

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

D17819  
X/prt

\_\_\_\_\_AD3d\_\_\_\_\_

Submitted - December 11, 2007

DAVID S. RITTER, J.P.  
HOWARD MILLER  
MARK C. DILLON  
DANIEL D. ANGIOLILLO, JJ.

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2007-02253

DECISION & ORDER

Darian E. Logan, appellant, v 530 W. 28<sup>th</sup> Street, L.P.,  
d/b/a Crobar, respondent, et al., defendants.

(Index No. 18592/05)

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Rozario & Associates, P.C., Brooklyn, N.Y. (Rovin R. Rozario of counsel), for appellant.

Havkins Rosenfeld Ritzert & Varriale, LLP, New York, N.Y. (Steven H. Rosenfeld and Carmen A. Nicolaou of counsel), for respondent.

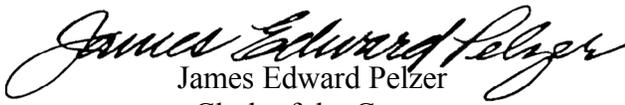
In an action to recover damages for personal injuries, the plaintiff appeals from an order of the Supreme Court, Kings County (Ruditzky, J.), dated February 27, 2007, which, in effect, granted the motion of the defendant 530 W. 28<sup>th</sup> Street, L.P., d/b/a Crobar, inter alia, to compel the plaintiff to appear for an independent medical examination by an ophthalmologist.

ORDERED that the appeal is dismissed as academic, without costs or disbursements.

Our decision and order on a companion appeal from an order of the Supreme Court, Kings County, granting the motion of the defendant 530 W. 28<sup>th</sup> Street, L.P., d/b/a Crobar, for summary judgment dismissing the complaint in this case (*see Logan v 530 W. 28<sup>th</sup> Street, L.P., d/b/a Crobar*, \_\_\_\_\_AD3d\_\_\_\_\_ [Appellate Division Docket No. 2007-04913, decided herewith]), renders this appeal academic.

RITTER, J.P., MILLER, DILLON and ANGIOLILLO, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court

February 5, 2008

LOGAN v 530 W. 28<sup>TH</sup> STREET, L.P., d/b/a CROBAR