

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

D22067
W/kmg

_____AD3d_____

Argued - January 13, 2009

REINALDO E. RIVERA, J.P.
HOWARD MILLER
EDWARD D. CARNI
WILLIAM E. McCARTHY, JJ.

2007-11706

DECISION & ORDER

Debbie Williams, et al., appellants,
v Doris Dicks, et al., defendants,
Michael DeRiggs, respondents.

(Index No. 15741/91)

Berliner & Pilson, Great Neck, N.Y. (Richard J. Pilson of counsel), for appellants.

DelBello Donnellan Weingarten Wise & Wiederkehr, LLP, White Plains, N.Y. (Frank J. Haupel and Michael J. Schwarz of counsel), for respondents.

In a consolidated action, inter alia, for specific performance of a contract for the sale of real property, the plaintiffs appeal, as limited by their brief, from so much of an order of the Supreme Court, Kings County (Schmidt, J.), dated October 15, 2007, as granted that branch of the motion of the defendants Michael DeRiggs and Julie DeRiggs which was for summary judgment dismissing the amended complaint insofar as asserted against them.

ORDERED that the order is affirmed insofar as appealed from, with costs.

The Supreme Court properly determined that there are no triable issues of fact (*see generally Alvarez v Prospect Hosp.*, 68 NY2d 320, 324). Accordingly, that branch of the respondents' motion which was for summary judgment dismissing the amended complaint insofar as asserted against them was properly granted.

RIVERA, J.P., MILLER, CARNI and McCARTHY, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

February 10, 2009

WILLIAMS v DICKS