

SHORT FORM ORDER

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

P R E S E N T : HON. DANIEL PALMIERI,
J.S.C.

-----X
VESTED BUSINESS BROKERS LTD.,

TRIAL/IAS PART 20

Petitioner,

Index No. 603666/13

- against -

Mot. Seq. #002

Mot. Date: 5-13-15

Submit Date: 5-13-15

DJENANE BARTHOLOMEW,
SUBWAY 1285 6 AVE, INC, and CHRISTY SUBS, INC.,

Defendants.

-----X
The following papers were read on this motion:

Notice of Petition, dated 4-29-15.....1

Plaintiff's motion pursuant to preclude CPLR § 5223 and CPLR § 5224 to compel the defendant, judgment debtor, to comply with an Information Subpoena dated March 5, 2015 is granted and defendant shall no later than June 26, 2015 respond to the Information Subpoena attached to the motion papers.

The Court finds that prior to making this motion plaintiff complied with CPLR § 5224(a)3 and hence plaintiff is awarded costs of \$50. to be paid no later than June 30, 2015.

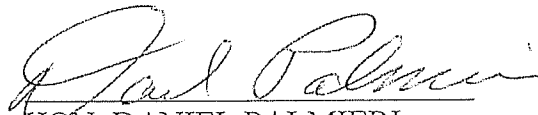
In the event defendant fails to comply timely and completely with this Order plaintiff may move to punish her for contempt pursuant to the Judiciary Law and/or such remedies as are available pursuant to CPLR §§ 5224 and 2308 which may include fines, costs, damages and/or incarceration.

Contempt is an inappropriate remedy here because plaintiff has failed to comply with the Judiciary Law provision applicable to contempt and a plenary action is necessary to recover attorneys' fees for the collection of the judgment.

This shall constitute the Decision and Order of this Court.

Dated: May 18, 2015

ENTER:



HON. DANIEL PALMIERI

J.S.C.

Attorney for Plaintiff

Kirschenbaum & Kirschenbaum P.C.

By: Svetlana Minevich, Esq.

200 Garden City Plaza, Suite 500

Garden City, New York 11530

Attorney for Respondent

Lewis Austin, P.C.

By: Rodney R. Austin, Esq.

1001 Avenue of the Americas, 4th Floor

New York, New York 10018

ENTERED

MAY 22 2015

NASSAU COUNTY
COUNTY CLERK'S OFFICE