

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

D15432
W/gts

_____AD3d_____

Argued - May 1, 2007

HOWARD MILLER, J.P.
DAVID S. RITTER
FRED T. SANTUCCI
ANITA R. FLORIO, JJ.

2006-06733

DECISION & ORDER

Pawel Czernicki, appellant, v
Marek Lawniczak, respondent.

(Index No. 30079/95)

Pawel Czernicki, Brooklyn, N.Y., appellant pro se.

Mark L. Cortegiano, Middle Village, N.Y., for respondent.

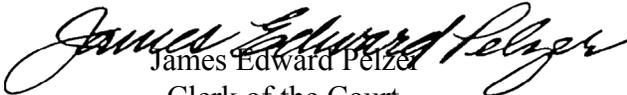
In an action pursuant to RPAPL article 9 for the partition of real property, the plaintiff appeals from an order of the Supreme Court, Kings County (M. Garson, J.), dated May 30, 2006, which, inter alia, denied his second motion pursuant to CPLR 5015(a)(3) to vacate an order of the same court (Alfano, J.H.O.) dated September 11, 2000, granting the defendant's motion to vacate a judgment of the same court (Belen, J.) entered November 20, 1998, which, upon the defendant's default in answering the complaint or appearing in the action, was in favor of the plaintiff and against the defendant, directing the removal of the defendant's name from the deed to the real property.

ORDERED that the order is affirmed, with costs.

The Supreme Court properly denied the plaintiff's motion (*see Czernicki v Lawniczak*, _____ AD3d _____ [Appellate Division Docket No. 2006-05789, decided herewith]).

MILLER, J.P., RITTER, SANTUCCI and FLORIO, JJ., concur.

ENTER:


James Edward Peizer
Clerk of the Court

June 5, 2007

CZERNICKI v LAWNICZAK