

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

D19764
O/kmg

_____AD3d_____

Submitted - May 21, 2008

ROBERT A. SPOLZINO, J.P.
DAVID S. RITTER
MARK C. DILLON
RUTH C. BALKIN
JOHN M. LEVENTHAL, JJ.

2007-07161

DECISION & ORDER

Heather Doe, appellant, v Board of Education
of Longwood Central Schools, et al., respondents.

(Index No. 00-13369)

Abraham Hecht, Forest Hills, N.Y., for appellant.

Congdon, Flaherty, O'Callaghan, Reid, Donlon, Travis & Fishlinger, Uniondale, N.Y.
(Kathleen D. Foley of counsel), for respondents.

In an action to recover damages for personal injuries, the plaintiff appeals from an order and judgment (one paper) of the Supreme Court, Suffolk County (Mayer, J.), entered July 5, 2007, which denied her motion for an extension of time to file a note of issue, granted the defendants' cross motion to dismiss the complaint for failure to prosecute pursuant to CPLR 3216, and dismissed the complaint.

ORDERED that the order and judgment is affirmed, with costs.

At the time the defendant served a 90-day notice pursuant to CPLR 3216, nearly 11 years had passed since the events that gave rise to the complaint, and the plaintiff had failed to respond to the defendants' demands for a bill of particulars and discovery for nearly six years. Since the plaintiff failed to demonstrate "good cause" for this lack of activity, the Supreme Court providently exercised its discretion in denying the plaintiff's motion for an extension of time to file the note of issue and in granting the defendants' cross motion to dismiss the complaint (*see*

June 24, 2008

Page 1.

DOE v BOARD OF EDUCATION OF LONGWOOD CENTRAL SCHOOLS

Harrington v Toback, 34 AD3d 640, 641; *Florestal v Little Flower Children's Servs. of N.Y.*, 9 AD3d 348; *Dhaliwal v Long Boat Taxi*, 305 AD2d 449).

SPOLZINO, J.P., RITTER, DILLON, BALKIN and LEVENTHAL, 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