

**Glauber v G&G Quality Clothing, Inc.**

2025 NY Slip Op 34606(U)

November 28, 2025

Supreme Court, Kings County

Docket Number: Index No. 16097/2012

Judge: Joy F. Campanelli

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This opinion is uncorrected and not selected for official publication.

SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF KINGS: IAS PART 6

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BARUCH GLAUBER, on his own behalf and Derivatively on behalf of G&G Quality Clothing, Inc.,

Index No.: 16097/2012

**DECISION AND ORDER**

*Plaintiff,*

Hon. Joy F. Campanelli, J.S.C.

- against -

G&G QUALITY CLOTHING, INC., AHRON GLAUBER, and YONAH GLAUBER,

*Defendants.*

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The following e-filed papers read herein:

Papers Numbered:

Seq. No. 16

Notice of Motion/Order to Show Cause/ Petition, Affidavits (Affirmations and Exhibits) Annexed	1,2
Opposing Affidavits (Affirmations and Exhibits)	3
Affidavits/ Affirmations in Reply	_____
Other Papers (Proposed Order with Notice of Settlement):	_____

Respondents move by Order to Show Cause, sequence number 16, for an Order vacating the Orders dated September 4<sup>th</sup> and 11<sup>th</sup>, 2025 granted on Default (NYSCEF Document Numbers 278, 279, 280, 281 and 308) pursuant to CPLR5015(a)(1) with respect to motion sequences 11, 12, 14, and 15; staying enforcement of said Decisions/Orders, including but not limited to any execution, garnishment, or levy, appointment of a Receiver, pending determination of this motion; staying the settlement of proposed Orders pending determination of this motion; and scheduling the Motions for oral argument. Petitioners oppose.

On September 4, 2025, motion sequence numbers 11, 12, and 15 were granted on default due to Charles M. Kleiner, Esq., counsel for Respondents, failing to appear timely for oral argument. The Court directed counsel for Petitioner to settle an order on notice for each of those

motions. Entry of those Orders was temporarily stayed by this application on September 22, 2025. Motion sequence number 14 was not granted on default but was instead scheduled for a contempt hearing on November 19, 2025. This Order addresses only the defaults entered on motion sequence numbers 11, 12, and 15.

To vacate an Order entered on default, movant is required to demonstrate a reasonable excuse for the default and a potentially meritorious opposition to the motion (*see* CPLR 5015 [a] [1]; *Taylor Appraisals v Prokop*, 99 AD3d 985, 985, 952 NYS2d 451; *Walker v Mohammed*, 90 AD3d 1034, 934 NYS2d 854; *Roche v City of New York*, 88 AD3d 978, 979, 931 NYS2d 533; *Casali v Cyran*, 84 AD3d 711, 921 NYS2d 879).

Oral argument was held on this Order to Show Cause on October 1, 2024. Counsel for both Petitioner and Respondent appeared. At Oral argument, Mr. Kleiner recounted the events leading up to the default on September 4, 2025. Regarding his reasonable excuse, Mr. Kleiner claimed that he was stuck in traffic and that he called Avrom Vann, Esq., who is the subject of motion sequence number 14 for contempt, to ask him to inform the Court of the delay. He claimed that he called Mr. Vann while waiting in traffic, and again at 10:24am when he walked into the courthouse. Mr. Kleiner stated that he was in the courtroom by 10:27am, at which time he was informed that the motions had been decided on default.

With respect to the potentially meritorious opposition to the motions having been granted on default, movant argues that the arbitration award could not be granted because it was not a final award and because the arbitrators made their determination as expressly agreed to by the parties. *See* Aff. in Support para. 6.

At oral argument, Mr. Kleiner's recitation of the facts leading to his default were inconsistent both with the actual events of the day and with his own papers. Mr. Kleiner stated

repeatedly that he was present in the courtroom at 10:24am. Yet, his papers in support claim that he entered the courthouse at 10:24am. In opposition, Petitioners claim that he was not present in the courtroom until after 10:38am. Ultimately, by his own admission, Mr. Kleiner was not present until well after the 10:00am call and insisted on being heard regardless. Again, by his own admission, Mr. Kleiner did not attempt to contact the Court regarding his lateness, nor did he attempt to obtain the consent of his adversary to wait for him to arrive. The Order that granted the applications on default was brought into chambers for signature at 10:40 am. It was reported to the Court that Mr. Kleiner was not in the courtroom when the Order was written or presented to the Court for signature. He did not arrive in the courtroom until at least 40 minutes after the calendar call, and instead of being contrite, he berated and attempted to intimidate court staff. Although the Court did not witness this behavior, it was reported by the Principal Law Clerk, the Assistant Law Clerk, and the Part Clerk, and confirmed by his behavior toward this Court at argument of this application heard on October 1, 2025.

At argument of this application, Mr. Kleiner's demeanor and conduct was wholly inappropriate. He had to be asked multiple times to step back from the bench and to lower his voice. His non-compliance led to intervention by the Court Officer. At a certain point argument was halted altogether, and Mr. Kleiner was directly admonished for his behavior and given an opportunity to collect himself. When argument resumed, Mr. Kleiner continued in the same manner without apologizing and was admonished again. Mr. Kleiner was attempting to intimidate and bully this Court. Such behavior cannot be tolerated, and sanctions are warranted. This all could have been avoided if counselor behaved in a professional and courteous manner. Despite counselor's atrocious behavior and misrepresentations as to what transpired, counselor did

eventually appear and being stuck in traffic is a reasonable excuse for his lateness. Mr. Kleiner's clients should not have to pay the price for his bad behavior.

Therefore, it is hereby:

ORDERED: that this Order to Show Cause is granted to the extent that the Order granting motion sequence numbers 11, 12, and 15 is vacated; and it is hereby,

ORDERED: that the parties are directed to appear for oral argument on those motions on January 21, 2026, at 10am; and it is hereby,

ORDERED: that Mr. Kleiner is sanctioned for his conduct on October 1, 2025, in the amount of \$1000.00 (one thousand dollars) to be paid into the Lawyer's Fund for Client Protection to be paid within 30 days of entry of this Order.

This constitutes the decision and order of the Court.

DATED: November 28, 2025

Brooklyn, New York

  
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Hon. Joy F. Campanelli, J.S.C