

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

D19637
O/prt

_____AD3d_____

Submitted - May 12, 2008

HOWARD MILLER, J.P.
MARK C. DILLON
RUTH C. BALKIN
CHERYL E. CHAMBERS, JJ.

2007-06325

DECISION & ORDER

Brad Faden, appellant, v Satterlee Stephens
Burke & Burke, LLP, et al., respondents.

(Index No. 8804/00)

Brian C. Rappaport, P.C., Mineola, N.Y. (Susan R. Nudelman of counsel), for appellant.

Satterlee Stephens Burke & Burke, LLP, New York, N.Y. (Alun W. Griffiths of counsel), respondent pro se and for remaining respondent.

In an action to recover damages for legal malpractice, the plaintiff appeals from an order of the Supreme Court, Nassau County (Palmieri, J.), dated May 22, 2007, which granted the defendants' motion, inter alia, in effect, pursuant to CPLR 3211(a)(1) to dismiss the complaint.

ORDERED that the order is affirmed, with costs.

The defendants were entitled to dismissal of the complaint based upon documentary evidence that conclusively established a defense to the action (*see* CPLR 3211[a][1]; *Malarkey v Piel*, 7 AD3d 681). The defendants submitted a stockholders' agreement signed by the plaintiff which conclusively disposed of his legal malpractice claim (*see* *Bishop v Maurer*, 33 AD3d 497, 499, *affd* 9 NY3d 910; *Beattie v Brown & Wood*, 243 AD2d 395; *Lunney & Crocco v Wolfe*, 243 AD2d 348).

MILLER, J.P., DILLON, BALKIN and CHAMBERS, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

June 17, 2008

FADEN v SATTERLEE STEPHENS BURKE & BURKE, LLP