

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

D22258
O/prt

_____AD3d_____

Submitted - January 21, 2009

PETER B. SKELOS, J.P.
FRED T. SANTUCCI
DANIEL D. ANGIOLILLO
THOMAS A. DICKERSON
CHERYL E. CHAMBERS, JJ.

2008-03275

DECISION & ORDER

Christopher Constantino, et al., respondents, v
Dock's Clam Bar and Pasta House, et al., defendants,
Tottenville Commons, et al., appellants (and a
third-party action).

(Index No. 101036/06)

Jones Hirsch Connors & Bull, P.C., New York, N.Y. (Miller & Associates, P.C.,
[Scott E. Miller and Merav Biton], of counsel), for appellants.

Trolman, Glaser & Lichtman, PC, New York, N.Y. (Michael T. Altman of counsel),
for respondents.

In an action to recover damages for personal injuries, etc., the defendants Tottenville Commons and John Noce appeal, as limited by their brief, from so much of an order of the Supreme Court, Richmond County (Gigante, J.), dated December 11, 2007, as denied that branch of their motion which was to compel the plaintiff Christopher Constantino to provide authorization for the release of his high school records.

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

The Supreme Court has broad discretion in the supervision of discovery, and its determinations should not be disturbed on appeal unless improvidently made (*see Matter of U.S. Pioneer Elecs. Corp. [Nikko Elec. Corp. of AM]*, 47 NY2d 914, 916; *Pacheco v New York City Hous. Auth.*, 48 AD3d 534; *Gillen v Utica First Ins. Co.*, 41 AD3d 647; *Mattocks v White Motor Corp.*, 258 AD2d 628). The Supreme Court providently exercised its discretion in concluding, inter

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alia, that the additional discovery sought by the appellants was neither material nor necessary (see CPLR 3101[a]; *Youngquist v Youngquist*, 44 AD3d 1034, 1035; *Auerbach v Klein*, 30 AD3d 451, 452).

SKELOS, J.P., SANTUCCI, ANGIOLILLO, DICKERSON and CHAMBERS, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court