

SUPREME COURT - STATE OF NEW YORK
I.A.S. PART 17 - SUFFOLK COUNTY

PRESENT:

Hon. PETER H. MAYER
Justice of the Supreme Court

MOTION DATE 4-17-07
ADJ. DATE 7-3-07
Mot. Seq. # 002 & 003 - RRH

HEARING SCHEDULED FOR NOVEMBER 26, 2007 @ 9:30 AM

-----X			Roth & Roth, LLP
PATRICK MULHERN,	:		Attorneys for Plaintiff
	:		192 Lexington Avenue, Suite 802
	:	Plaintiff(s),	New York, New York 10016
	:		
	:	- against -	Russo & Apoznanski, Esqs.
	:		Attorneys for Defendant
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ANNETTE CILEN,	:		Westbury, New York 11590
	:		
	:	Defendant(s).	Scott J. Zlotolow, Esq.
-----X			Attorney for Plaintiff in Action No. 2
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Upon the reading and filing of the following papers in this matter: (1) Notice of Motion by the plaintiff, dated March 19, 2007, and supporting papers; (2) Notice of Cross Motion by the defendant Mulhern in Action No. 2, dated May 23, 2007, and supporting papers; (3) Affirmation in Opposition by the defendant, dated May 23, 2007, and supporting papers; (4) Affirmation in Opposition by the plaintiff in Action No. 2, dated June 29, 2007, and supporting papers; (5) Reply Affirmation by the defendant, dated June 29, 2007, and supporting papers; (6) Reply Affirmation by the defendants, dated June 28, 2007; and now

UPON DUE DELIBERATION AND CONSIDERATION BY THE COURT of the foregoing papers, the motion is decided as follows: it is

ORDERED that in accordance with 22 NYCRR § 202.8(d), the motion #002 by the plaintiff, dated March 19, 2007 and the cross-motion #003 by the defendant Mulhern in Action No. 2 are hereby decided to the extent that all parties shall appear for oral argument of the motions on November 26, 2007, at 9:30 am, in the courtroom of the undersigned, located at One Court Street, Riverhead, New York 11901, Courtroom A259; and it is further

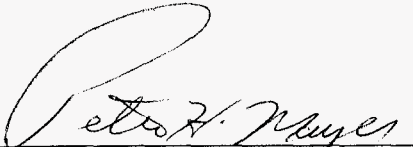
ORDERED that counsel for the movant shall serve a copy of this upon all parties, or their attorneys if represented by counsel, within ten (10) days from the date of this Order pursuant to CPLR §2103(b)(1),(2) or (3) and shall thereafter file the affidavit(s) of service with the Suffolk County Clerk and provide a copy of said affidavits(s) of service to Chambers at the time of oral argument; and it is further

ORDERED that counsel for the parties shall appear with complete settlement authority and fully prepared for oral argument; and it is further

ORDERED that counsel for the parties shall contact Chambers by telephone (631-852-1760) at least one (1) business day prior to the oral argument date to confirm appearances.

This constitutes the Decision of the Court.

Dated: October 30, 2007


PETER H. MAYER, J.S.C.