

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

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A. GAIL PRUDENTI, P.J.
WILLIAM F. MASTRO
REINALDO E. RIVERA
PETER B. SKELOS
JOHN M. LEVENTHAL, JJ.

2009-05839

DECISION & ORDER ON MOTION

In the Matter of Nat J. Azznara, admitted as Nat
John Azznara, an attorney and counselor-at-law.

Grievance Committee for the Ninth Judicial District,
petitioner; Nat J. Azznara, respondent.

(Attorney Registration No. 2418127)

By opinion and order of this Court dated February 23, 2010, the respondent's resignation from the Bar was accepted, he was disbarred, and his name was stricken from the roll of attorneys and counselors-at-law, effective immediately.

Upon the Court's own motion, it is

ORDERED that the opinion and order dated February 23, 2010, is recalled and vacated, and the following opinion and order is substituted therefor:

Motion by the Grievance Committee for the Ninth Judicial District to strike the respondent's name from the roll of attorneys and counselors-at-law, pursuant to Judiciary Law § 90(4)(b), on the ground that he has been automatically disbarred by virtue of his conviction of a felony. The respondent was admitted to the Bar at a term of the Appellate Division of the Supreme Court in the Second Judicial Department on September 11, 1991, under the name Nat John Azznara.

May 18, 2010

MATTER OF AZZNARA, NAT J.

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Gary L. Casella, White Plains, N.Y. (Antonia Cipollone of counsel), for petitioner.

Bank, Sheer, Seymour & Hashmall, White Plains, N.Y. (Daniel A. Seymour of counsel), for respondent.

PER CURIAM. On January 14, 2010, the respondent was sentenced, upon his plea of guilty, to grand larceny in the second degree and grand larceny in the third degree, in violation of Penal Law § 155.40(1) and § 155.35, in the County Court, Westchester County, before Judge John P. Colangelo. He was sentenced to a term of incarceration of six months, and a term of probation of five years, and ordered to pay restitution in the amount of \$61,351.45.

The respondent was disbarred by operation of law upon his conviction of a felony, pursuant to Judiciary Law § 90(4)(a).

On February 23, 2010, this Court accepted the respondent's resignation and disbarred him immediately, based on his admitted inability to defend himself against pending complaints alleging that he had breached his fiduciary duty by failing to account for funds entrusted to him. By that time, however, the respondent had already been automatically disbarred due to his conviction of a felony, and was no longer an attorney by operation of law.

Accordingly, the opinion and order of this Court dated February 23, 2010, must be recalled and vacated, inasmuch as the respondent was no longer able to proffer a resignation at that time. The motion of the Grievance Committee for the Ninth Judicial District to strike the respondent's name from the roll of attorneys is granted to reflect his automatic disbarment as of January 14, 2010, the date of his conviction of a felony.

PRUDENTI, P.J., MASTRO, RIVERA, SKELOS and LEVENTHAL, JJ., concur.

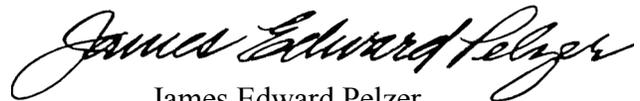
ORDERED that pursuant to Judiciary Law § 90(4)(a), the respondent, Nat J. Azznara, admitted as Nat John Azznara, is disbarred, effective January 14, 2010, and his name is now stricken from the roll of attorneys and counselors-at-law, pursuant to Judiciary Law § 90(4)(b); and it is further,

ORDERED that the respondent, Nat J. Azznara, admitted as Nat John Azznara, shall comply with this Court's rules governing the conduct of disbarred, suspended, and resigned attorneys (*see* 22 NYCRR 691.10); and it is further,

ORDERED that pursuant to Judiciary Law § 90, the respondent, Nat J. Azznara, admitted as Nat John Azznara, is commanded to desist and refrain from (1) practicing law in any form, either as principal or as agent, clerk, or employee of another, (2) appearing as an attorney or counselor-at-law before any court, Judge, Justice, board, commission, or other public authority, (3) giving to another an opinion as to the law or its application or any advice in relation thereto, and (4) holding himself out in any way as an attorney and counselor-at-law; and its is further,

ORDERED that if the respondent, Nat J. Azznara, admitted as Nat John Azznara, has been issued a secure pass by the Office of Court Administration, it shall be returned forthwith to the issuing agency and the respondent shall certify to the same in his affidavit of compliance pursuant to 22 NYCRR 691.10(f).

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