

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

D15164
C/hu

_____AD3d_____

Argued - April 9, 2007

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

2005-07085

DECISION & ORDER

Nachama Hirsch, plaintiff, v Benjamin Hirsch,
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.

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, appeals from an order of the Supreme Court, Kings County (Prus, J.), dated May 26, 2005, which denied its motion for leave to intervene.

ORDERED that the order is affirmed, with costs.

The Supreme Court properly denied the motion of the proposed intervenor, High Spruce Associates, LP, as untimely (*see Rectory Realty Assoc. v Town of Southhampton*, 151 AD2d 737, 737-738; *Matter of Buffalo Mall v Assessor of Town of Clarence*, 101 AD2d 701).

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The appellant's remaining contentions are without merit.

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

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

James Edward Pelzer
Clerk of the Court