

SHORT FORM ORDER

SUPREME COURT - STATE OF NEW YORK

Present: ANTONIO I. BRANDVEEN  
J. S. C.

BRISCOE PROTECTIVE SYSTEMS, INC.,

Petitioner,

- against -

PND, LLC,

Respondent.

TRIAL / IAS PART 29  
NASSAU COUNTY

Index No. 4991/10

Motion Sequence No. 001

The following papers having been read on this motion:

Notice of Petition, Affidavits, & Exhibits .....	<u>1</u>
Answering Affidavits .....	_____
Replying Affidavits .....	_____
Briefs: Plaintiff's / Petitioner's .....	_____
Defendant's / Respondent's .....	_____

The Petitioner BRISCOE PROTECTIVE SYSTEMS, INC. moves this court for an order pursuant to CPLR § 7510 confirming the award of an arbitrator and directing the entry of judgment against the Respondent PND, LLC,. In a decision dated January 27, 2010, ALLAN L. PULLIN, an arbitrator of the Arbitration Services, Inc. awarded the Petitioner BRISCOE PROTECTIVE SYSTEMS, INC. an award of \$33,075.65 against the Respondent PND. On January 27, 2010, in accordance with CPLR § 7505 the arbitrator delivered a copy of the award to each party in the manner provided in the agreement to arbitrate. Petitioner asserts the Respondent has not complied with the

arbitration award and requests attorney fees in the amount of \$5,000.00 pursuant to Commercial Arbitration Rule 38 (c) that permits an additional award of counsel fees if a party fails to timely comply with an award.


Accordingly, it is ORDERED that the petition is granted and the arbitration award is confirmed without opposition, and it is further

ORDERED and ADJUDGED that Petitioner is awarded judgment against the Respondent in the amount of, \$33,075.65 together with attorneys fees in the amount of \$5,000.00 plus costs and disbursements. The Clerk is directed to enter judgment pursuant to CPLR 5021 upon submission of a proposed judgment which complies with the mandates of CPLR 5018.

So ordered.

Dated: **June 7, 2010**

ENTER:

  
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J. S. C.

FINAL DISPOSITION XXX

NON FINAL DISPOSITION