

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

D18140
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_____AD3d_____

Argued - January 22, 2008

ROBERT A. SPOLZINO, J.P.
FRED T. SANTUCCI
DANIEL D. ANGIOLILLO
EDWARD D. CARNI, JJ.

2007-00202

DECISION & ORDER

Samuel J. Levitin, d/b/a S.J.L. Management,
appellant, v A.R.B. Management Services,
Inc., et al., respondents.

(Index No. 8017/03)

Elhilow & Maiocchi, LLP, Hawthorne, N.Y. (Joseph L. Genzano of counsel), for
appellant.

Estrin & Benn, LLC, New York, N.Y. (Patrick Benn of counsel), for respondents.

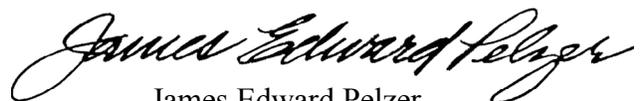
In an action, inter alia, to recover damages for breach of a commercial lease, the
plaintiff appeals from an order of the Supreme Court, Westchester County (O. Bellantoni, J.), entered
December 5, 2006, which denied his motion for leave to renew that branch of his prior motion which
was for an installment payment order pursuant to CPLR 5226, which had been denied in an order of
same court dated November 17, 2005.

ORDERED that the order is affirmed, with costs.

The Supreme Court providently exercised its discretion in denying the plaintiff's
motion for leave to renew because he failed to present "new facts not offered on the prior motion that
would change the prior determination" (CPLR 2221[e][2]; see *Williams v Nassau County Med. Ctr.*,
37 AD3d 594, 594).

SPOLZINO, J.P., SANTUCCI, ANGIOLILLO and CARNI, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

February 26, 2008

LEVITIN, d/b/a S.J.L. MANAGEMENT v A.R.B. MANAGEMENT SERVICES, INC.