

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

D25954
O/kmg

_____AD3d_____

Submitted - January 4, 2010

PETER B. SKELOS, J.P.
FRED T. SANTUCCI
THOMAS A. DICKERSON
SHERI S. ROMAN, JJ.

2009-01592

DECISION & JUDGMENT

In the Matter of Al Bokhour, petitioner,
v New York City School Construction
Authority, respondent.

Jack L. Lester, New York, N.Y., for petitioner.

Michael A. Cardozo, Corporation Counsel, New York, N.Y. (Rochelle Cohen, Emily Cohen, and Adam Stolorow of counsel), for respondent.

Proceeding pursuant to EDPL 207 to review a determination of the New York City School Construction Authority dated January 16, 2009, made after a public hearing, to acquire certain real property by condemnation.

ADJUDGED that the proceeding is dismissed, with costs.

It is undisputed that the petitioner did not comply with the personal service requirements of CPLR 311 (*see* CPLR 311). Additionally, the petitioner did not satisfy the requirements set forth in CPLR 312-a, as he did not include with the papers he attempted to serve by mail a “statement of service by mail and acknowledgment of receipt” (CPLR 312-a[a]; *see Horseman Antiques, Inc. v Huch*, 50 AD3d 963). Accordingly, the proceeding must be dismissed for lack of personal jurisdiction over the respondent.

SKELOS, J.P., SANTUCCI, DICKERSON and ROMAN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

February 2, 2010

MATTER OF BOKHOUR v NEW YORK CITY SCHOOL CONSTRUCTION AUTHORITY