

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU - IAS/TRIAL PART 11
Present: Hon. Sharon M.J. Gianelli

ASM SECURITY INC. d/b/a ASM INTEGRATORS X

Petitioner,

-against -

121st STREET HOLDINGS, LLC,

Respondent.

Papers submitted on this motion: X
Petitioner's Notice of Petition X
Petitioner's Exhibits in Support X

Index No: 603165/2021

Motion Seq. No: 001

Decision and Order

XXX

Petitioner commenced the instant action pursuant to CPLR 7510 seeking the Court to issue an Order to confirm an arbitration award in the amount of \$37,020.09, dated February 11, 2021, with costs, disbursements, interest and \$2,500.00 in additional counsel fees.

Specifically, the arbitrator awarded Petitioner as against Respondent \$25,645.06 together with \$11,150.03 in attorneys' fees and \$225.00 in costs (*see* Petitioner's Exhibit "D").

Petitioner's counsel states that the attorneys' fees awarded by the arbitrator compensated counsel only for the legal services rendered in obtaining the award and not for the legal services required to confirm and enforce the award. Counsel states that her hourly rate for rendering legal services is \$450.00 per hour and that four (4) hours were

expended on the instant matter so far. Specifically, Counsel states that the following legal services were rendered in litigating the instant matter: (1) preparing a letter to Respondent regarding the award; (2) preparing the Notice of Petition and Petition; and (3) preparing an affirmation in support of attorney fees.

Counsel further states that additional legal services shall be necessary in order to enforce a potential order confirming the arbitration award, which may include: (1) preparing and servicing a notice of entry of the judgment; (2) preparing a letter to Respondent regarding the judgment; (3) preparing an execution to enforce the judgment; and (4) preparing and servicing subpoenas to enforce the judgment.

Counsel anticipates expending nine and a half (9.5) total hours with respect to confirming and enforcing the instant arbitration award.

Upon review of the facts, circumstances and papers submitted, counsel's request is appropriate.

CPLR 7510 states that upon an application by a party, the court shall confirm an arbitration award provided that the application was made within one year of the award's delivery to the moving party, unless the award is vacated or modified upon a ground specified in CPLR 7511.

Petitioner's application is unopposed, was brought within the requisite one year period, and there is no evidence of the award having been vacated or modified. As such, this Court hereby confirms the arbitrator's award.

Accordingly,

It is

ORDERED, that Petitioner's request to confirm the February 11, 2021 arbitration award in the amount of \$\$37,020.09, is Granted; and

It is

ORDERED, that Petitioner is awarded an additional \$2,500.00 for counsel fees; and

It is

ORDERED, that Petitioner is awarded statutory pre-judgment interest accruing at nine-percent (9%) per annum from February 11, 2021; and

It is

ORDERED, that Petitioner is awarded costs and disbursements of this action; and

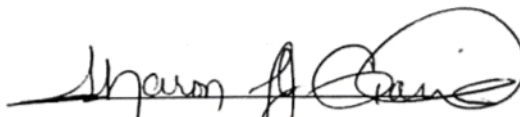
It is

ORDERED, that Petitioner is directed to submit a proposed judgment to the Nassau County Clerk consistent with this Order and serve Respondents by overnight mail.

All applications not specifically addressed herein are denied.

This constitutes the Decision and Order of the Court.

DATED: Mineola, New York
September 20, 2021



HON. SHARON M.J. GIANELLI,
Justice of the Supreme Court