

SUPREME COURT OF THE STATE OF NEW YORK — NEW YORK COUNTY

JOAN M. KENNEY

PART 8

PRESENT.  
Index Number : 601311/2007 J.S.C.

HERZFELD & RUBIN, P.C.

vs  
SPRITZER, JACOB

Sequence Number : 004

AMEND CAPTION/PARTIES

INDEX NO. 601311/07  
MOTION DATE 3/4/10  
MOTION SEQ. NO. 004  
MOTION CAL. NO. \_\_\_\_\_

The following papers, numbered 1 to 19 were read on this motion to/for to amend + confirm Arbitration award.

Notice of Motion/ Order to Show Cause — Affidavits — Exhibits \_\_\_\_\_

Answering Affidavits — Exhibits \_\_\_\_\_

Replying Affidavits \_\_\_\_\_

PAPERS NUMBERED

1-8

9-15

16-19

**FILED**

MAR 12 2010

NEW YORK COUNTY CLERK'S OFFICE

Cross-Motion:  Yes  No

Upon the foregoing papers, it is ordered that this motion

*Plaintiff's motion to amend caption to add defendants, confirm the arbitrator's decision + for entry of an award, is denied. Defendant has exercised/commenced a Trial de novo after the arbitration award, pursuant to the parties agreement/arbitration award. The trial de novo is before Justice Gische. In reply, plaintiff requests this court adjourn this matter to allow plaintiff to consolidate this matter with the trial de novo before Justice Gische (eg plaintiff wants to cross move for said relief before the d's motion pending in Justice Gische's court). This relief, requested for the first time in reply, without affording defendant an opportunity to address same, is also denied. This court will not amend the caption and/or confirm an arbitration award regarding a matter that has begun anew + where defendant has exercised a relief (trial de novo as provided by the terms of the arbitration award) on parties' agreement.*

Dated: MARCH 10, 2010

  
JOAN M. KENNEY J.S.C.

Check one:  FINAL DISPOSITION  NON-FINAL DISPOSITION

Check if appropriate:  DO NOT POST  REFERENCE

MOTION/CASE IS RESPECTFULLY REFERRED TO JUSTICE FOR THE FOLLOWING REASON(S):

# New York State Unified Court System



## WebCivil Supreme - Motion Detail

Court: **New York Civil Supreme**  
 Index Number: **601311/2007**  
 Case Name: **HERZFELD & RUBIN, P.C. vs. SPRITZER, JACOB**  
 Case Type: **Other**  
 Track: **Standard**

### Motion Information:

Motion Number	Date Filed	Filed By	Relief Sought	Submit Date	Answer Demanded	Status	Decision	Order Signed Date
004	01/29/2010	PLAINT	Amend Caption/Parties	03/04/2010	No	Decided: 10-MAR-10 CASE DISPOSED Before Justice: KENNEY	Short Form Order	03/10/2010
003	08/17/2009	PLAINT	Vacate Stay/Order /Judgment	10/13/2009	No	Decided: 19-JAN-10 MOTION DISPOSED AS INDICATED Before Justice: KENNEY	Short Form Order	01/19/2010
002	04/18/2008	PLAINT	Amend	07/16/2008	No	Decided: 21-JUL-08 MOTION DISPOSED AS INDICATED Before Justice: SHAFER	Short Form Order	07/21/2008
001	04/02/2008	PLAINT	Amend		No	Decided: 18-APR-08 MOTION DISPOSED AS INDICATED Before Justice: SHAFER	Short Form Order	04/18/2008

