

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

D17975
W/prt

_____AD3d_____

Argued - December 17, 2007

ROBERT A. SPOLZINO, J.P.
PETER B. SKELOS
ANITA R. FLORIO
DANIEL D. ANGIOLILLO, JJ.

2006-11573

DECISION & ORDER

In the Matter of Faye Mancuso, deceased.
Sebastian Robert Grassi, proponent-respondent;
Michael Pizzi, proposed objectant; Connors &
Sullivan, P.C., et al., nonparty-appellants.

(File No. 181/00)

Connors & Sullivan, P.C., and Marc J. Monte, Brooklyn, N.Y., nonparty-appellants
pro se (one brief filed).

Kevin J. Farrelly, New York, N.Y., for proponent-respondent Sebastian Robert
Grassi.

In a contested probate proceeding, nonparties Connors & Sullivan, P.C., and Marc
J. Monte, the attorneys for the proposed objectant, Michael Pizzi, appeal, as limited by their brief,
from so much of an order of the Surrogate's Court, Kings County (Tomei, A.S.), dated November
29, 2006, as denied that branch of the proposed objectant's motion which was for leave to file
objections to the decedent's last will and testament and granted the cross motion of the proponent,
Sebastian Robert Grassi, pursuant to 22 NYCRR 130-1.1 to impose a monetary sanction upon them
and for an award of an attorney's fee.

ORDERED that the appeal from so much of the order as denied that branch of the
proposed objectant's motion which was for leave to file objections to the decedent's last will and
testament is dismissed, as the appellants are not aggrieved thereby; and it is further,

ORDERED that the order is affirmed insofar as reviewed, with costs.

February 13, 2008

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MATTER OF MANCUSO, DECEASED

Contrary to the appellants' contention, the Surrogate's Court providently exercised its discretion in granting the proponent's cross motion pursuant to 22 NYCRR 130-1.1 to impose a monetary sanction upon them as the attorneys for the proposed objectant, Michael Pizzi, and for an award of an attorney's fee on the ground that the appellants' repetitive motions, on behalf of the proposed objectant, for a stay of the proceedings—made both in the Surrogate's Court and this Court—were undertaken primarily to delay or prolong the resolution of the litigation (*see* 22 NYCRR 130-1.1[c][2]; *see generally* *Maroulis v 64th Street-Third Ave. Assoc.*, 77 NY2d 831; *Frankel v Hirsch*, 15 AD3d 438).

The appellants are not aggrieved by the denial of that branch of the proposed objectant's motion which was for leave to file objections to the decedent's last will and testament, dated August 31, 1987.

The appellants' remaining contention is without merit.

SPOLZINO, J.P., SKELOS, FLORIO and ANGIOLILLO, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court