

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

D26682
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_____AD3d_____

Submitted - March 11, 2010

STEVEN W. FISHER, J.P.
MARK C. DILLON
THOMAS A. DICKERSON
ARIEL E. BELEN, JJ.

2009-08071

DECISION & ORDER

Bernard Kahn, et al., appellants, v Astoria Federal
Savings and Loan Association, respondent.

(Index No. 6048/09)

Jaroslawicz & Jaros, LLC, New York, N.Y. (David Tolchin of counsel), and Weiss & Lurie, New York, N.Y., for appellants (one brief filed).

Gordon & Rees LLP, New York, N.Y. (Joseph Salvo of counsel), for respondent.

In an action, inter alia, to recover damages for breach of contract, the plaintiffs appeal from an order of the Supreme Court, Kings County (Schack, J.), dated July 17, 2009, which denied their motion, inter alia, for class action certification pursuant to CPLR article 9.

ORDERED that the order is affirmed, without costs or disbursements.

Under the circumstances of this case, the Supreme Court correctly denied the plaintiffs' motion, inter alia, for class action certification (*see* CPLR 901[a]).

FISHER, J.P., DILLON, DICKERSON and BELEN, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

March 23, 2010

KAHN v ASTORIA FEDERAL SAVINGS AND LOAN ASSOCIATION