

To Be Argued By:  
MARC E. ISSERLES

New York County Clerk's Index No. 113781/09

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# New York Supreme Court

APPELLATE DIVISION—FIRST DEPARTMENT

—◆◆◆—  
SCAROLA ELLIS LLP,

*Plaintiff-Respondent,*

—against—

ELAN PADEH,

*Defendant-Appellant.*

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## BRIEF FOR DEFENDANT-APPELLANT

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ALEXANDRA A.E. SHAPIRO  
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SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

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SCAROLA ELLIS LLP,

Plaintiff-Respondent,

Index No. 113781/09

-against-

ELAN PADEH,

Defendant-Appellant.  
-----X

**CIVIL APPEAL  
PRE-ARGUMENT  
STATEMENT**

1. Title of action:  
  
Scarola Ellis LLP v. Elan Padeh
2. There has been no change in the title of the action.
3. Individual name, law firm name, address, and telephone number of counsel for each appellant:  
  
Leland Stuart Beck, Esq.  
Beck & Strauss, P.L.L.C.  
50 Charles Lindbergh Boulevard, Suite 205  
Uniondale, New York 11553  
(516) 228-8383
4. Individual name, law firm name, address, and telephone number of counsel for each respondent:  
  
Alexander Zubatov, Esq.  
Scarola Malone & Zubatov, LLP  
1700 Broadway, 41st Floor  
New York, NY 10019  
(212) 757-0007
5. Court and County from which appeal is taken:  
  
Supreme Court, New York.
6. Appeal is from a Judgment entered on December 27, 2012.

7. There is no related action or proceeding now pending in any Court of this or any other jurisdiction.
8. The nature and object of the cause(s) of action or the special proceeding:  
Breach of Contract and unjust enrichment. Plaintiff sought money damages.
9. Result reached in the court or administrative body below:  
The jury found that Appellant accounted to Respondent for the full value of benefits received when he ended his case against the Corcoran Group. The jury also found that the Appellant was unjustly enriched in the amount of \$172,113.36. The jury awarded Respondent \$62,290.35 for additional hourly charges for services.
10. Grounds for seeking reversal, annulment, or modification:  
Respondent did not make a prima facie case for liability or damages for unjust enrichment or hourly fees. Also, the amount of damages awarded to Respondent were speculative and excessive.
11. There is no additional appeal in this action.

Dated: January 3, 2013

  
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Appellant Counsel

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