

SHORT FORM ORDER

**DISTRICT COURT OF NASSAU COUNTY
FIRST DISTRICT: CIVIL PART 3**

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SLOMIN'S INC.,

Petitioner,

INDEX NO. CV-002708-24

against

Present:

Hon. Ignatius L. Muscarella

CLAUDE STARROMAND,

Respondent(s).

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The following papers have been considered by the Court on this petition submitted April 30, 2024

Papers Considered

Notice of Petition w/ annexed supporting papers	1
Affidavit of Service	2

Petitioner commenced this special proceeding seeking to confirm an arbitration award with interest thereon and attorney's fees in bringing the within proceeding.

The arbitration award in the sum of \$1,928.75 was issued on October 16, 2023, and published to the parties on October 24, 2023

Respondent has not appeared in this proceeding and has not contested confirming the award. The application to confirm the award was made within one year of the date of the issuance of the award and the rules of arbitration to which the parties agreed provide for recovery of additional attorney's fees in the event a court proceeding is brought for confirmation of the award.


Attorneys fees "in the sum of \$1,800.00 or such other amount as the Court deems just" are sought but \$1,800.00 appears unduly high given (1) the routine nature of the work provided post-arbitration, (2) the vague calculation of time spent or anticipated to be spent, (3) the fact that the principal amount sued for was \$1,176.83, and (4) the significant award of \$588.42 in attorney's fees already awarded through the date of the arbitration award (50% of the principal amount) (see *Matter of Freeman*, 34 NY2d 1, 9 [1974]).

Therefore, the relief requested in the petition is granted as follows.

Judgment is awarded in favor of the petitioner and against the respondents in the sum of \$1,928.75 together with interest at the statutory rate from October 16, 2023 to the date of entry of judgment, additional attorney's fees in the sum of \$150.00, and costs and disbursements as taxed by the clerk.

To avoid the time constraints of 22 NYCRR §212.33 the clerk may enter judgment - but plaintiff is best advised to submit a proposed judgment.

This constitutes the decision and order of the court.



Hon. Ignatius L. Muscarella
District Court Judge

Dated: June 12, 2024

cc: Kirschenbaum & Kirschenbaum, P.C.
Claude Starromand