

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

D22186  
W/kmg

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

Argued - January 23, 2009

WILLIAM F. MASTRO, J.P.  
JOSEPH COVELLO  
THOMAS A. DICKERSON  
JOHN M. LEVENTHAL, JJ.

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2007-10027

DECISION & ORDER

PKG Associates, Inc., et al., respondents,  
v Mile Development Corp., d/b/a Beechwood  
Organization, et al., appellants.

(Index No. 12154/02)

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McCarthy Fingar LLP, White Plains, N.Y. (Sondra M. Miller, Dolores Gebhardt, and Dina M. Aversano of counsel), for appellants.

Meltzer, Lippe, Goldstein & Breitstone, LLP, Mineola, N.Y. (Thomas J. McGowan of counsel), for respondents.

In an action to recover a finder's fee in connection with the acquisition of real property, the defendants appeal from a judgment of the Supreme Court, Nassau County (LaMarca, J.), entered November 5, 2007, which, upon a decision of the same court dated October 10, 2007, made after a nonjury trial, is in favor of the plaintiffs and against them in the principal sum of \$540,000.

ORDERED that the judgment is modified, on the facts, by deleting the provision thereof awarding the plaintiff the principal sum of \$540,000 and substituting therefor a provision awarding the plaintiff the principal sum of \$360,000; as so modified, the judgment is affirmed, without costs or disbursements, and the matter is remitted to the Supreme Court, Nassau County, for a recalculation of prejudgment interest and the entry of an appropriate amended judgment thereafter.

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

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d/b/a BEECHWOOD ORGANIZATION

the witnesses” (*Northern Westchester Professional Park Assoc. v Town of Bedford*, 60 NY2d 492, 499; *see Perfect Crown Vic, Inc. v Douce Hacking Corp.*, 56 AD3d 448). Upon our review of the record, we find that an award of \$360,000 is warranted by the facts.

MASTRO, J.P., COVELLO, DICKERSON 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