

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

D20915
O/hu

_____AD3d_____

Argued - October 10, 2008

ANITA R. FLORIO, J.P.
DANIEL D. ANGIOLILLO
WILLIAM E. McCARTHY
CHERYL E. CHAMBERS, JJ.

2007-05721

DECISION & ORDER

Perfect Crown Vic, Inc., respondent,
v Douce Hacking Corp., appellant, et al.,
defendant.

(Index No. 7039/05)

Anthony M. Bramante, Brooklyn, N.Y., for appellant.

Eppinger, Reingold & Korder, Larchmont, N.Y. (Mitchell L. Korder of counsel), for respondent.

In an action to recover damages for breach of contract, the defendant Douce Hacking Corp. appeals from a judgment of the Supreme Court, Kings County (Demarest, J.), dated May 9, 2007, which, after a nonjury trial, and upon a decision of the same court dated April 10, 2007, is in favor of the plaintiff and against it in the principal sum of \$28,843.67.

ORDERED that the judgment is affirmed, with costs.

Upon review of a determination rendered after a nonjury trial, this Court's authority "is as broad as that of the trial court," and this Court may "render the judgment it finds warranted by the facts, taking into account in a close case the fact that the trial judge had the advantage of seeing the witnesses" (*Northern Westchester Professional Park Assoc. v Town of Bedford*, 60 NY2d 492, 499 [internal quotation marks omitted]; see *Betsy Meyer Assoc., Inc. v Lorber*, 42 AD3d 509; *Nelson v McKay*, 41 AD3d 802). We discern no basis to disturb the Supreme Court's determination.

FLORIO, J.P., ANGIOLILLO, McCARTHY and CHAMBERS, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

November 5, 2008

PERFECT CROWN VIC, INC. v DOUCE HACKING CORP.