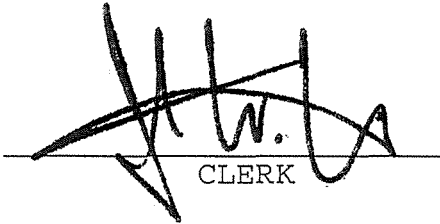




and mutual demands for counsel fees in an arbitration proceeding constitute, in effect, an agreement to submit the issue to arbitration, with the resultant award being valid and enforceable (see *Matter of Warner Bros. Records (PPX Enters.)*, 7 AD3d 330 [2004]; compare *Matter of Matza v Oshman, Helfenstein & Matza*, 33 AD3d 493, 494-495 [2006]). While respondents may have attempted to withdraw the request for attorneys' fees in connection with their counterclaim, there was no such attempt in connection with their defense of the arbitration proceeding.

THIS CONSTITUTES THE DECISION AND ORDER  
OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT.

ENTERED: JUNE 24, 2008

  
CLERK