

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

D21370  
G/kmg

\_\_\_\_\_AD3d\_\_\_\_\_

Argued - November 6, 2008

WILLIAM F. MASTRO, J.P.  
REINALDO E. RIVERA  
STEVEN W. FISHER  
RANDALL T. ENG, JJ.

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2007-04758

DECISION & ORDER

Andree Jean, etc., respondent-appellant, v  
Michael M. Molaei, M.D., P.C., appellant-respondent.

(Index No. 17463/03)

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Jack Bliss, White Plains, N.Y., for appellant-respondent.

James W. Badie, Tarrytown, N.Y., for respondent-appellant.

In an action, in effect, to recover damages in quantum meruit for services rendered, the defendant appeals from so much of a judgment of the Supreme Court, Westchester County (Friedman, J.H.O.), dated April 19, 2007, as, upon a decision of the same court dated March 20, 2007, made after a nonjury trial, is in favor of the plaintiff and against it, dismissing its counterclaim, and the plaintiff cross-appeals, as limited by her brief, from so much of the same judgment as, upon the decision, is in favor of the defendant and against her, dismissing the complaint.

ORDERED that the judgment is affirmed, without costs or disbursements.

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 and citation 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.

MASTRO, J.P., RIVERA, FISHER and ENG, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

December 9, 2008

JEAN v MICHAEL M. MOLAEI, M.D., P.C.