

1 SUPREME COURT OF THE STATE OF NEW YORK
2 COUNTY OF ROCKLAND : CIVIL TERM
-----X
3 KANTROWITZ, GOLDHAMER & GRAIFMAN,
4 Plaintiff, Index No.: 33057/12
5 -against- Conference
6 CINDY ANN AYROVAINEN, Action No. 1
7 Defendant.
-----X
8 CINDY ANN LAUDER,
9 Plaintiff, Index No.: 31423/13
10 -against- Action No. 2
11 PAUL B. GOLDHAMER,
12 Defendant.

-----X
Rockland Supreme Court
One South Main Street
Suite 200
New City, New York 10956
November 18, 2013

13
14
15
16 B E F O R E:

HONORABLE THOMAS E. WALSH, II,
Acting Supreme Court Justice

17
18 A P P E A R A N C E S:

19 FOR THE PLAINTIFF IN ACTION NO. 2 - Cindy Lauder
20 KAREN F. WINNER, ESQ.
21 226 West 26th Street, 8th Floor
New York, New York 10001

22 FOR THE DEFENDANT IN ACTION NO. 2 - Paul B. Goldhamer
23 WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER, LLP
24 150 East 42nd Street
New York, New York 10017
BY: PAUL KARP, ESQ.

25 (Appearances Continues)

1 A P P E A R A N C E S :

2

ALSO PRESENT:

3

Barry S. Kantrowitz, Esquire

4

LAWRENCE GILBERT
5 SENIOR COURT CLERK

6

IRENE F. MONFREDO
7 SENIOR COURT REPORTER

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 (Whereupon, the following takes place on the
2 record, in open court, in the presence of the Court,
3 Ms. Winner and Mr. Karp:)

4 THE COURT CLERK: This is eight and nine,
5 Kantrowitz v. Ayrovainen and Lauder v. Goldhamer.

6 THE COURT: Good morning.

7 MR. KARP: Your Honor, if we might, I --

8 THE COURT: Counsel, first thing you're going to do
9 is say good morning and give your appearance and permit
10 plaintiff to do so, please.

11 MR. KARP: I apologize.

12 THE COURT: Plaintiff.

13 MS. WINNER: Karen Winner for Cindy Lauder,
14 plaintiff.

15 MR. KARP: Paul Karp of Wilson, Elser.

16 Good morning, your Honor. I apologize for that.

17 I just got a message from my client,
18 Mr. Kantrowitz, and they still represent themselves on
19 number eight, the collection action. He had some problems
20 with his kids this morning and was running a little late.
21 If we could second call this, he said he should be here by
22 10:15, if that's all right with the Court.

23 MS. WINNER: Judge, he's -- the court order states
24 that he's disqualified. There was subsequent correspondence
25 by another attorney in KGG and I agreed to allow another

1 attorney represent the firm, which I didn't have to do
2 because I'm entitled under the law to disqualify the firm,
3 but nonetheless, I'm allowing another attorney to represent
4 the firm, just not the witness --

5 THE COURT: Second call.

6 MR. KARP: Thank you.

7 MS. WINNER: -- and that's costing my client money.

8 (Whereupon, a recess was taken and the matter was
9 recalled as follows:)

10 (Whereupon, Barry S. Kantrowitz, Esquire is
11 present.)

12 THE COURT: Kantrowitz.

13 MS. WINNER: I object to Mr. Kantrowitz being here.
14 The court order states he's disqualified. We had subsequent
15 correspondence; he had another attorney answer my
16 correspondence. I said, Great. I'll allow another attorney
17 to represent your firm, but not the witness.

18 I have a lot of case law before me that I could
19 read into the record right here. I'd like to bring a
20 contempt order, contempt motion for contempt. I already
21 warned him.

22 THE COURT: Let's ask Mr. Kantrowitz, why are you
23 here?

24 MR. KANTROWITZ: Good morning, your Honor.
25 First of all, I apologize for being late.

1 Your Honor, there are two cases pending. The cases
2 have not been consolidated, they were joined for the
3 purposes of discovery only.

4 THE COURT: You're out of both cases.

5 MR. KANTROWITZ: Okay. If I submit -- that makes
6 it fine. I'm not looking to have a problem. If I submit an
7 order today, can I get that signed so I have an order that
8 says I'm out on both cases and then --

9 THE COURT: It's on the transcript. Order the
10 transcript. It's so ordered. Done. You're out.

11 MR. KANTROWITZ: Thank you, Judge.

12 So I'm here just as a client today.

13 THE COURT: Yes.

14 MR. KANTROWITZ: But Ms. Winner has no objection to
15 someone else from my firm appearing, I guess that's what I'm
16 hearing today.

17 THE COURT: Yes. Now that you're just a client,
18 have a seat.

19 MR. KANTROWITZ: Thank you, Judge.

20 THE COURT: Thank you.

21 MR. KARP: Good morning, your Honor.

22 THE COURT: Good morning.

23 MR. KARP: The last time we appeared I had just
24 been substituted in as counsel, you gave me time upon which
25 to answer. I've served my Answer, and, you know, we served

1 some discovery demands. I'll be serving interrogatories. I
2 would like to get those done before I take the deposition of
3 Ms. Winner's client, of the plaintiff, in the malpractice
4 action. I just do need -- I'm just going to ask if we set a
5 discovery schedule for a little more time. There is just --
6 there's thousands and thousands of pages of documents, of
7 motions, transcripts, e-mails related to the action and I'm
8 still going through it.

9 MS. WINNER: Your Honor, I haven't received -- I
10 haven't received anything from your firm as far as request
11 for discovery as of yet just so that you know.

12 MR. KARP: We just filed them on -- we sent them by
13 regular mail on Monday to Ms. Winner and we electronically
14 filed.

15 THE COURT: Today or last Monday?

16 MS. WINNER: I have not seen anything
17 electronically.

18 THE COURT: Which Monday? What Monday?

19 MR. KARP: I'm sorry, we filed it on Friday and we
20 electronically filed the Answer on Friday.

21 MS. WINNER: But the discovery hasn't been
22 electronically filed. I haven't received anything.

23 THE COURT: All right. We'll give the paper
24 discovery until the end of the year.

25 MS. WINNER: Okay.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

THE COURT: Depositions by March 15th. Then we'll have a conference on all the cases.

What do we have in April, I guess?

THE COURT CLERK: Early April. How about Monday, April 7th, is that good?

MS. WINNER: Yes.

MR. KARP: Yeah, that's fine. Thank you so much.

THE COURT: Thank you.

Now, the unsilent, Mr. Kantrowitz, you'll be back on the 7th and let your counsel --

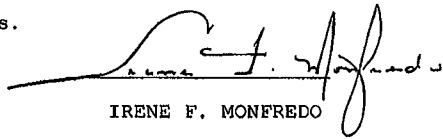
MR. KANTROWITZ: Someone from my firm will appear.

THE COURT: Let your counsel know April 7th.

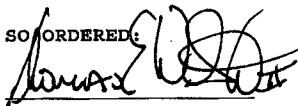
MR. KANTROWITZ: Thank you, Judge.

C E R T I F I C A T I O N

The foregoing is hereby certified to be a true and accurate transcript of the proceedings as transcribed from the stenographic notes.


IRENE F. MONFREDO

Senior Court Reporter

SO ORDERED:  4/8/14
Hon. Thomas E. Walsh, II, A.S.C.J.