

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

D16451
O/cb

_____AD2d_____

Argued - September 18, 2007

HOWARD MILLER, J.P.
DAVID S. RITTER
GLORIA GOLDSTEIN
THOMAS A. DICKERSON, JJ.

2006-08644

DECISION & ORDER

Marc DiLorenzo, respondent, v Estate Motors, Inc.,
appellant.

(Index No. 13580/02)

DelBello Donnellan Weingarten Wise & Wiederkehr, LLP, White Plains, N.Y.
(Patrick M. Reilly of counsel), for appellant.

Weiss & Associates, P.C., New York, N.Y. (Matthew J. Weiss of counsel), for
respondent.

In an action, inter alia, to recover damages for breach of contract, the defendant appeals from a judgment of the Supreme Court, Westchester County (Friedman, J.H.O.), entered August 21, 2006, which, after a nonjury trial, and upon a decision of the same court dated May 18, 2006, is in favor of the plaintiff and against it in the principal sum of \$45,500.

ORDERED that the judgment is affirmed, with costs.

Upon review of a determination rendered after a nonjury trial, this court's authority "is as broad as that of the trial court," and this court may "render the judgment it finds warranted by the facts, taking into account in a close case the fact that the trial judge had the advantage of seeing the witnesses" (*Northern Westchester Professional Park Assoc. v Town of Bedford*, 60 NY2d 492, 499 [internal quotation marks omitted]; see *Betsy Meyer Assoc., Inc. v Lorber*, 42 AD3d 509; *Nelson*

v McKay, 41 AD3d 802). We find there is no basis to disturb the Supreme Court's determination in this case (*see Betsy Meyer Assoc., Inc. v Lorber*, 42 AD3d 509).

MILLER, J.P., RITTER, GOLDSTEIN and DICKERSON, 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