

At the IAS Term, Part COM 11, of the Supreme Court of the State of New York, held in and for the County of Kings, at the Courthouse thereof, 360 Adams Street, Brooklyn, New York, on the _____ day of March, 2018.

PRESENT:

JUSTICE OF THE SUPREME COURT

-----X	Index No.:	500202/2018
:		
MARY BERGAM,	:	
	:	
Petitioner,	:	
	:	
-against-	:	
	:	
BARRY DINERMAN,	:	ORDER TO
	:	<u>SHOW CAUSE</u>
Respondent.	:	
-----X		

Upon the reading and filing of the annexed Emergency Affidavit of the Respondent, Barry Dinerman, duly sworn to the 22nd day of March, 2018, the annexed 202.7 affirmation of Henry James Joseph, duly affirmed the 26th day of March, 2018, the annexed Supporting Affidavit of the Respondent, Barry Dinerman, duly sworn to the 22nd day of March, 2018, the annexed affirmation of Henry James Joseph, duly affirmed the 10th day of March, 2018, and the exhibits annexed thereto:

LET the Petitioner SHOW CAUSE at the I.A.S. Term, Part COM 11, of the Supreme Court of the State of New York, County of Kings, 360 Adams Street, Brooklyn, New York, Room 541, on the _____ day of _____, 2018, at 9:30 in the forenoon of that day, or as soon thereafter as counsel can be heard, why an Order should not be made and entered:

a) GRANTING reargument of the Order of this Court, dated February, 21, 2018; and

b) upon the granting of reargument of that Order, vacating it and issuing a new order, which addresses the issues raised by the Respondent in his supporting papers; and

c) VACATING the order of the Honorable Delores J. Thomas, J.S.C., which divided the time the parties have access to the premises where the firm that is the subject of this proceeding has its offices; and

d) for such other and further relief which this Court deems just, proper, and equitable.

PENDING THE HEARING AND DETERMINATION HEREOF, paragraphs 1, 2, 4, and 5 of this Court's February 21, 2018 Order are hereby STAYED;

SUFFICIENT CAUSE APPEARING THEREFORE, LET service of this Order to Show Cause, along with the papers upon which it was granted, by service upon the attorney for the Petitioner, on or before the _____ day of _____, be deemed sufficient service hereof.

E N T E R:

J.S.C.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

Index No.: 500202/2018

-----x
:
MARY BERGAM,
:
Petitioner,
:
-against-
:
BARRY DINERMAN,
:
Respondent.
:
-----x

**EMERGENCY
AFFIDAVIT**

STATE OF NEW YORK)
) ss.:
COUNTY OF KINGS)

BARRY DINERMAN, being first duly sworn, hereby deposes and says that:

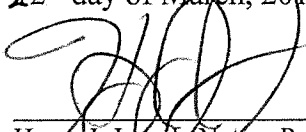
1. I am the Respondent in this proceeding.
2. I make this affidavit in support of my application that the within Order to Show Cause by heard as an **emergency**.
3. On February 21, 2018, the Court issued the Order which is the subject of this motion to reargue, annexed hereto as Exhibit "A". That order was made after a conference between my counsel, the Petitioner's counsel, and the Court's Principal Court Attorney. The Court itself did not hear argument nor participate in the promulgation of the terms of the Order. My attorney makes it very clear that he did not consent to the terms of the Order.
4. The Order is insufficient in many ways, explained in more detail in my affidavit in chief attached hereto. The reason that this motion should be heard as an emergency is that the terms of the order are unjust as well as unworkable. It makes no provision for who will receive a potential new client who calls in at times not covered by the prior office access division order

issued by Justice Delores Thomas in the matrimonial proceeding between these parties. It makes no provision with respect to fees being paid to the Dinerman Bergam & Dinerman LLP firm as it winds up. And most significantly, it fails to address the disparity between the office responsibilities of the Petitioner and your undersigned.

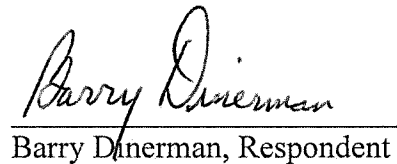
5. Without further Court intervention, cases are languishing in the office and there is no order in place to preserve the fees that are being paid into the Dinerman Bergam & Dinerman LLP bank account. I ask that this Order to Show Cause be heard immediately as an **emergency**.

6. **C.P.L.R. R. 2217 (b) compliance: no prior request for the relief sought herein has heretofore been made.**

Sworn to before me this
12th day of March, 2018



Henry J. Joseph, Notary Public
Reg. No. 02106238397
Qualified in Kings County
My Commission expires April 4, 2019



Barry Dinerman, Respondent

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

-----X
:
MARY BERGAM,
:
Petitioner,
:
-against-
:
BARRY DINERMAN,
:
Respondent.
:
-----X

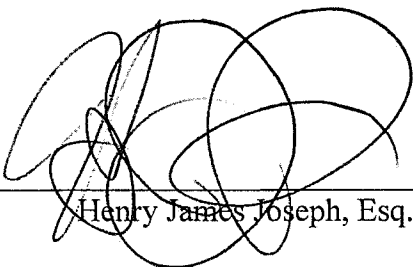
Index No.: 500202/2018

202.7 (f)
COMPLAINT
AFFIRMATION

HENRY JAMES JOSEPH, an attorney duly admitted to practice law before the Courts of the State of New York, hereby affirms the truth of the following, pursuant to CPLR R. 2016 and under penalty of perjury, that:

1. I am the Attorney of record for the within Respondent in this proceeding.
2. My adversary received notice of my intention to file the within Order to Show Cause, including the temporary restraining order, on Thursday, March 22, 2018. Counsel and I were actually present in the Supreme Court, County of Kings, that day, for the same motion, however, there were problems with the way I filed it and before we left the building I told him that we would be back here today, March 26, 2018, at 2:15 p.m.
3. Counsel for the Petitioner then texted me yesterday at 5:09 p.m. to confirm today's appearance, which I confirmed.

Dated: Brooklyn, New York
March 26, 2018


Henry James Joseph, Esq.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.