

Weinberger v Ullmann
2026 NY Slip Op 30634(U)
February 19, 2026
Supreme Court, New York County
Docket Number: Index No. 653420/2025
Judge: Judy H. Kim
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SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: HON. JUDY H. KIM PART 04

Justice

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ORIEL WEINBERGER,
Plaintiff,

- v -

OVIDIU-FRANCISC ULLMANN,
Defendant.

INDEX NO. 653420/2025

MOTION DATE 06/11/2025

MOTION SEQ. NO. 001

DECISION + ORDER ON MOTION

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The following e-filed documents, listed by NYSCEF document number (Motion 001) 11, 12, 13, 14, 15 were read on this motion to/for CONFIRM/DISAPPROVE AWARD/REPORT.

Upon the foregoing documents, the petition is granted in part. Petitioner brings this special proceeding to confirm the April 28, 2025 award of the Arbitration Tribunals of the Diamond Dealers Club, Inc. (the "Award"), which stated, in pertinent part, that:

Oriel Weinberger is the rightful owner of the following Items given on Memo to Mr. Ovidiu Francisc Ullmann, dated December 11, 2019 with Malea Amit S.A. Contract Number 330295, that was signed for by Mr. Ovidiu-Francisc Ullman on December 11, 2019.

- 1. A 5.2 carat Fancy Blue-Grey Marquise Diamond with GIA Report #5202027280
2. A 48.66 carat Blue Heart shaped Sapphire with Gubelin Gemological Report #18120120
3. A 11.96 carat Burman Oval Ruby with AGL Laboratories Report #1099427
4. A 1 carat Fancy Pink Pear shaped diamond with GIA Report #2205093775
5. A 1.1 carat Pink Diamond with GIA Report #12763761

The Items must be returned by May 29, 2025. In addition, in the event that additional fees or expenses associated with enforcing this Decision are incurred, Ovidiu-Francisc Ullman will be liable for those fees and expenses.

(NYSCEF Doc No, 2, Award).

CPLR 7510 directs that a court “shall confirm an award upon application of a party made within one year after its delivery to them, unless the award is vacated or modified upon a ground specified in section 7511” (CPLR 7510). As this application was timely made and the award has not been vacated or modified, the Award is confirmed to the extent that it recognizes petitioner’s ownership of the subject diamonds and precious stones and directs respondent to return them to petitioner as directed below.

The Court, however, declines to confirm that portion of the Award granting petitioner’s attorneys’ fees. While the Award states that petitioner is “entitled to a Judgment against the other party or parties against whom the Award was rendered for legal expenses in a sum equal to 15% of the Award confirmed, or \$1,500.00, whichever sum in greater,” such fees cannot be awarded “absent provision therefor in a statute or the agreement to arbitrate or a request therefor in the arbitration by the parties (*Emery Roth & Sons, P.C. v M & B Oxford 41, Inc.*, 298 AD2d 320, 321 [1st Dept 2002]). None of these categories apply here. The arbitration provision relied upon by petitioner does not contemplate such an award (NYSEF Doc No. 3, invoice). Accordingly, as there is no evidence that the award of attorneys’ fees was within the scope of the arbitrators’ powers (*see CBA Indus., Inc. v Circulation Mgt., Inc.*, 179 AD2d 615, 616 [2d Dept 1992] [internal citations omitted]), the Court declines to award such fees.

Accordingly, it is

ORDERED and **ADJUDGED** that the petition to confirm the arbitration award of the Arbitration Tribunal of the Diamond Dealers Club, Inc. dated April 28, 2025, is granted to the extent that it is

ORDERED and **ADJUDGED** that Respondent Ovidiu-Francisc Ullmann shall immediately deliver and return to Petitioner Oriel Weinberger:

- i. The 5.20 carat Polished Diamond, Marquise Shaped, Blue Gray color, VS2 clarity and as more particularly described in Gemological Institute of America Grading Report # 5202027280.
- ii. The 48.66 carat Blue color Heart-Shaped Sapphire and as more particularly described in Swiss Gemological Institute SSEF Grading Report # 103841 and in Gubelin GemLab Grading Report # 18120120.
- iii. The 11.98 carat Burma Oval Ruby and as more particularly described in American Gemological Laboratories (“AGL”) grading Report # 1099427
- iv. The 1 carat Pink Pear-shaped diamond, VS1 clarity, and as more particularly described in GIA Grading Report # 2205093775
- v. The 1.11 carat Pear-Shaped diamond, and as more particularly described in GIA Grading Report # 12763761; and it is further

ORDERED that respondent Ovidiu Francisc Ullmann is directed to return possession and control of these diamonds and precious stones to petitioner within ten (10) days of petitioner’s service of this decision, order, and judgment upon respondent; and it is further

ORDERED that the petition is otherwise denied; and it is further

ORDERED that petitioner shall serve a copy of this decision, order, and judgment, with notice of entry, on respondent and the Clerk of the Court within five days of the date of this decision, order, and judgment; and it is further

ORDERED that service upon the Clerk shall be made in accordance with the procedures set forth in the *Protocol on Courthouse and County Clerk Procedures for Electronically Filed Cases* (accessible at the “E-Filing” page on the court’s website); and it is further

ORDERED that the Clerk is directed to enter judgment accordingly.

This constitutes the decision, order, and judgment of the Court.



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2/19/2026

DATE

HON. JUDY H. KIM, J.S.C.

CHECK ONE:

CASE DISPOSED

NON-FINAL DISPOSITION

GRANTED

DENIED

GRANTED IN PART

OTHER

APPLICATION:

SETTLE ORDER

SUBMIT ORDER

CHECK IF APPROPRIATE:

INCLUDES TRANSFER/REASSIGN

FIDUCIARY APPOINTMENT

REFERENCE