

**SUPREME COURT OF THE STATE OF NEW YORK
QUEENS COUNTY**

PRESENT: HON. PHILLIP HOM **PART 14**

Justice

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DMITRIY GULKAROV,

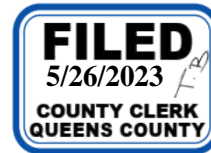
INDEX NO. 723005/2020

Plaintiff,

- v -

PARADISO CAELIS AIRWAYS, NICHOLAS L. JOSEPH

Defendants.



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Plaintiff Dmitriy Gulkarov (“Plaintiff”) commenced this action to recover for, among other things, breach of contract. On May 15, 2023, this Court held an inquest to determine reasonable attorneys’ fees, pursuant to this Court’s prior Order, dated March 15, 2023, and entered March 17, 2023, in which summary judgment was granted in Plaintiff’s favor (the “2023 Order”).

“An award of an attorney’s fee pursuant to a contractual provision may only be enforced to the extent that the amount is reasonable and warranted for the services actually rendered” (*Lupo v Anna’s Lullaby Café, LLC*, 189 AD3d 1205, 1208 [2d Dept 2020], quoting *Vigo v 501 Second St. Holding Corp.*, 121 AD3d 778, 779 [2d Dept 2014]). “In determining reasonable compensation for an attorney, the court must consider such factors as the time, effort, and skill required; the difficulty of the questions presented; counsel’s experience, ability, and reputation; the fee customarily charged in the locality; and the contingency or certainty of compensation” (*Vigo*, 121 AD3d at 780).

Warren Dank, Esq. (“Dank”) testified that he received his law license in 2005 and has over seventeen years of experience in commercial and civil litigation. Dank stated that, in order to encourage repeat business from his clients, he charges \$450 per hour while the legal community typically charges between \$500 to \$600 per hour for the same work. Dank testified that his legal representation in the instant matter included drafting two summary judgment motions, conducting depositions, filing the note of issue, and engaging in negotiations subsequent to the 2023 Order. Dank stated that he worked as an associate at several other law firms before starting his own firm in 2014. Dank represented that no other attorney or paralegal worked on this matter.

The Court admitted into evidence copies of checks totaling \$24,946.35, of which \$11,622 was paid from Plaintiff’s personal account and \$8,621.35 by nonparty ABDYG Group LLC (“ABDYG”). Plaintiff testified ABDYG is a property management company he uses to pay bills in which Plaintiff and Plaintiff’s wife are the sole members. Dank testified that he has not issued a final invoice to Plaintiff representing the negotiations and work provided subsequent to the 2023 Order.

OTHER ORDER – NON-MOTION

After the inquest, Dank supplemented his testimony regarding the hours worked through submission of redacted invoices. These invoices show a total of 57.5 hours of legal work provided by Dank, representing a total of \$25,875 at the requested hourly rate of \$450 per hour. Dank requests an additional flat fee of \$2,500 for the legal services provided subsequent to the 2023 Order, which include drafting income execution, property execution, and several restraining notices as well as preparing for and attending the inquest, for a total of \$28,375 in attorneys' fees.

The Court finds Plaintiff's demand for \$28,375 in attorneys' fees reasonable given, among other factors, the time, complexity, and Dank's experience and ability.

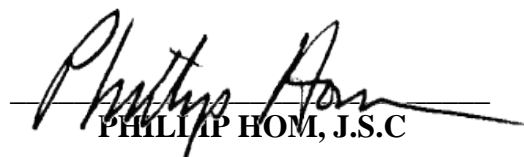
In accordance with the foregoing, it is hereby **ORDERED** that Plaintiff is granted \$28,375 in attorneys' fees; and it is further

ORDERED that, upon the payment of applicable fees, if any, and service of a copy of this Order with Notice of Entry, the Queens County Clerk is directed to enter a judgment in favor of Plaintiff Dimitriy Gulkarov, and against Defendants Paradiso Caelis Airways and Nicholas L. Joseph, in the amount of \$28,375 representing attorneys' fees; and it is further

ORDERED that Plaintiff shall serve a copy of this Order with Notice of Entry upon Defendants within twenty (20) days of entry.

This constitutes the Decision and Order of this Court.

Dated: May 5, 2023


PHILLIP HOM, J.S.C

