

DISTRICT COURT OF THE COUNTY OF SUFFOLK:SECOND DISTRICT

Present:

HON. KENNETH J. LAURI
District Court Judge

MOTION DATE: August 5, 2024

BALCO ALARM SERVICES CORP.,
Petitioner,

**ORDER
CONFIRMING ARBITRATION
AWARD**

-against-

FIREWORKS BY GRUCCI, INC.,
Respondent.

Recitation, as required by CPLR 2219(a), of the papers numbered 1 to 12 read and considered in determining the unopposed Notice of Petition to Confirm Arbitration Award and Petition by petitioner for an order confirming the arbitration award in the total amount of \$7,494.64, with the costs of the proceedings, and an additional award of counsel fees for the instant Special Proceeding to confirm and enforce the award; and due deliberation and consideration having been had therein, the Decision and Order of the Court on the Petition is as follows: it is hereby

ORDERED that the unopposed petition duly served by Kathleen Lampert on respondent in a sealed envelope by first class mail delivered by the U.S. Postal Service in accordance with Rule 38(d) of the Commercial Arbitration Rules of the Arbitration Services, Inc. ("ASI"), (see Matter of New York Merchants Protective Co. v Mima's Kitchen, Inc., 114 AD3d 796 [2nd Dept 2014]; see also Matter of Fernandez [Universal Underwriters Ins. Co.], 130 AD2d 657, 657 [2nd Dept 1987]), for an order confirming the unopposed arbitration award rendered under Case No. 202484, on May 20, 2024, by Allan L. Pullin, Esq., Arbitrator, of Arbitration Services, Inc. ("ASI"), successor by merger with National Arbitration, Inc., with a copy of said arbitration award delivered by first class mail on May 23, 2024 to respondent, and to Kirschenbaum & Kirschenbaum, P.C. for claimant, by Janice Spiegler, which application has been made within one year after delivery of said award to petitioner, and which award has not been vacated or modified upon a ground specified in CPLR 7511, is GRANTED.

The Court determines that petitioner has satisfied its burden for confirming the Arbitration Award pursuant to CPLR 7510

and 7514. The Arbitration Award is confirmed in favor of petitioner as against respondent in the damage sum of \$5,906.32; in addition to attorney's fees in the sum of \$1,438.32, together with the costs of the arbitration filing in the sum of \$150.00, for a total award of \$7,494.64 with costs and disbursements; and it is further

ORDERED that the part of the petition for an order awarding additional attorney fees for post-arbitration special proceedings, seeking to confirm and enforce the Arbitration Award, pursuant to Rule 38(c) of the ASI Commercial Arbitration Rules, is GRANTED.

Petitioner is awarded additional attorney fees in the sum of \$1,000.00 (see D&W Central Station Fire Alarm Co. Inc. v 112 Fulton Group, Inc., 55 Misc3d 132[A][App Term, 2nd Dept, 2d, 11th & 13th Jud Dists 2017]; Longo v Key Appraisals, Inc., 55 Misc3d 128[A][App Term, 2nd Dept, 2d, 11th & 13th Jud Dists 2017]; D&W Cent. Stat. Fire Alarm Co. Inc. v United Props. Corp., 34 Misc3d 85 [App Term, 2nd Dept, 2d, 11th & 13th Jud Dists 2012]).

The foregoing constitutes the decision and order of this Court.

Submit Judgment.

Dated: October 7, 2024

mailed 10/10/24



HON. Kenneth J. Lauri #135