

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

D32437  
Y/prt

\_\_\_\_\_AD3d\_\_\_\_\_

Submitted - September 6, 2011

MARK C. DILLON, J.P.  
DANIEL D. ANGIOLILLO  
THOMAS A. DICKERSON  
JEFFREY A. COHEN, JJ.

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2010-08609

DECISION & ORDER

In the Matter of Eileen McCrudden, etc., et al.,  
respondents, v Putnam Valley Central School  
District, appellant.

(Index No. 710/08)

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Shaw, Perelson, May & Lambert, LLP, Poughkeepsie, N.Y. (Mark C. Rushfield of  
counsel), for appellant.

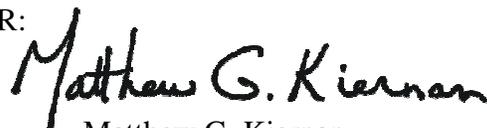
In a proceeding pursuant to CPLR article 78, the Putnam Valley Central School  
District appeals from a money judgment of the Supreme Court, Putnam County (Nicolai, J.), dated  
July 15, 2010, which awarded the petitioner an attorney's fee in the sum of \$12,000.

ORDERED that the money judgment is reversed, on the law, without costs or  
disbursements.

Since an award of an attorney's fee was not authorized by an agreement between the  
parties, by statute, or by Court rule, the Supreme Court improperly awarded an attorney's fee to the  
petitioner (*see U.S. Underwriters Ins. Co. v City Club Hotel, LLC*, 3 NY3d 592; *Hooper Assoc. v*  
*AGS Computers*, 74 NY2d 487, 491; *Matter of Gargano v City of N.Y. Dept. of Fin.*, 26 AD3d 329).

DILLON, J.P., ANGIOLILLO, DICKERSON and COHEN, JJ., concur.

ENTER:



Matthew G. Kiernan  
Clerk of the Court

October 4, 2011

MATTER OF McCRUDDEN v PUTNAM VALLEY CENTRAL SCHOOL DISTRICT