

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

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A. GAIL PRUDENTI, P.J.
WILLIAM F. MASTRO
REINALDO E. RIVERA
ROBERT A. SPOLZINO
PETER B. SKELOS, JJ.

2008-07948

DECISION & ORDER ON MOTION

In the Matter of Michael J. Kaper, admitted as
Michael Jonathan Kaper, a suspended attorney.

Grievance Committee for the Tenth Judicial
District, petitioner;
Michael J. Kaper, respondent.

(Attorney Registration No. 1261049)

Motion by the Grievance Committee for the Tenth Judicial District for an order: 1) finding the respondent in default upon the grounds that he failed to file an answer to a verified petition dated August 18, 2008; 2) deeming the charges admitted; and 3) imposing such discipline upon the respondent as the court deems just and proper. By decision and order on motion dated November 14, 2008, the respondent was suspended pursuant to 22 NYCRR 691.4(l)(1)(i) and (iii), on the ground that he constituted an immediate threat to the public interest based on his failure to cooperate with the Grievance Committee and other uncontroverted evidence of professional misconduct; the Grievance Committee was authorized to institute and prosecute a disciplinary proceeding against the respondent; and the issues raised were referred to the Honorable Geoffrey J. O'Connell as Special Referee to hear and report. The respondent was admitted to the Bar at a term of the Appellate Division of the Supreme Court in the First Judicial Department on February 25, 1974, under the name Michael Jonathan Kaper.

Upon the papers submitted in support of the motion and the papers submitted in opposition thereto, it is

ORDERED that the motion is denied; and it is further,

ORDERED that the default of the respondent, Michael J. Kaper, admitted as Michael

May 14, 2009

MATTER OF KAPER, MICHAEL J.

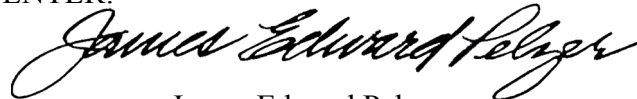
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Jonathan Kaper, in answering the petition is vacated and he is directed to submit an answer specifically addressing the allegations of the petition within 30 days; and it is further,

ORDERED that the parties are directed to proceed to a hearing before the Honorable Geoffrey J. O'Connell as previously ordered.

PRUDENTI, P.J., MASTRO, RIVERA, SPOLZINO and SKELOS, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style with a large initial "J".

James Edward Pelzer
Clerk of the Court