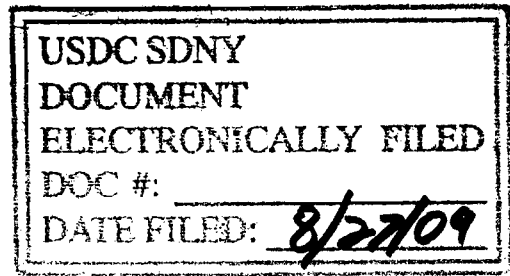


David A. Ward (DAW 7669)
 MANDELBAUM, SALSBURG, GOLD,
 LAZRIS & DISCENZA, P.C.
 90 John Street, Suite 309
 New York, New York 10038
 (212) 791-7200
Attorneys for plaintiffs



**UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK**

<p>A-DEL CONSTRUCTION CORP., BARRY J. BAKER, and HARRY G. JOHNSON,</p> <p style="text-align: center;">Plaintiffs,</p> <p>vs.</p> <p>METROPOLITAN LIFE INSURANCE COMPANY, METROPOLITAN SECURITIES, INC., RICHARD WEZNER, PLR MANAGEMENT CO., LLC, PENNSYLVANIA BUSINESS GROUP, UNITED GROUP PROGRAMS, MEDICAL BENEFIT ADMINISTRATORS, MANULIFE FINANCIAL CORPORATION, DONALD NEUHAUS, AMERICAN FINANCIAL SERVICES, INC., fictitious defendants JOHN DOE(S) I-X and ABC COMPANY (ES) I-X,</p> <p style="text-align: center;">Defendants.</p>	<p>CIV. NO. 07cv9324</p> <p>ORDER GRANTING PLAINTIFFS' MOTION FOR SANCTIONS</p>
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A-Del Construction Corp. et al v. Metropolitan Life Insurance Company et al

Doc. 79

This matter having been presented to the Court on application of Mandelbaum, Salsburg, Gold, Lazris & Discenza, P.C., counsel for plaintiffs, seeking an order imposing sanctions upon defendants Metropolitan Life Insurance Company, Metropolitan Securities, Inc., and Pennsylvania Business Group (collectively "Met-Life") as a result of their failure to comply with this Court's December 5, 2008 Order (as amended by the Court's January 6, 2009 Order), and the Court finding that MetLife has willfully failed to comply with the Court's Order that it respond to

plaintiffs' settlement demand no later than March 31, 2009, and the Court having reviewed the Declaration of David A. Ward, sworn to on May 18, 2009, and the Memorandum of Law Submitted herewith and the Court finding that sanctions against MetLife are necessary and appropriate pursuant to the Court's inherent authority and Rule 16(f) of the Federal Rules of Civil Procedure, and for good cause shown, it is on this ____ day of _____, 2009 hereby:

ORDERED that plaintiffs' motion for sanctions is hereby granted; and it is further;

ORDERED that MetLife is hereby directed to pay to plaintiffs within 30 days of submission of invoices from plaintiffs' counsel all reasonable attorneys' fees incurred and all expenses incurred by plaintiffs and their counsel in: (a) bringing the subject motion; and (b) ~~attending any subsequent settlement or mediation sessions~~ and it is further

MEMO ENDORSED

DAB 8/26/09

ORDERED that all parties are directed to select a mutually agreeable mediator and proceed to mediation within 30 days of the date this Order; and it is further

paid for by MetLife

ORDERED that MetLife shall provide to plaintiffs copies of all forensic reports that MetLife has received concerning this matter so that the mediation session will be as productive as possible; and it is further;

MEMO ENDORSED

ORDERED that in the event of any dispute as to the reasonableness of plaintiffs' fees and expenses or the selection of the mediator such dispute shall be presented to the Court in accordance with Rule II(B)(1) of the Court's Individual Practices.

Deborah A. Batts
HONORABLE DEBORAH A. BATTIS
USDJ, SDNY

8/26/09

Conference scheduled for 9/25/09 is adjourned pending results of mediation. Any delays caused by MetLife shall, upon motion, subject them to further sanctions?

DAB 8/26/09

MEMO ENDORSED

MEMO ENDORSED