

State of New York
Supreme Court, Appellate Division
Third Judicial Department

Decided and Entered: December 19, 2024

PM-257-24

In the Matter of ERWIN ROSENBERG,
A Disbarred Attorney.

DECISION AND ORDER
ON MOTION

(Attorney Registration No. 2898625)

Calendar Date: November 18, 2024

Before: Garry, P.J., Egan Jr., Lynch, Aarons and Reynolds Fitzgerald, JJ.

Monica A. Duffy, Attorney Grievance Committee for the Third Judicial Department, Albany (Michael K. Creaser of counsel), for Attorney Grievance Committee for the Third Judicial Department.

Erwin Rosenberg, Aventura, Florida, respondent pro se.

Motion for leave to file a motion to vacate this Court's February 10, 2022 order of disbarment (202 AD3d 1271 [3d Dept 2022], *appeal dismissed* 39 NY3d 1177 [2023]) pursuant to this Court's November 2, 2023 order enjoining respondent from certain motion practice without prior leave of this Court (221 AD3d 1131 [3d Dept 2023]).

Upon the papers filed in support of the motion and the papers filed in opposition thereto, and having determined that respondent has failed to remit the required \$45.00 motion fee applicable to all motions for relief from this Court (*see* Rules of App Div, All Depts [22 NYCRR] 1250.17 [a] [2]; *see also Matter of Rosenberg*, 221 AD3d 1131, 1132 n [3d Dept 2023]; CPLR 1101),¹ and having further determined that respondent has failed

¹ Respondent is herein noticed that the Clerk of this Court is authorized to summarily reject any future motion for filing which is not in full compliance with this Court's rules. In particular, respondent is advised that no future motions will be accepted

to submit his motion in admissible form (*see* CPLR 2101; 2106; 2214; Rules of App Div, All Depts [22 NYCRR] § 1250.4; *see also* Rules of App Div, 3d Dept [22 NYCRR] § 806.16 [c]) it is

Garry, P.J., Egan Jr., Lynch, Aarons and Reynolds Fitzgerald, JJ., concur.

ORDERED that the motion is denied.

ENTER:

A handwritten signature in black ink that reads "Robert D. Mayberger". The signature is written in a cursive, slightly slanted style.

Robert D. Mayberger
Clerk of the Court

for filing in the absence of the requisite motion fee or a meritorious motion seeking indigent status pursuant to CPLR 1101.