

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ROCKLAND

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CINDY ANN LAUDER,

Plaintiff(s),

-against-

DECISION & ORDER

Index No. 031423/2013

Motion #2

PAUL B. GOLDHAMMER, individually and as the Chief Executive Officer of Kantrowitz, Goldhamer & Graifman, P.C., RANDY PERLMUTTER, individually and as an agent of Kantrowitz, Goldhamer & Graifman, P.C., KANTROWITZ, GOLDHAMER & GRAIFMAN, P.C. and KANTROWITZ, GOLDHAMER & GRAIFMAN, LLP,

Defendant(s).

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Hon. Thomas E. Walsh, II, A.J.S.C.

The following papers numbered 1-4 read on this Order to Show Cause by plaintiff for an Order Consolidating two separate but related actions, or, in the alternative, an Order temporarily staying the progress of one of the actions in order that the other can proceed first, together with such other and further relief as to the Court may seem just and proper:

Order to Show Cause/Affirmation in Support (Winner)-1-2
Affirmation in Opposition (Kantrowitz)/Exhibits (A&B)-3-4

The first action was brought by these defendants against this plaintiff in order to collect fees for professional services they claim are due them from this plaintiff as a result of their representation of her in her matrimonial action in Orange County Supreme Court. The second, and instant, action is for legal malpractice alleged to have occurred during the time when the instant defendants represented this plaintiff in her Orange County matrimonial action.

This plaintiff urges the Court to either consolidate the "collection" action with the malpractice action, or, to temporarily stay the collection action pending a determination in the legal malpractice action.

The instant defendants oppose the motion seeking a consolidation.

Plaintiff's motion seeking a consolidation of this action and the action entitled KGG v. Cindy Ayrovainen a/k/a Cindy Ann Lauder, Rockland County Index No. 033057/2012, is denied. However, that part of plaintiff's motion seeking a temporary stay of the "collection" action is granted to the extent that the trial of the collection action, KGG v. Cindy Ayrovainen a/k/a Cindy Ann Lauder, Rockland County Index No. 033057/2012, is stayed pending the final determination in this legal malpractice action.

While there is no consolidation of the two actions and although the trial of the collection action is temporarily stayed, the two separate but related actions shall be temporarily joined solely for the purposes of the completion of all pre-trial discovery and inspection and the filing of a


Note of Issue in both actions.

The foregoing constitutes the Decision & Order of the Court.

All attorneys are advised that in every motion made in this Part that is supported by a transcript, document or any other form of exhibit, the affidavits, affirmations and or memorandum of law supporting the motion shall refer to the specific exhibit, transcript, document, and the page and line of the document or transcript, so that the Court can readily find the specific information counsel cites and argues in support of the motion.

All attorneys are reminded that: (a) the published Individual Part Rules of this Court require a letter and conference as prerequisites to the submission of any written motion [See Judge Walsh's Individual Part Rules Art. IVA], and, (b) that printed "working copies" of electronic submissions must delivered to chambers [See Judge Walsh's Individual Part Rules Art. XIII].

Dated: New City, New York
September 2, 2013



Thomas E. Walsh II, A.J.S.C.

To:
Kantrowitz, Goldhamer & Graifman, P.C.
Karen Winner, Esq.
Cindy Ann Lauder