

SHORT FORM ORDER

SUPREME COURT OF THE STATE OF NEW YORK

PRESENT: HON. DENISE L. SHER
Acting Supreme Court Justice

COMMERCIAL FIRE & SECURITY, INC.,

Petitioner,

- against -

AWEES CAR & LIMO INC. and SALLIM YASSI,

Respondents.

TRIAL/IAS PART 35
NASSAU COUNTY

Index No.: 607965/17
Motion Seq. No.: 01
Motion Date: 09/19/17
XXX

The following papers have been read on this motion:

	Papers Numbered
Notice of Petition, Verified Petition, Affirmation and Exhibits	1

Upon the foregoing papers, it is ordered that the application is decided as follows:

Petitioner moves, pursuant to CPLR §§ 7510 and 7514, for an order confirming the Arbitration Award, dated July 17, 2017, in the sum of \$14,925.35, and granting additional counsel fees in the sum of \$1,500.00. No opposition was submitted to the motion.

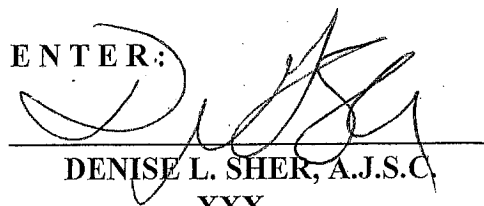
Counsel for petitioner submits, in pertinent part, that, “[p]etitioner commenced an arbitration on June 20, 2017 by serving its Demand for Arbitration,.... The Demand for Arbitration was served on Respondents in accordance with Commercial Arbitration Rule 33(a),.... Respondents failed to answer the demand for arbitration, and in accordance with the Commercial Arbitration Rules, were deemed to be in default. On July 17, 2017, Allan L. Pullin, as arbitrator, after having taken the oath prescribed by law and after the parties had duly submitted their proofs or had the opportunity to do so, and having fully considered all of the evidence and arguments submitted and having come to a decision, duly made his award in writing, whereby he determined and awarded that there is \$14,925.35 due to Petitioner from

Respondents, jointly and severally.... On July 18, 2017, in accordance with CPLR § 7507, the arbitrator delivered a copy of the award to each party in the manner provided in the agreement to arbitrate.... Respondents have not complied with the award as set forth in the Commercial Arbitration Rules. Commercial Arbitration Rule 38(c) states that, '[i]f a party fails to timely comply with the award, a party commencing a proceeding in a court of law to confirm or enforce the award shall be permitted to additional counsel fees for post arbitration proceedings as the court may deem appropriate.'... The attorney fees awarded by the arbitrator compensated only for the legal services rendered in obtaining the award and not for the legal services necessary to confirm and enforce the award. Petitioner shall incur additional legal fees to confirm the award and enforce the judgment and requests \$1,500.00 additional counsel fees." *See* Petitioner's Verified Petition Exhibits A-C. *See also* Petitioner's Affirmation in Support.

Based upon the evidence presented to the Court, petitioner's application, pursuant to CPLR §§ 7510 and 7514, for an order confirming the Arbitration Award, dated July 17, 2017, in the sum of \$14,925.35, and granting additional counsel fees in the sum of \$1,500.00, is hereby **GRANTED**.

This constitutes the Decision and Order of this Court.

ENTER:



DENISE L. SHER, A.J.S.C.
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Dated: Mineola, New York
November 21, 2017