

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

M89019  
E/sl

WILLIAM F. MASTRO, J.P.  
JOSEPH COVELLO  
RUTH C. BALKIN  
JOHN M. LEVENTHAL, JJ.

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2009-03795

DECISION & ORDER ON MOTION

Robert W. Fagan, et al., plaintiffs-respondents,  
v Gail T. Tuohey, et al., defendants-respondents,  
Joseph M. Sanfilippo, et al., appellants.

(Index No. 32129/05)

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Appeal by the defendants Joseph M. Sanfilippo and Sign Central Creative Services, Inc., from an order of the Supreme Court, Kings County, dated February 25, 2009. By order to show cause dated June 16, 2009, counsel for the appellants and the respondents were directed to show cause why an order should or should not be made and entered imposing such sanctions as the court may deem appropriate pursuant to 22 NYCRR 670.4(b)(2) upon counsel for the appellants, because counsel for the appellants failed to appear at a CAMP conference at the time scheduled and the attorney who did appear had no knowledge of the case and no authority to settle.

Now, on the courts own motion and the papers filed in response thereto, it is

ORDERED that within 20 days of service upon it of a copy of this decision and order on motion, DeSena & Sweeney, LLP, counsel for the appellants, is directed to pay a sanction in the sum of \$250 to the Lawyers' Fund for Client Protection of the State of New York; and it is further,

ORDERED that the Clerk of this court, or his designee, is directed to serve counsel for the parties with a copy of this decision and order on motion; and it is further,

July 7, 2009

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ORDERED that within 10 days after payment of the sanction, DeSena & Sweeney, LLP, shall file proof of payment with the Clerk of this court.

MASTRO, J.P., COVELLO, BALKIN and LEVENTHAL, JJ., concur.

ENTER:

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

James Edward Pelzer  
Clerk of the Court