

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

D15163  
C/hu

\_\_\_\_\_AD3d\_\_\_\_\_

Argued - April 9, 2007

STEPHEN G. CRANE, J.P.  
GABRIEL M. KRAUSMAN  
ROBERT A. LIFSON  
RUTH C. BALKIN, JJ.

2005-10766

DECISION & ORDER

Nachama Hirsch, plaintiff, v Benjamin Hirsch,  
defendant-appellant, et al., defendants;  
High Spruce Associates, LP, proposed  
intervenor-appellant; Jeffrey Goldstein,  
nonparty-respondent.

(Index No. 20231/97)

Joseph J. Haspel, Goshen, N.Y., for proposed intervenor-appellant.

Benjamin Hirsch, Brooklyn, N.Y., defendant-appellant pro se (joining in the brief of the proposed intervenor-appellant).

Amsterdam & Lewinter, LLP, New York, N.Y. (James J. Becker of counsel), for nonparty-respondent.

In an action for a divorce and ancillary relief, the proposed intervenor, High Spruce Associates, LP, and the defendant Benjamin Hirsch separately appeal from an order of the Supreme Court, Kings County (Platt, J.H.O.), dated September 29, 2005, which, inter alia, granted the motion of the temporary receiver, Jeffrey Goldstein, to judicially settle and approve his final accounting.

ORDERED that the appeal by High Spruce Associates, LP, is dismissed; and it is further,

ORDERED that the order is affirmed insofar as appealed from by Benjamin Hirsch; and it is further,

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ORDERED that one bill of costs is awarded to the nonparty-respondent.

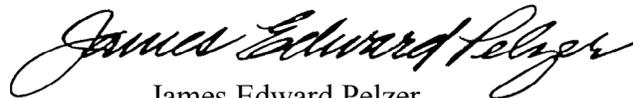
This appeal arises out of a matrimonial action in which the Supreme Court placed certain properties into the custody of a court-appointed receiver. One of the properties placed into the receivership was owned by the proposed intervenor, High Spruce Associates, LP (hereinafter High Spruce). The Supreme Court determined that High Spruce did not timely move for leave to intervene in the matter to contest the court's authority to place its property into receivership, and we affirm that determination in a related appeal (*see Hirsch v Hirsch*, \_\_\_\_\_AD3d\_\_\_\_\_ [Appellate Division Docket No. 2005-07085, decided herewith]).

In the instant appeals, High Spruce and the defendant Benjamin Hirsch appeal from the order approving the final accounting of the receiver. In the brief submitted by High Spruce, which was adopted by Hirsch, High Spruce conceded that if the appeal from the order denying its motion for leave to intervene was unsuccessful, "this appeal cannot proceed." Because this court affirmed the denial of High Spruce's motion for leave to intervene (*see Hirsch v Hirsch, supra*), the appeal by High Spruce from the order approving the final accounting must be dismissed.

Hirsch has not set forth any basis for relief on this appeal.

CRANE, J.P., KRAUSMAN, LIFSON and BALKIN, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court