

SHORT FORM ORDER
To commence the statutory
time period for appeals as
of right (CPLR 5513 (a)),
you are advised to serve a
copy of this order, with
notice of entry upon all parties.

FILED
AND
ENTERED
ON Oct 22, 2009
WESTCHESTER
COUNTY CLERK

SUPREME COURT : STATE OF NEW YORK
COUNTY OF WESTCHESTER
PRESENT: HON. NICHOLAS COLABELLA
J.S.C.

-----X
SHANIA-GAY FFRENCH,

Plaintiff,

- against -

GUIRLANE AGNANT, M.D., MOUNT VERNON
OB/GYN ASSOCIATES, KEITH S. EDWARDS, M.D.,
GARRY GUERRINO, M.D., THE MOUNT VERNON
HOSPITAL and CRAIG BAUER, D.C. MONTEFIORE
MEDICAL CENTER and STEPHEN T. ONESTI, M.D.,

Defendants.
-----X

DECISION/ORDER

INDEX NO.

14401/02

MOTION DATE

8/21/09

The following papers numbered 1-3 were read on this motion by plaintiff's attorneys to increase compensaion.

Papers Numbered

Notice of Motion, Affidavits, Exhibits _____ 1-3

18% - 33 1/3%

File in
Westchester County
Clerk

Call the Ct Clerk
Judge Chambers

- Need a complete set of papers
regarding the motion

- Scan + email

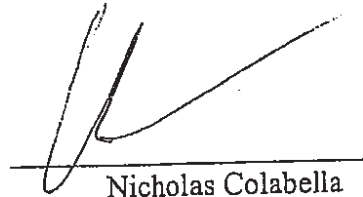
Colabella

Motion is granted without opposition. The compensation to plaintiff's counsel is increased to 33.3% of the amounts recovered by plaintiff after deduction for costs and disbursements.

Plaintiff consents to the application by counsel for an increase in the attorney fees from that provided under the otherwise applicable sliding schedule. The complexity of the issues and the amount of time expended in preparing and trying the case, as outlined in the moving papers, places this in the category of one of those rare cases presenting the requisite extraordinary circumstances for an increased award under Judiciary Law section 474-a (4) (see, O'Connell v. Shivaram, 37 AD3d 435; Contorino v. Florida Ob/gyn Ass'n., 283 AD2d 67).

Dated: White Plains, New York

10-22-07



Nicholas Colabella
Supreme Court Justice

QUARANTA & ASSOCIATES
By: Meryll F. Weiner, Esq.
Attorney for Plaintiff
121 Smith Avenue
Mount Kisco, NY 10549

Medical Malpractice

30% first 250K

25% of next 300K

20% of next 500K

15% of next 250K

10% of any amt over

1,250,000.

1. NOA
2. Motion