

SHORT FORM ORDER

SUPREME COURT - STATE OF NEW YORK
COUNTY OF NASSAU - PART 17

Present: HON. WILLIAM R. LaMARCA
Justice

NEW YORK MERCHANTS PROTECTIVE
CO., INC.,

Petitioner,

-against-

CENTURY WORLDWIDE MOVING, INC.,

Respondent.

Motion Sequence #1
Submitted June 10, 2008
XXX

INDEX NO: 7608/08

The following papers were read on this motion:

Notice of Petition and Petition.....1

Petitioner, NEW YORK MERCHANTS PROTECTIVE CO., INC., moves pursuant to CPLR Article 75 for an order confirming the award of the arbitrator and directing that judgment be entered thereon. An Affidavit of Service reflects service by mail of the instant petition upon respondent, CENTURY WORLDWIDE MOVING, INC., in accordance with Rule 38 (d) of the Arbitration Agreement, on April 25, 2008, but no papers are submitted in opposition to the petition which is determined as follows:

The parties herein entered into a Commercial Central Office Monitoring Agreement for a burglar alarm system on April 15, 2003, which included a provision that any controversy or claim arising from the contract would be settled by arbitration in accordance

with the Arbitration Rules. It appears that petitioner served a demand for arbitration, on February 15, 2008, to which respondent failed to respond. Thereafter, arbitrator, Allan L. Pullin, considered the evidence and submitted proof, on April 1, 2008, and came to a decision in a written award of same date, in which he determined that there is due from the respondent to the petitioner the sum of \$38,462.86. A copy of the award was mailed to the parties on April 7, 2008 and this petition is brought within one year after delivery of the award to petitioner and the award has not been vacated or modified. After a careful reading of the submission, it is hereby


ORDERED, that petitioner's motion is granted, without opposition, and the award of the Arbitrator is affirmed to the extent that petitioner, NEW YORK MERCHANTS PROTECTIVE CO., INC., is awarded the sum of \$38,462.86, from respondent, CENTURY WORLDWIDE MOVING, INC, as well as an award for legal fees on the motion in the sum of \$750.00; and it is further

ORDERED, that the Clerk of the Court shall enter judgment upon the submission of a proposed judgment to the County Clerk which complies with the mandates of CPLR §5018.

All further requested relief not specifically granted is denied.

This constitutes the decision and order of the Court.

Dated: September 8, 2008



WILLIAM R. LaMARCA, J.S.C.

TO: Kirschenbaum & Kirschenbaum, PC
Attorneys for Petitioner
200 Garden City Plaza
Garden City, NY 11530

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