

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

M248965
E/afa

ALAN D. SCHEINKMAN, P.J.
WILLIAM F. MASTRO
RUTH C. BALKIN
JOHN M. LEVENTHAL
JEFFREY A. COHEN, JJ.

2016-07347

DECISION & ORDER ON MOTION

In the Matter of Harry A. Cardillo,
admitted as Harry Anthony Cardillo,
a suspended attorney.

Grievance Committee for the Second,
Eleventh, and Thirteenth Judicial Districts,
petitioner; Harry A. Cardillo, respondent.

(Attorney Registration No. 2505956)

Motion by the Grievance Committee for the Second, Eleventh, and Thirteenth Judicial Districts to disqualify the respondent's counsel in the above-entitled disciplinary proceeding. Cross motion by the respondent to dismiss the proceeding for failure to comply with 22 NYCRR 1240.8(a)(2) and (3) or, in the alternative, to direct the Grievance Committee to comply with 22 NYCRR 1240.8(a)(2) and (3). The respondent was admitted to the Bar at a term of the Appellate Division of the Supreme Court in the Second Judicial Department on December 16, 1992, under the name Harry Anthony Cardillo. By decision and order on motion of this Court dated January 20, 2017, the respondent was immediately suspended from the practice of law pursuant to 22 NYCRR 1240.9(a), based upon uncontroverted evidence of professional misconduct, the Grievance Committee was authorized to institute and prosecute a disciplinary proceeding against the respondent and directed to serve the respondent with a notice of petition and a verified petition dated July 14, 2016, and the matter was referred to David I. Ferber, as Special Referee, to hear and report. By decision and order on motion of this Court dated May 9, 2017, the respondent's time to serve and file the answer was extended until May 21, 2018. The respondent served the answer but has not filed the answer with this Court.

Upon the papers filed in support of the motion and the papers filed in opposition thereto, and upon the papers filed in support of the cross motion and no papers having been filed in opposition or in relation thereto, it is

April 20, 2018

MATTER OF CARDILLO, HARRY A.

Page 1.

ORDERED that the motion is denied; and it is further,

ORDERED that the branch of the cross motion which is to dismiss the proceeding is denied; and it is further,

ORDERED that on the Court's own motion the respondent, Harry A. Cardillo, admitted as Harry Anthony Cardillo, shall file his answer within 10 days of the date of this decision and order on motion in the office of the Clerk of this Court; and it is further,

ORDERED that the branch of the cross motion which is to direct the Grievance Committee to comply with 22 NYCRR 1240.8(a)(2) is granted, and the Grievance Committee for the Second, Eleventh, and Thirteenth Judicial Districts is directed to serve upon the respondent and file with the Court a Statement of Disputed Facts pursuant to 22 NYCRR 1240.8(a)(2) within 20 days of the date of this decision and order on motion; and it is further,

ORDERED that the branch of the cross motion which is to direct the Grievance Committee to comply with 22 NYCRR 1240.8(a)(3) is denied as premature.

SCHEINKMAN, P.J., MASTRO, BALKIN, LEVENTHAL and COHEN, JJ., concur.

ENTER:

A handwritten signature in black ink that reads "Aprilanne Agostino". The signature is written in a cursive, flowing style.

Aprilanne Agostino
Clerk of the Court