

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

D19138  
X/hu

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

Argued - September 25, 2007

ROBERT A. LIFSON, J.P.  
DAVID S. RITTER  
FRED T. SANTUCCI  
MARK C. DILLON, JJ.

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2006-06893

DECISION & ORDER

Jadadic Adzer, et al., appellants, v Rudin Management Co., Inc., et al., respondents, et al., defendants (and a third-party action).

(Index No. 11847/03)

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Bergman, Bergman, Goldberg & LaMonsoff, LLP (Pollack, Pollack, Isaac & De Cicco, New York, N.Y. [Brian J. Isaac], of counsel), for appellants.

Herzfeld & Rubin, P.C., New York, N.Y. (Miriam Skolnik and David B. Hamm of counsel), for respondents.

In an action to recover damages for personal injuries, etc., the plaintiffs appeal, as limited by their brief, from so much of an order of the Supreme Court, Queens County (Weiss, J.), dated June 8, 2006, as denied their motion, denominated as one for summary judgment on the issue of liability, but which was, in actuality, a renewed motion for leave to enter a default judgment against the defendants Rudin Management Co., Inc., and Three Times Square Center Partners, LLP.

ORDERED that the appeal is dismissed as academic, without costs or disbursements, in light of our determination on a companion appeal (*see Adzer v Rudin Mgt. Co., Inc.*, \_\_\_\_\_ AD3d\_\_\_\_\_ [Appellate Division Docket No. 2006-06894, decided herewith]).

LIFSON, J.P., RITTER, SANTUCCI and DILLON, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

April 29, 2008

ADZER v RUDIN MANAGEMENT CO., INC.