

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

D15419
G/gts

_____AD3d_____

Submitted - April 18, 2007

WILLIAM F. MASTRO, J.P.
DAVID S. RITTER
PETER B. SKELOS
EDWARD D. CARNI
WILLIAM E. McCARTHY, JJ.

2006-06832

DECISION & ORDER

Greenstar Enterprises, Inc., respondent,
v Stephen DiSalvo, appellant.

(Index No. 24452/03)

Stephen DiSalvo, Haworth, New Jersey, appellant pro se.

Chadbourne & Parke, LLP, New York, N.Y. (Scott S. Balber and Emily Abrahams of counsel), for respondent.

In an action, inter alia, to recover damages for breach of fiduciary duty, the defendant appeals, as limited by his brief, from so much of an order of the Supreme Court, Kings County (Levine, J.), dated June 30, 2006, as denied his motion, in effect, to vacate a judgment entered May 8, 2006.

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

The defendant's claim that the court deprived him of due process under the 14th Amendment of the U.S. Constitution by failing to set forth its reasoning for denying his motion is without merit (*see* CPLR 2219[a]). The defendant failed to demonstrate that the judgment should be disturbed (*see* CPLR 5016[b]).

MASTRO, J.P., RITTER, SKELOS, CARNI and McCARTHY, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

June 5, 2007

GREENSTAR ENTERPRISES, INC. v DiSALVO