

<b>Matter of Lasonde v Seabrook</b>
2012 NY Slip Op 33657(U)
January 12, 2012
Sup Ct, New York County
Docket Number: 114818/10
Judge: Alice Schlesinger
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# SUPREME COURT OF THE STATE OF NEW YORK NEW YORK COUNTY

## IA PART 16

PRESENT: ALICE SCHLESINGER  
*Justice*

PART \_\_\_\_\_

Index Number : 114818/2010  
LASONDE, CHANDRA  
vs.  
SEABROOK, NORMAN  
SEQUENCE NUMBER : 004  
RENEWAL

INDEX NO. \_\_\_\_\_  
MOTION DATE \_\_\_\_\_  
MOTION SEQ. NO. \_\_\_\_\_

The following papers, numbered 1 to \_\_\_\_\_, were read on this motion to/for \_\_\_\_\_

Notice of Motion/Order to Show Cause — Affidavits — Exhibits \_\_\_\_\_ | No(s) \_\_\_\_\_

Answering Affidavits — Exhibits \_\_\_\_\_ | No(s) \_\_\_\_\_

Replying Affidavits \_\_\_\_\_ | No(s) \_\_\_\_\_

Upon the foregoing papers, it is ordered that this motion is granted to the extent of allowing renewal but is denied on the merits in accordance with the accompanying memorandum decision.

MOTION/CASE IS RESPECTFULLY REFERRED TO JUSTICE FOR THE FOLLOWING REASON(S):

**FILED**  
JAN 13 2012  
NEW YORK  
COUNTY CLERK'S OFFICE

Dated: JAN 12 2012

*Alice Schlesinger*  
\_\_\_\_\_  
J.S.C.

**ALICE SCHLESINGER**

- 1. CHECK ONE: .....  CASE DISPOSED  NON-FINAL DISPOSITION
- 2. CHECK AS APPROPRIATE: ..... MOTION IS:  GRANTED  DENIED  GRANTED IN PART  OTHER
- 3. CHECK IF APPROPRIATE: .....  SETTLE ORDER  SUBMIT ORDER
- DO NOT POST  FIDUCIARY APPOINTMENT  REFERENCE

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----X  
In the Matter of CHANDRA LASONDE, TOBY COLES,  
HECTOR MALDONADO, ALISON BUSH,  
CHERYL LEVY, RICHARD REUTER,  
CHARLES WILLIAMS, RAYMOND CAMPBELL,  
MARK LONG, and TATUM SHEEHAN,

Petitioners, Index No. 114818/10  
Motion Seq. Nos. 004 and 006

-against-

NORMAN SEABROOK, in his capacity as:  
President of the Correction Officers' Benevolent  
Association, Inc., Karen Belfield, in her capacity  
as Recording Secretary of the Correction  
Officers' Benevolent Association and the  
Correction Officers' Benevolent Association, Inc.,

**FILED**

JAN 13 2012

Respondents.

-----X  
SCHLESINGER, J.:

NEW YORK  
COUNTY CLERK'S OFFICE

On April 6, 2011, I denied respondents' motion to dismiss this proceeding and granted the Article 78 petition to the extent of directing respondents to proceed to call a Special Meeting of the union membership. Respondents then appealed that decision and obtained a stay from the Appellate Division on June 7, 2011.

On October 18, 2011 respondents brought a motion, despite the stay still being in effect, for an order pursuant to §§2221(e) and 5015(a)(2) of the CPLR to renew their arguments and relieve them of the decision and judgment. Petitioners opposed that motion and the matter was submitted to this Court on or about November 23, 2011.

Meanwhile, on November 3, 2011, the Appellate Division, in an unanimous decision by Judge Rolando Acosta, affirmed this Court's decision. 89 AD3d 132. Therefore, the previously ordered Special Meeting, which had been stayed, could now go forward.

After this, on November 30, 2011, petitioner moved to compel respondent's compliance with the two court orders, the latter having been served on respondents on December 1, 2011.<sup>1</sup> Since both sides have been heard on the singular issue of whether the meeting should go forward or not, I am deciding that issue now without further papers on the motion to compel.<sup>2</sup>

The sole basis for respondents' motion is counsel's mistaken belief that: "The gravamen of the court's determination was that Petitioner Chandra LaSonde was entitled... to a special meeting of COBA's membership to hear and determine charges she filed against the executive board members [and] the presence of the other petitioners is superfluous..." (Aff. of Howard Wien at ¶¶3). Apparently, Ms. LaSonde's employment as a Corrections Officer was terminated after a decision by an Administrative Law Judge and a letter dated September 21, 2011 by the New York City Department of Corrections notifying her of this termination. Therefore, respondents take the position that since Ms. LaSonde can no longer participate because "she has now forfeited her right to such a meeting" (¶¶3) and one should not be held.

However, Ms. LaSonde was one of multiple named petitioners. She may have been the most important one and the member who authored the request(s) for a meeting, but the other petitioners identified themselves as members who shared her concerns and had an interest in having such a meeting. The basis for the meeting is claimed misconduct on the part of respondents, the union's leadership.

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<sup>1</sup>Petitioners had made an earlier motion asking this Court to hold respondents in contempt for not having scheduled the meeting. However, that motion was technically and procedurally defective, so it was withdrawn.

<sup>2</sup>In the last month, this Court has had multiple telephone conferences attempting to resolve the issues and set out the machinery for the meeting, to no avail.

[4]

Therefore, while renewal is granted to the extent that this Court will consider the new information about Ms. LaSonde's change in employment status, the motion to renew is in all respects denied on the merits. The Court is adhering to the original decision, and also granting petitioners' motion to compel, and directing that a meeting be scheduled without delay pursuant to the dictates of the By-Laws.<sup>3</sup>

Finally, I wish to make it clear that if a controversy should arise over the membership's intention to have a meeting on January 18, 2012, a controversy that one wishes to bring to court, that shall be the subject of a new proceeding separately commenced with a new index number, one not related to this one.

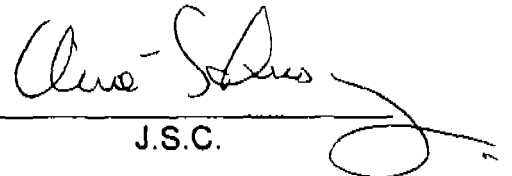
Accordingly, it is hereby

ORDERED that respondents' motion is granted to the extent of allowing renewal but is denied on the merits; and it is further

ORDERED that petitioners' motion to compel is granted to the extent provided herein.

Dated: January 12, 2012

JAN 12 2012

  
J.S.C.

ALICE SCHLESINGER

**FILED**

JAN 13 2012

NEW YORK  
COUNTY CLERK'S OFFICE

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<sup>3</sup>During our multiple telephone conferences, the attorney's seemed to agree to a quorum of 100 for the meeting. This agreement was supposed to be included in a Stipulation, but no Stipulation was signed. Therefore, even though I believe 100 is a good number for a quorum, no order to that effect is part of this decision.