

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

D19724
O/kmg

_____AD3d_____

Argued - May 16, 2008

ROBERT A. SPOLZINO, J.P.
JOSEPH COVELLO
THOMAS A. DICKERSON
RANDALL T. ENG, JJ.

2007-02629

DECISION & ORDER

Eli Mirzoeff, et al., respondents, v
Julia Nagar, et al., appellants.

(Index No. 18711/04)

Alter & Barbaro, Brooklyn, N.Y. (B. Mitchell Alter of counsel), for appellants.

Dollinger, Gonski & Grossman, Carle Place, N.Y. (Michael J. Spithogiannis of counsel), for respondents.

In an action, inter alia, pursuant to RPAPL article 15, inter alia, to determine the rights of the parties to certain real property, the defendants appeal from a judgment of the Supreme Court, Queens County (Leviss, J.H.O.), entered February 14, 2007, which, after a nonjury trial, among other things, determined that the plaintiffs are the lawful owners of the subject property.

ORDERED that the judgment is affirmed, with costs.

A request for an adjournment is addressed to the sound discretion of the court, and its determination will not be disturbed absent an improvident exercise of discretion (*see Atwater v Mace*, 39 AD3d 573, 574). Further, although courts will routinely afford pro se litigants, as the defendants were throughout the trial, some latitude, a “litigant’s decision to proceed without counsel does not confer any greater rights than those afforded to other litigants, nor may a pro se appearance serve to deprive parties in opposition of their right to a fair trial” (*Sloninski v Weston*, 232 AD2d 913, 914; *see Banushi v Lambrakos*, 305 AD2d 524). Under the circumstances presented here, the Supreme Court providently exercised its discretion in denying the defendants’ request for an

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adjournment (*see Stoves & Stones v Rubens*, 237 AD2d 280; *Natoli v Natoli*, 234 AD2d 591, 592).

The defendants' remaining contentions are without merit.

SPOLZINO, J.P., COVELLO, DICKERSON and ENG, 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