

**DISTRICT COURT OF NASSAU COUNTY
FIRST DISTRICT CIVIL PART 2**

-----X,
SLOMIN'S INC.,

INDEX NO. CV-013137-23/NA

Petitioner(s)

Present:

against

HON. ROBERT E. PIPIA

PRAVEENA DADLANI,

DECISION and ORDER

Respondent(s)
-----X

**The following named papers numbered 1
submitted on this motion on January 30, 2024**

	papers numbered
Notice of Petition to Confirm Arbitration Award	1

Petitioner commenced this proceeding pursuant to CPLR 7510 and 7514, for an order confirming an arbitration award dated August 15, 2023, in the amount of \$4,555.73, with costs, disbursements and, interest from August 15, 2023. Petitioner seeks additional counsel fees in the amount of \$1,800.00 or such other amount as the court deems just, in bringing the within proceeding. Petitioner's application is unopposed and is determined as provided herein.

Section 7510 of the CPLR provides that "[t]he court shall confirm an award upon application of a party made within one year after its delivery to him, unless the award is vacated or modified upon a ground specified in section 7511." Pursuant to CPLR 7514(a), "[a] judgment shall be entered upon the confirmation of an award."

A petition to confirm an arbitration proceeding, as in the instant case, is a special proceeding (CPLR 403; 409[b]; *see generally American Transit Insurance Co. v Nexray Med. Imaging PC*, 80 Misc 3d 1210[A] [Sup Ct, Kings County 2023]; *American Transit Insurance Company v NextStep Healing, Inc.*, 79 Misc 3d 1203[A] [Sup Ct, Kings County 2023]; *American Transit Insurance Company v Ortho City Services Inc.*, 79 Misc 3d 1204[A] [Sup Ct, Kings County 2023]; *Matter of FIA Card Services, N.A. v Thompson*, 18 Misc 3d 1146[A] [Nassau Dist Ct 2008]). "In a special proceeding, where no triable issues of fact are raised, the court must make a summary determination on the pleadings and papers submitted by the parties as if a motion for summary judgment were before it" (*Matter of Bahar v Schwartzreich*, 204 AD2d 441, 443 [2d Dept 1994] [internal citations omitted]).

Here, as petitioner's application is unopposed and brought within the requisite one (1) year period, this court hereby confirms the arbitrator's award.

Petitioner's request for additional counsel fees in the sum of \$1,200.00 is granted pursuant to Rule 38(c) of the Commercial Arbitration Rules, as counsel sufficiently demonstrated entitlement to fees in his supporting affirmation.

Accordingly, let judgment be entered thereon in the sum of \$4,555.73, with interest at the statutory rate from August 15, 2023, to the date of entry of the judgment, and additional counsel fees in the sum of \$1,200.00, together with costs and disbursements.

So Ordered:


DISTRICT COURT JUDGE

Dated: February 21, 2024

CC: Kirschenbaum & Kirschenbaum, P.C.
Praveena Dadlani, *pro se*