

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

D17006
C/hu

____AD3d____

Argued - October 2, 2007

ROBERT W. SCHMIDT, J.P.
STEVEN W. FISHER
ROBERT A. LIFSON
EDWARD D. CARNI, JJ.

2007-00764

DECISION & ORDER

Yuriy Chervonnyy, et al., respondents, v Lawrence T.
Jefferson, et al., defendants, Linda C. Sims, appellant.

(Index No. 27330/05)

James G. Bilello, Westbury, N.Y. (Patricia McDonagh of counsel), for appellant.

Gratt & Associates, P.C., Brooklyn, N.Y. (Alexandra Mishail and Kevin Dana Gratt
of counsel), for respondents.

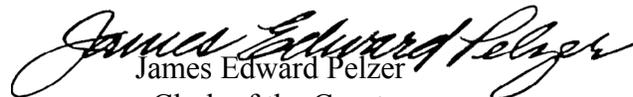
In an action to recover damages for personal injuries, the defendant Linda C. Sims
appeals from an order of the Supreme Court, Kings County (Ambrosio, J.), dated November 20,
2006, which denied her motion for summary judgment dismissing the complaint insofar as asserted
against her and granted the plaintiffs' cross motion to extend their time to serve her with process.

ORDERED that the order is affirmed, with costs.

The Supreme Court providently exercised its discretion in granting the plaintiffs' cross
motion to extend their time to serve the defendant Linda C. Sims (*see Rosenzweig v 600 N. Street,
LLC.*, 35 AD3d 705; *Robles v Mirzakhmedov*, 34 AD3d 554; *cf. Slate v Schiavone Constr. Co.*, 4
NY3d 816; *Valentin v Zaltsman*, 39 AD3d 852). Sims's motion for summary judgment dismissing
the complaint on the ground that the court lacked personal jurisdiction over her was properly denied
because the determination granting the plaintiffs' cross motion rendered the motion academic.

SCHMIDT, J.P., FISHER, LIFSON and CARNI, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

November 20, 2007

CHERVONYY v JEFFERSON