hour, the court awards attorney's fees of \$481.25 for plaintiff's cross-motion for sanctions. Plaintiff's attorneys then devoted 2.25 hours preparing their opposition to Mr. Arjune's motion in the Appellate Division, seeking a stay of the sanctions hearing, which motion was denied. Applying

the requested rate of \$175 per hour, the court awards attorney's fees of \$393.75 for plaintiff's opposition to Mr. Arjune's motion in the Appellate Division for a stay. Plaintiff's attorneys devoted 2.5 hours to the actual sanctions hearing, including travel time. Mr. Raphan, who is a partner in the firm, appeared personally at the hearing and conducted proceedings on behalf of plaintiff. Mr. Raphan has requested compensation in the amount of his own hourly rate of \$250 per hour, which the court finds to be reasonable. The court awards plaintiff attorney's fees in the amount of \$625 for the sanctions hearing. Accordingly, the court awards plaintiff attorney's fees in the total amount of \$1,762.50 to be paid by Derrick Arjune, Esq. personally.

With respect to defendant New York Holding Corporation, the court finds that plaintiff's counsel was required to spend 2.5 additional hours preparing for depositions which were not held because of defendant's dilatory tactics. Plaintiff has requested compensation for this work at their associate's rate of \$175 per hour, which the court finds to be reasonable for discovery proceedings. Accordingly, plaintiff is awarded attorney's fees against defendant New York Holding Corporation in the amount of \$437.50. This constitutes the court's entire award of sanctions, costs, and attorney's fees on these motions.

SO ORDERED

Dated: February 5, 2001


Victor M. Ort, JSC

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**NASSAU COUNTY
COUNTY CLERK'S OFFICE**