

0

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU - IAS/TRIAL PART 20
Present: Hon. Sharon M.J. Gianelli, J.S.C.**

UNITED STATES MERCHANTS
PROTECTIVE CO., INC.,

X

Index No. 613896/19

Petitioner,

-against-

Mot Seq. No. 001

203 ISLIP FOOD CORP. d/b/a EAST ISLIP VILLAGE
MARKET and DANIEL TAVARES,

Respondents.

XXX

X

Papers submitted on this motion:

Petitioner's Notice of Petition and Exhibits dated October 4, 2019 _____ X

Petitioner moves by Notice of Petition to confirm an award issued by Arbitrator Allan L. Pullin, Esq. of Arbitration Services, Inc. case no. 2019119, rendered on September 4, 2019 in Petitioner's favor. Petitioner now seeks entry of judgment thereon pursuant to CPLR § 7510 (*see* Arbitration Award, annexed as Petitioner's Exhibit "C").

The motion is unopposed.

Underlying Facts

The underlying action involves a breach of contract claim. Respondent entered into a written contract with Petitioner on June 29, 2018 for alarm services which was personally guaranteed by Respondent Daniel Tavares. Respondents failed to make payment due pursuant to the contract on April 1, 2019. Petitioner was awarded \$10,596.00 plus interest from April 1, 2019 in the amount of \$397.35; \$3,500.00 in attorneys' fees; together with costs in the amount of \$175.00 pursuant to the Arbitration

Award (Exhibit "C"). Petitioner additionally seeks attorneys' fee associated with this application in the amount of \$2,500 and has provided an attorney affirmation in this regard.

Neither party has challenged such award. Respondent has not opposed this application.

Petitioner now seeks to confirm the award.

Accordingly, it is hereby

ORDERED, that the Petition is hereby granted;

and it is further

ORDERED, that the Arbitration Award, issued September 4, 2019 is hereby confirmed;

and it is further

ORDERED, that Petitioner's application for attorneys' fees in the amount of two thousand five hundred dollars (\$2,500.00) is Granted;


and it is further

ORDERED, that Petitioner shall submit a proposed Judgment, on notice to Respondent, and to the Clerk of the Supreme Court in compliance with the stated award.

All applications not specifically addressed are denied.

This constitutes the decision and order of this Court.

DATED: November 13, 2019
Mineola, New York


Hon. Sharon M.J. Gianelli
Justice of the Supreme Court

ENTERED

NOV 18 2019

NASSAU COUNTY
COUNTY CLERK'S OFFICE