

Singh v ICF Panels, LLC
2025 NY Slip Op 35520(U)
March 9, 2025
Supreme Court, Rensselaer County
Docket Number: Index No. EF2021-269943
Judge: Laura M. Jordan
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STATE OF NEW YORK
SUPREME COURT COUNTY OF RENSSELAER

AMRIT SINGH and BAANI SINGH,

Plaintiffs,

-against-

ICF PANELS, LLC,

Defendant.

DECISION AND ORDER

Index No. EF2021-269943

All Purpose Term
Hon. Laura M. Jordan, Supreme Court Justice

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Jordan, J.

On January 10, 2008, Plaintiffs Amrit Singh and Baani Singh ("Plaintiffs") commenced this action against Defendant ICF Panels, LLC ("Defendant") asserting causes of action sounding in breach of contract, negligence, breach of warranty, and conversion (*see* NY St Cts Elec Filing ["NYSCEF"] Doc No. 1). On October 9, 2024, Plaintiffs moved pursuant to Judiciary Law § 753 for an order (1) holding Defendant and its managing member, nonparty Michael Cleary ("Cleary"), in contempt of court; (2) assessing a daily fine against Defendant for double the amount of the daily interest accruing on the judgment; (3) awarding Plaintiffs the costs, fees, and reasonable attorney's fees incurred in making this motion; and (4) sentencing Cleary to imprisonment if Defendant does not comply within a set date (*see* NYSCEF Doc No. 64). On January 21, 2025, this Court granted the motion in part and held Defendant in contempt of court, imposing a \$250.00 fine on Defendant under Judiciary Law § 773 (*see* NYSCEF Doc No. 75 at

5-6). The Court noted that although Plaintiffs were also entitled to recover a fine in the amount of their costs and expenses incurred in making the motion, that request was being denied without prejudice because they had failed to submit any evidence to establish their costs or to support their claim for reasonable attorney's fees (*see id.* at 4). The remainder of the motion was denied.

Plaintiffs now move under CPLR 2221 (e) for leave to renew the portion of the January 21 Decision and Order that denied Plaintiffs' request for a fine in the amount of their costs and reasonable attorney's fees (*see* NYSCEF Doc No. 77). Motions for leave to renew must be, as relevant here, "based upon new facts not offered on the prior motion that would change the prior determination" (CPLR 2221 [e] [2]). Plaintiffs argue that the costs and fees that they incurred in making the motion for contempt can now be identified with certainty (*see* NYSCEF Doc No. 78 at 3-5) and submit an attorney affirmation and invoices that were not provided as part of their motion for contempt (*see* NYSCEF Doc Nos. 79, 81). The Court finds that these submissions constitute new facts not offered previously, and that these new facts would change the relevant portion of the January 21 Decision and Order. Accordingly, Plaintiffs' motion for leave to renew the January 21 Decision and Order is granted.

Plaintiffs seek \$1,622.50 in attorney's fees and \$57.61 in costs, for a total of \$1,680.11 (*see* NYSCEF Doc No. 79 at 5-6). "In determining what constitutes reasonable compensation for counsel fees, the court should consider 'the time commitment involved, the relative difficulty of the matter, the nature of the services provided, counsel's experience and the results obtained' " (*In re Estate of Rose BB.*, 35 AD3d 1044, 1046 [3d Dept 2006]; *see also In re Freeman's Estate*, 34 NY2d 1, 9 [1974]). "Moreover, the determination must be based upon a demonstration of the hours reasonably expended on the litigation and what is reasonable compensation for the attorney based upon the prevailing rate for similar work in the community" (*RMP Capital Corp.*

v Victory Jet, LLC, 139 AD3d 836, 839 [2d Dept 2016]). In support of this request, Plaintiffs submit the affirmation of their counsel and contemporaneous time records in the form of invoices that detail the hours expended, the tasks performed during those hours, and the attorney who performed those tasks (*see* NYSCEF Doc Nos. 79, 81). The Court finds that an hourly rate of \$275 is reasonable for an attorney with the experience of Plaintiff's counsel, and that the hours expended are reasonable. The Court has also examined the submitted invoices and does not discern any excessive or duplicative entries.

Therefore, after carefully reviewing the entire record in this matter, the Plaintiffs' submissions and the applicable law, and for the above-stated reasons, it is hereby

ORDERED that Plaintiffs' motion for leave to renew (*see* NYSCEF Doc No. 77) is **GRANTED**; and it is further

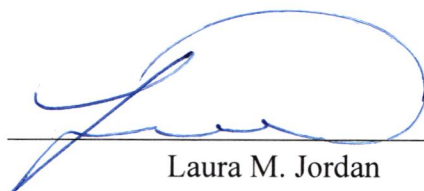
ORDERED that, upon renewal, the January 21, 2025 Decision and Order (*see* NYSCEF Doc No. 75) is **MODIFIED** by increasing the \$250 fine imposed on Defendant by \$1,680.11, for a new total fine of **\$1,930.11**, to be paid by Defendant to Plaintiffs within 10 days of the date this Decision and Order is served with notice of entry on Defendant; and it is further

ORDERED that the January 21, 2025 Decision and Order is otherwise **AFFIRMED**.

This shall constitute the Decision and Order of the Court. The Court has uploaded this original Decision and Order to the case record in this matter as maintained on the NYSCEF website whereupon it is to be filed and entered by the County Clerk's Office. Counsel for Plaintiffs is not relieved from the applicable provisions of CPLR 2220 and Section 202.5-b (h) (2) of the Uniform Rules of Supreme and County Courts insofar as they relate to service and notice of entry of the filed documents upon all other parties to the action/proceeding, whether accomplished by mailing or electronic means, whichever may be appropriate dependent

upon the filing status of the party.

March 9, 2025
Troy, New York



Laura M. Jordan
Supreme Court Justice

Docket Number

Papers Considered:

1. Docket Number 62 (Decision and Order dated March 20, 2024)
2. Docket Numbers 64-74 (Plaintiffs' Motion for Civil Contempt)
3. Docket Number 75 (January 21, 2025 Decision and Order)
4. Docket Numbers 77-81 (Plaintiffs' Motion to Renew)