

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

D20512
Y/kmg

_____AD3d_____

Argued - September 11, 2008

STEVEN W. FISHER, J.P.
MARK C. DILLON
WILLIAM E. McCARTHY
ARIEL E. BELEN, JJ.

2007-09364

DECISION & ORDER

Sanford Katims, appellant, v DaimlerChrysler
Corp., et al., respondents, et al., defendant.

(Index No. BASC2/06)

Sanford Katims, Port Washington, N.Y., appellant pro se.

Rose Law Firm, PLLC, Albany, N.Y. (G. Christopher Gleason of counsel), for
respondents.

In an action to recover damages for breach of contract or warranty, the plaintiff appeals, by permission, from an order of the Appellate Term of the Supreme Court, Ninth and Tenth Judicial Districts, dated July 26, 2007, which affirmed an order of the District Court of Suffolk County, Second District, dated May 31, 2006, granting the motion of the defendants DaimlerChrysler Corp. and DaimlerChrysler Motors Company, LLC, pursuant to CPLR 5015(a)(4) to vacate a judgment of the District Court of Suffolk County, Third District, dated August 2, 2005, entered upon their default in appearing.

ORDERED that the order is affirmed, with costs, for reasons stated by the Justices of the Appellate Term in their order dated July 26, 2007 (*see Katims v DaimlerChrysler Corp.*, 16 Misc 3d 135[A]). The plaintiff's remaining contentions, which were not addressed in that order, are without merit.

FISHER, J.P., DILLON, McCARTHY and BELEN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

October 7, 2008

KATIMS v DAIMLERCHRYSLER CORP.