

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

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Submitted - February 26, 2007

STEPHEN G. CRANE, J.P.
PETER B. SKELOS
JOSEPH COVELLO
THOMAS A. DICKERSON, JJ.

2006-04799

DECISION & ORDER

Michael Stachnik Enterprises, Inc., etc., appellant,
v Hereford Development Corp., et al., defendants,
Carolyn S. Paralato, etc., et al., respondents.

(Index No. 01808-04)

Murray B. Schneps, Riverhead, N.Y., for appellant.

Anthony B. Tohill, P.C., Riverhead, N.Y., for respondents.

In an action to recover a real estate brokerage commission, the plaintiff appeals, as limited by its brief, from so much of an order of the Supreme Court, Suffolk County (Molia, J.), dated April 17, 2006, as denied its motion for leave to renew its prior motion for summary judgment.

ORDERED that the order is affirmed insofar as appealed from, with costs.

The new facts presented by the plaintiff on its motion for leave to renew were insufficient to change the outcome of the court's prior determination denying the plaintiff's motion for summary judgment (*see* CPLR 2221[e]; *Mountains Realty Corp. v Gelbelman*, 29 AD3d 874, 875; *Lawson v Aspen Ford, Inc.*, 15 AD3d 628, 630; *Steinberg v Steinberg*, 15 AD3d 388, 389). Accordingly, the Supreme Court properly denied the plaintiff's motion for leave to renew.

CRANE, J.P., SKELOS, COVELLO and DICKERSON, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

March 27, 2007

MICHAEL STACHNIK ENTERPRISES, INC. v
HEREFORD DEVELOPMENT CORP.