

Kramer v Geldwert
2014 NY Slip Op 08732
Decided on December 11, 2014
Appellate Division, First Department
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Decided on December 11, 2014

Gonzalez, P.J., Tom, Friedman, Acosta, Moskowitz, JJ.

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[*1] Hyman Kramer, etc., Plaintiff-Appellant,

v

**Josef Geldwert, M.D., Defendant-Respondent, John Does,
Defendants.**

Sherwood Allen Salvan, New York, for appellant.

Schlanger & Schlanger, Pleasantville (Michael Schlanger of
counsel), for respondent.

Order, Supreme Court, New York County (O. Peter Sherwood, J.), entered December 12, 2013, which denied plaintiff's motion for discovery in aid of arbitration and dismissed the matter, unanimously affirmed, without costs.

In exceptional circumstances, pre-hearing discovery pursuant to CPLR 3102(c) may be ordered after the demand for arbitration has been made (*see e.g. Matter of Moock v Emanuel*, 99 AD2d 1003 [1st Dept 1984]). However, a court may not review the interim orders of an arbitrator (*Mobil Oil Indonesia v Asamera Oil [Indonesia]*, 43 NY2d 276 [1977]). Thus, judicial review of procedural rulings made in this arbitration administered by the American Arbitration Association is barred (*see Avon Prods. v Solow*, 150 AD2d 236, 239 [1st Dept 1989]).

THIS CONSTITUTES THE DECISION AND ORDER

OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT.

ENTERED: DECEMBER 11, 2014

CLERK

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