

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

D25269
O/cb

_____AD3d_____

Submitted - October 7, 2009

PETER B. SKELOS, J.P.
JOSEPH COVELLO
FRED T. SANTUCCI
CHERYL E. CHAMBERS
LEONARD B. AUSTIN, JJ.

2009-03533

DECISION & ORDER

Sumera Sajid, etc., et al., respondents, v Glenwood Holding, LLC, et al., appellants.

(Index No. 14190/06)

McGivney & Kluger, P.C., New York, N.Y. (Christopher A. Bacotti of counsel), for appellants.

Kenneth A. Wilhelm, New York, N.Y. (Susan R. Nudelman and Rory Sheckman of counsel), for respondents.

In an action, inter alia, to recover damages for personal injuries, etc., the defendants appeal, as limited by their brief, from so much of an order of the Supreme Court, Kings County (Balter, J.), dated March 11, 2009, as denied that branch of their motion which was for leave to renew their opposition to the plaintiffs' motion pursuant to CPLR 3126 to strike the answer, which had been granted in an order dated November 10, 2008.

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

We affirm the denial of renewal on the ground that the defendants failed to offer a reasonable justification for failing to present the affidavit of the corporate defendants' principal in their opposition to the plaintiffs' original motion (*see* CPLR 2221[e]; *Barnett v Smith*, 64 AD3d 669,

December 1, 2009

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670; *Reshevsky v United Water N.Y., Inc.*, 46 AD3d 532, 533; *St. Claire v Gaskin*, 295 AD2d at 337).

SKELOS, J.P., COVELLO, SANTUCCI, 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