

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK
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Linda A. Plaintiff, **DECISION and ORDER**
-against- Index Number 2003.

Michael L. Defendant.
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Jonathan O. Tate, Esq.
Attorney for the Plaintiff
Sarisohn Law Partners, LLP
350 Veterans Memorial Highway
Commack, NY 11725

This is a proceeding brought by Order to Show Cause by the Plaintiff, is
for the purpose of establishing that the Defendant,
in contempt of the parties' Judgment of Divorce and Stipulation of Settlement as
modified by a second Stipulation of Settlement dated 2004.

Execution of sentence shall take place upon execution of the bench warrant.

Pursuant to Domestic Relations Law § 237 (a), the Court is empowered to direct
the payment of counsel fees, "having regard to the circumstances of the case and the
respective parties". In determining the issue of counsel fees, the Court has considered
the following factors:

- a. The nature and extent of the services;
- b. Actual time spent and the necessity therefore;
- c. The nature of the issues involved;
- d. The amount of the fee involved;
- e. The professional standing of counsel;
- f. The results achieved, and;
- g. The financial needs and circumstances of the parties.

Rubenstein v. Rubenstein, 137 AD2d 514, 523, NYS2d 986 (2nd Dept., 1988);
Ahern v. Ahern, 94 AD2d 53, 463, NYS2d 238 (2nd Dept., 1983).

In this post judgment motion for contempt, a money judgment, and other ancillary
relief, the primary issues were whether the defendant was in contempt of the Judgment
of Divorce and whether the Court should issue a money judgment and hold the
defendant in contempt. These issues were not complex; however, this was a bitterly
contested and protracted proceeding in spite of the defendant's default.

The plaintiff's attorney, Jonathan O. Tate, Esq. represented his client with skill
and professionalism. Mr. Tate is a practiced and competent attorney who is well known
to this Court and who has tried numerous matters before it. He is a litigator who enjoys
a fine reputation in the legal community, particularly in the area of matrimonial law.

The fees charged were reasonable considering the experience and abilities of
Mr. Tate.

THIS CONSTITUTES THE ORDER OF THE COURT

MARION T. McNULTY

DATED: NOVEMBER 3, 2005

CENTRAL ISLIP, NEW YORK

J.S.C.