

CIVIL COURT OF THE CITY OF NEW YORK  
NEW YORK COUNTY: SMALL CLAIMS PART

-----X  
ELENA SASSOWER

Claimant,

-against-

ANNA CAPELLEN

Defendant.  
-----X

**DECISION AND ORDER**

Index No.: SC-187-2014

Present: Hon. David B. Cohen

Recitation, as required by CPLR § 2219(a), of the papers considered in reviewing the underlying motion:

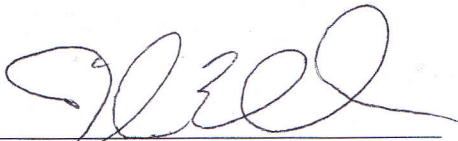
<u>Papers</u>	<u>Number</u>
Notice of Motion and annexed Exhibits and Affidavits.....	1
Other.....	

Upon the foregoing cited papers, the decision/order on this motion to reargue is as follows:

The motion to reargue is granted to the following extent. On April 16, 2015, the parties to this small claims action consented in writing to the adjudication of this action by arbitration. An arbitration was conducted that date before an Arbitrator. Although the determination of the Arbitrator is clearly delineated as his "DECISION" on the Court's "Notice of Judgment" form (CIV-SC-92), the Arbitrator did not complete the portion of the Small Claims Part – Case Record Card (CIV-SC-90) entitled "Arbitrators Finding and Award." The Clerk is directed to submit the file to the Arbitrator for the Arbitrator to complete his Finding and Award on the Case Record Card. The Clerk of the Court shall then make computer entries consistent with that determination. The Court has reviewed the remainder of movant's arguments and finds that they are substantially similar to the arguments presented in movant's initial motion and have not met the burden for a motion to reargue under CPLR 2221. Movant has failed to show how the Court misapprehended the facts or law and that portion of the motion to reargue is denied.

This constitutes the decision and order of the Court.

Dated: 12 - 3, 2015  
New York, New York

  
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Hon. David B. Cohen, J.C.C.

SHALL CLAIMS  
2015 DEC - 8 PM 3:16  
CIVIL COURT  
NEW YORK COUNTY