

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

D23383
C/kmg

_____AD3d_____

Submitted - April 14, 2009

WILLIAM F. MASTRO, J.P.
HOWARD MILLER
CHERYL E. CHAMBERS
LEONARD B. AUSTIN, JJ.

2008-06067

DECISION & ORDER

Stanley Hom, et al., appellants, v
Kenneth Kaplan, et al., respondents,
et al., defendants.

(Index No. 855/05)

Alexander E. Sklavos, P.C., Carle Place, N.Y., for appellants.

Alison R. Lam, New York, N.Y., for respondents.

In an action, inter alia, to set aside an alleged fraudulent conveyance of certain real property, the plaintiffs appeal from an order of the Supreme Court, Nassau County (Lally, J.), entered May 7, 2008, which granted the motion of the defendants Kenneth Kaplan and Lois Kaplan for summary judgment dismissing the complaint insofar as asserted against them.

ORDERED that the order is affirmed, with costs.

In support of their motion for summary judgment dismissing the complaint insofar as asserted against them, the defendants Kenneth Kaplan and Lois Kaplan (hereinafter the Kaplans) made a prima facie showing of entitlement to judgment as a matter of law (*see* CPLR 6511[b]; Nassau County Administrative Code §§ 19-14.0, 19-16.0, 19-18.0; *O'Neill v Lola Realty Corp.*, 264 App Div 60; *see generally Alvarez v Prospect Hosp.*, 68 NY2d 320, 324). In opposition, the plaintiffs failed to raise a triable issue of fact (*see generally Zuckerman v City of New York*, 49 NY2d 557, 562-563).

Accordingly, the Supreme Court properly granted the Kaplans' motion for summary

June 2, 2009

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judgment dismissing the complaint insofar as asserted against them.

The plaintiffs' remaining contentions are without merit.

MASTRO, J.P., MILLER, CHAMBERS and AUSTIN, 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