
This memorandum is uncorrected and subject to revision before
publication in the New York Reports.

No. 184 SSM 14
Branic International Realty
Corp.,
 Appellant,
 v.
Phillip Pitt, &c.,
 Respondent,
et al.,
 Respondents.

Submitted by Ronald J. Rosenberg, for appellant.
Submitted by Martha A. Weithman, for respondent Pitt.

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On review of submissions pursuant to section 500.11 of the Rules,
order affirmed, with costs, and certified question answered in
the affirmative (see Branic Intl. Realty Corp. v Pitt, 24 NY3d
1005, 1007 [2014], citing Matter of Park E. Corp. v Whalen, 43
NY2d 735, 736 [1977]). Chief Judge Lippman and Judges Pigott,
Rivera, Stein and Fahey concur. Judge Abdus-Salaam took no part.

Decided September 1, 2015