

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

M87804
E/sl

ROBERT A. SPOLZINO, J.P.
DANIEL D. ANGIOLILLO
CHERYL E. CHAMBERS
PLUMMER E. LOTT, JJ.

2009-01147

DECISION & ORDER ON MOTION

Jackie Herbst, appellant, Herman Erdan,
respondent, et al., plaintiff, v Neuromedical
Systems, Inc., et al., defendants; Bornstein &
Sheinbaum, nonparty.

(Index No. 44076/95)

Motion by the appellant on an appeal from an order of the Supreme Court, Kings
County, dated December 11, 2008, to direct Bornstein & Sheinbaum to release certain money held
in escrow and to impose a sanction upon the respondent and the respondent's attorney.

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

ORDERED that the motion is denied.

SPOLZINO, J.P., ANGIOLILLO, CHAMBERS and LOTT, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

June 10, 2009

HERBST v NEUROMEDICAL SYSTEMS, INC.