

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

D31584
Y/ct

_____AD3d_____

Argued - March 1, 2011

DANIEL D. ANGIOLILLO, J.P.
ANITA R. FLORIO
ARIEL E. BELEN
ROBERT J. MILLER, JJ.

2010-02707

DECISION & ORDER

Seneca Insurance Company, respondent, v Ruday
Realty Corp., et al., appellants, et al., defendants.

(Index No. 499/04)

Cary Scott Goldinger, Garden City, N.Y., for appellants.

Shay & Maguire, LLP, East Meadow, N.Y. (Kenneth R. Maguire of counsel), for
respondent.

Appeal by the defendants Ruday Realty Corp. and Crosstown Management Corp., from an order and judgment (one paper) of the Supreme Court, Queens County (McDonald, J.), dated January 26, 2010, which granted the motion of the plaintiff, Seneca Insurance Company, pursuant to CPLR 7510, to confirm a mediation award dated July 27, 2009, made against the plaintiff and in their favor in the principal sum of only \$385,000 on their cross claim for legal fees and expenses, denied their cross motion pursuant to CPLR 7511 to vacate and/or to increase the mediation award to the total sum of \$1,204,089.10, and directed entry of a money judgment in their favor on the mediation award in the principal sum of only \$385,000.

ORDERED that the order and judgment is affirmed, with costs.

Contrary to the contentions of the defendants Ruday Realty Corp. and Crosstown Management Corp. (hereinafter together the appellants), vacatur and/or an increase of the subject mediation award is not warranted since the award did not violate a strong public policy, was not irrational, and did not manifestly exceed a specific, enumerated limitation on the mediator's power

August 9, 2011

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(see *Matter of Town of Callicoon* [Civil Serv. Empls. Assn. Town of Callicoon Unit], 70 NY2d 907, 909; see also *Matter of Local 456, Intl. Bhd. of Teamsters v City of Yonkers*, 75 AD3d 555; *Matter of Scher Law Firm, LLP v 87-10 51st Ave. Owners Corp.*, 52 AD3d 611; *Matter of Balis v Chubb Group of Ins. Cos.*, 50 AD3d 682).

The appellants' remaining contentions are without merit.

ANGIOLILLO, J.P., FLORIO, BELEN and MILLER, JJ., concur.

ENTER:


Matthew G. Kiernan
Clerk of the Court