

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

D17797
Y/kmg

_____AD3d_____

Argued - December 14, 2007

FRED T. SANTUCCI, J.P.
ROBERT A. LIFSON
JOSEPH COVELLO
WILLIAM E. McCARTHY, JJ.

2007-00242

DECISION & ORDER

Marcelo Jorge, appellant, v Ivan Noe,
et al., respondents, et al., defendants.

(Index No. 4195-05)

Marcelo Jorge, New Hyde Park, N.Y., appellant pro se.

Friedman, Khafif & Sanchez, LLP, Brooklyn, N.Y. (Andrew Friedman of counsel),
for respondents.

In an action, inter alia, to recover damages for tortious interference with prospective economic advantage, the plaintiff appeals, as limited by his brief, from so much of an order of the Supreme Court, Queens County (Satterfield, J.), dated June 27, 2006, as granted that branch of the motion of the defendants Ivan Noe and Noah Trans Corp. which was for summary judgment dismissing the complaint insofar as asserted against them.

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

The Supreme Court properly granted that branch of the motion of the defendants Ivan Noe and Noah Trans Corp. (hereinafter the Noe defendants) which was for summary judgment dismissing the complaint insofar as asserted against them. To the extent that the complaint asserted a cause of action to recover damages for tortious interference with prospective economic advantage, the Noe defendants met their prima facie burden of establishing their entitlement to judgment as a matter of law by demonstrating that they did not use any wrongful means or act solely for the purpose of injuring the plaintiff (*see Alexander & Alexander, Inc. of NY v Fritzen*, 68 NY2d 968; *South Fourth St. Props., Inc. v Muschel*, 1 AD3d 347). In opposition, the plaintiff failed to raise a triable

issue of fact.

The plaintiff's remaining contentions are without merit or need not be reached in light of our determination.

SANTUCCI, J.P., LIFSON, COVELLO and McCARTHY, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer
Clerk of the Court