



JAMES P. DAWSON
Justice

Supreme Court Chambers

ESSEX COUNTY COURTHOUSE
PO BOX 217 - 7559 COURT STREET
ELIZABETHTOWN, NEW YORK 12932
(518) 873-3612

BENJAMIN A. SCALES
Court Attorney

CHERYL D. GORDON
Secretary to Justice

December 27, 2005

Ara Asadourian, Esq.
39 Court Street
PO Box 909
Plattsburgh, New York 12901

Mr. Terence Finnan
PO Box 354
Keene, New York 12942

Re: **Finnan v. Finnan**
RJI No. 15-1-03-0167

Dear Messrs. Asadourian and Finnan:

On September 16, 2005, I made a discovery decision in this case and Mr. Asadourian was to do an order memorializing that decision. The Defendant was to provide documents requested by the Plaintiff at the Defendant's deposition on May 17, 2005 within 30 days. The Defendant was to pay the past due real property taxes on the Keene property within 30 days. This order was made notwithstanding that both the motion and cross-motion were untimely served; the parties seemed agreeable to these two requests for relief. All other relief requested in the motion and cross-motion was denied. It may be that the discovery has been provided and the taxes paid, but an order is still appropriate, if not required.

I want to get this case settled or tried in early 2006. However, I do not have a note of issue which would allow me to set a trial date. If discovery is complete, someone should file a note of issue and Mr. Asadourian must submit a proposed order by January 10, 2006.

Yours very truly,

JAMES P. DAWSON
Supreme Court Justice

JPD/cdg

CLERK MINUTES

DATE: 9-16-05
COURT CONTROL NO. 15-1-2003-0167
PRESIDING JUSTICE: JAMES P. DAWSON
REPORTER: HOLLY SANTSPIRE
PLT. ATTY: ARA ASADOURIAN
L.G./OTHER ATTYS:

INDEX NO. 403-2003
CLERK: MICHAEL FENOFF
DEF. ATTY: PRO SE

TITLE:

TIME: MARSHA A. FINNAN -VS- TERENCE FINNAN

9:47AM ORAL ARGUMENTS ON THE RECORD. COURT FINDS THAT THE MOTION WAS TIMELY SERVED. COPIES TO BE PROVIDED BY MR. FINNAN TO ATTY ASADOURIAN WITHIN 30 DAYS. MR. FINNAN STATES THAT HE SHALL PAY THE TAXES WITHIN 30 DAYS (REAL PROPERTY). CROSS MOTION FOR CHANGE OF VENUE IS DENIED. THE REST OF THE PLAINTIFFS MOTION IS DENIED.

10:12AM RECESS

FILINGS

STAMPED INDEXED
CORRECT COPY VERIFIED
CDA BOOK MICROFILMED VERIFIED

05 SEP 22 PM 12:00
ENTERED AND FILED
ESSEX COUNTY CLERK

Exhibit IV
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I have reviewed the defendant's objections to the timeliness of the service of the plaintiff's motion and find that the motion was timely served and that really is pretty clear.

Mr. Asadourian, do you want to be heard on the motion?

MR. ASADOURIAN: Very, very briefly,

Excerpt from transcript 9/16/2005

*Exhibit III
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Holly A. Santspree, Official Court Reporter
Fourth Judicial District